



TOWN OF VINCENT

ORDINARY COUNCIL MEETING 10 June 2008

NOTICE OF MEETING AND AGENDA

Notice is hereby given that an Ordinary Meeting of the Council of the Town of Vincent will be held at the Administration and Civic Centre, 244 Vincent Street (corner Loftus Street), Leederville, on **Tuesday, 10 June 2008** at 6.00pm.

**JOHN GIORGI, JP
CHIEF EXECUTIVE OFFICER
5 June 2008**

"Enhancing and celebrating our diverse community"

This document is available in alternative formats upon request.

“Enhancing and celebrating our diverse community”

PURPOSE - The purpose defines the *business we are in*. It describes our reason for being, and the services and products we provide. Our purpose is:

“To provide and facilitate services for a safe, healthy and sustainable community.”

VISION – The vision statement is *what we are striving to become*, what we will look like in the future. Based on accomplishing key strategic challenges and the outcomes of Vincent Vision 2024, the Town’s vision is:

“A sustainable and caring community built with vibrancy and diversity.”

GUIDING VALUES (*Describes what values are important to us*)

- **Excellence and Service**

We aim to pursue and deliver the highest possible standard of service and professionalism to the Vincent community.

- **Honesty and Integrity**

We are honest, fair, consistent, accountable, open and transparent in our dealings with each other and are committed to building trust and mutual respect.

- **Innovation and Diversity**

We encourage creativity, innovation and initiative to realise the vibrancy and diversity of our vision.

- **Caring and Empathy**

We are committed to the wellbeing and needs of our employees and community and value each others views and contributions.

- **Teamwork and Commitment**

Effective teamwork is vital to our organisation and we encourage co-operation, teamwork and commitment within and between our employees and our business partners and community.

DISCLAIMER

No responsibility whatsoever is implied or accepted by the Town of Vincent (Town) for any act, omission, statement or intimation occurring during Council meetings. The Town disclaims any liability for any loss however caused arising out of reliance by any person or legal entity on any such act, omission, statement or intimation occurring during Council meetings. Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission made in a Council meeting does so at their own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning or development application or application for a licence, any statement or intimation of approval made by an Elected Member or Employee of the Town during the course of any meeting is not intended to be and is not to be taken as notice of approval from the Town. The Town advises that anyone who has any application lodged with the Town must obtain and should only rely on WRITTEN CONFIRMATION of the outcome of the application, and any conditions attaching to the decision made by the Council in respect of the application.

Copyright

The Town wishes to advise that any plans or documents contained within this Agenda may be subject to copyright law provisions (Copyright Act 1968, as amended) and that the express permission of the copyright owner(s) should be sought prior to their reproduction. It should be noted that Copyright owners are entitled to take legal action against any persons who infringe their copyright. A reproduction of material that is protected by copyright may represent a copyright infringement.

PROCEDURE FOR PUBLIC SPEAKING TIME

The Town of Vincent Local Law Relating to Standing Orders prescribes the procedure for persons to ask questions or make public statements relating to a matter affecting the Town, either verbally or in writing, at a Council meeting.

Questions or statements made at an Ordinary Council meeting can relate to matters that affect the Town. Questions or statements made at a Special Meeting of the Council must only relate to the purpose for which the meeting has been called.

1. Shortly after the commencement of the meeting, the Presiding Member will ask members of the public to come forward to address the Council and to give their name, address and Agenda Item number (if known).
2. Public speaking time will be strictly limited to three (3) minutes per member of the public.
3. Members of the public are encouraged to keep their questions/statements brief to enable everyone who desires to ask a question or make a statement to have the opportunity to do so.
4. Public speaking time is declared closed when there are no further members of the public who wish to speak.
5. Questions/statements are to be directed to the Presiding Member and are to be made politely in good faith and are not to be framed in such a way as to reflect adversely or be defamatory on a Council Member or Town Employee.
6. Where the Presiding Member is of the opinion that a member of the public is making a statement at a Council meeting, that does not affect the Town, he may ask the person speaking to promptly cease.
7. Questions/statements and any responses will be summarised and included in the Minutes of the Council meeting.
8. Where practicable, responses to questions will be provided at the meeting. Where the information is not available or the question cannot be answered, it will be *"taken on notice"* and a written response will be sent by the Chief Executive Officer to the person asking the question. A copy of the reply will be included in the Agenda of the next Ordinary meeting of the Council.
9. It is not intended that public speaking time should be used as a means to obtain information that would not be made available if it was sought from the Town's records under Section 5.94 of the Local Government Act 1995 or the Freedom of Information (FOI) Act 1992. The CEO will advise the member of the public that the information may be sought in accordance with the FOI Act 1992.

RECORDING OF COUNCIL MEETINGS

- ◆ All Ordinary and Special Council Meetings are electronically recorded (both visual and audio), except when the Council resolves to go behind closed doors;
- ◆ All recordings are retained as part of the Town's records in accordance with the General Disposal Authority for Local Government Records produced by the Public Records Office;
- ◆ A copy of the recorded proceedings and/or a transcript of a particular section or all of a Council meeting is available in accordance with Policy 4.2.4 - Council Meetings – Recording and Access to Recorded Information.

ORDER OF BUSINESS

1. **Declaration of Opening**
 2. **Apologies/Members on Approved Leave of Absence/Attendance**
Cr Ker – On approved Leave of Absence – for work and personal reasons.
 3. **(a) Public Question Time and Receiving of Public Statements**
(b) Response to Previous Public Questions Taken on Notice
Nil.
 4. **Applications for Leave of Absence**
Nil.
 5. **The Receiving of Petitions, Deputations and Memorials**
5.1 Petition received from Mrs S. Moore of Clieveden Street, North Perth along with 23 signatures from residents in the surrounding area requesting that the Town investigates the unacceptable noise levels issuing from the Greek Restaurant at 449 Charles Street, North Perth.
 6. **Confirmation of Minutes of Previous Meeting**
Ordinary Meeting of Council held on 27 May 2008.
 7. **Announcements by the Presiding Member (Without Discussion)**
 8. **Declaration of Interests**
 9. **Questions by Members of which Due Notice has been Given (Without Discussion)**
Nil.
 10. **Reports**
 11. **Motions of which Previous Notice has been Given**
Nil.
 12. **Representation on Statutory Authorities and Public Bodies**
12.1 WALGA Nomination – Working Group – Review of Legislation and Administration of Clearing of Native Vegetation.
 13. **Urgent Business**
Nil.
 14. **Confidential Reports (*Behind Closed Doors*)**
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10.1 DEVELOPMENT SERVICES

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| 10.1.1 Further Report – Nos. 117A-119 (Lot: 8 and 9, D/P: 854) Richmond Street, Leederville - Proposed Demolition of Single House and Construction of Two (2) Two-Storey with Loft Multiple Dwellings and Two (2) Three-Storey Multiple Dwellings |
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|------------------------------|-------------------------|--------------------|--------------------------|
| Ward: | South | Date: | 3 June 2008 |
| Precinct: | Leederville; P3 | File Ref: | PRO4279; 5.2007.533.1 |
| Attachments: | 001 002 | | |
| Reporting Officer(s): | D Pirone, K Jackson | | |
| Checked/Endorsed by: | D Abel, R Boardman | Amended by: | - |

FURTHER OFFICER RECOMMENDATION:

That;

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Rechichi Architects on behalf of the owner D De Fiddes Pty Ltd for proposed Demolition of Single House at No. 119 (Lot: 9, D/P: 854) Richmond Street, Leederville, and as shown on plans stamp-dated 30 May 2008, subject to the following conditions:*
- (a) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
 - (b) *an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
 - (c) *a development proposal for the redevelopment of the subject property shall be submitted to and approved by the Town prior to the issue of a Demolition Licence;*
 - (d) *demolition of the existing building may make the property ineligible for any development bonuses under the provisions of the Town of Vincent Town Planning Scheme No. 1 and associated Policies for the retention of existing buildings valued by the community;*
 - (e) *support of the demolition application shall not be construed as support of the Planning Approval/Building Licence application for the redevelopment proposal for the subject property; and*
 - (f) *any redevelopment on the site shall be sympathetic to the scale and rhythm of the streetscape in line with the provisions of the Town of Vincent Planning Scheme No. 1 and associated Policies; and*
-

(ii) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by Rechichi Architects on behalf of the owner D De Fiddes Pty Ltd for proposed Construction of Two (2) Two-Storey with Loft Multiple Dwellings and Two (2) Three-Storey Multiple Dwellings, at Nos. 117A-119 (Lot: 8 and 9, D/P: 854) Richmond Street, Leederville, and as shown on plans stamp-dated 30 May 2008, for the following reasons:*

(a) *the development is non consistent with the orderly and proper planning and the preservation of the amenities in the locality;*

(b) *the non-compliance with the density, plot ratio, building setbacks, buildings on boundary, building height and privacy requirements of the Residential Design Codes, and the Town's Policy relating to the Residential Design Elements; and*

(c) *consideration of the objections received.*

FURTHER REPORT:

The Council considered the matter at its Ordinary Meeting held on 13 May 2008 and resolved as follows:

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

Subsequent to the subject item being considered by the Council at its Ordinary Meeting held on 13 May 2008, the applicant has submitted revised plans and the key changes are listed below:

- The proposed lofts are now considered to be entirely within the roof space; therefore, building setbacks are not measured from the loft.
- The upper floor setback of units 1 and 2 on the northern/Richmond Street elevation has increased to 4 metres to the balcony and 4 to 7.7 metres to the main building.
- The building height has been reduced; however, the outstanding building height variations are shown in the Further Assessment Table.
- The length of the boundary wall on the upper floor on the western elevation of unit 1 and the eastern elevation of unit 2 is reduced from 5.9 metres to 4 metres.
- The louvres on the balconies to units 1 and 2 facing Richmond Street have been deleted from the proposal.
- The applicant suggests that screening that complies with the R Codes and the Town's Policies has been incorporated into the development for all the windows and balconies that originally had privacy issues; however, the outstanding privacy variations are listed in the Further Assessment Table.

In light of the above changes, the applicant's further submission is "*Laid on the Table*" and summarised below:

Density

- The Town has discretion to support the density bonus if it deems that an appropriate development will outcome.
 - The lots are zoned R60 and therefore allow for high density provisions, as well as the Town's Leederville Precinct Policy states that Multiple Dwellings are permitted in the area.
 - The proposed density bonus is very minor and cannot be construed to having an adverse impact on the amenity of the area and neighbouring properties.
-

Building Setbacks

- The first floor setbacks to the balconies have been revised and the louvres have been removed and replaced with a timber balustrade and screening to 1.6 metres above the finished first floor level. This will relieve the perception of dominance as outlined in the former planning assessment.
- The front setback of the upper floor is compliant with performance criteria as it enables passive surveillance to be maintained, whilst incorporating a balcony with suitable dimensions for outdoor dining and entertaining.
- The main part of the upper floor main building line is now setback 7.7 metres, in lieu of the 6 metres requirement and meets the average front setback dimension requirement.
- The west and east setback to the upper floor of units 1 and 2 have been reduced such that a portion of the raking angled wall, which is an architectural feature of the built form, remains at a setback of 0.5 metre. However, the wall length has been reduced from 5.9 metres to 4 metres. This wall has been articulated from the rest of the building to reduce the impact of a straight long wall for the neighbouring properties.

Privacy Setbacks

- The more traditional screening that complies with the R Codes and the Town's Policies has been incorporated into the development for all the windows and balconies that originally had privacy issues.

Building Height

- The building height is now compliant as the maximum roof pitch height is 9 metres and the eave height is 6 metres. The height of the concealed roof areas, which can be as high as 7 metres, have been reduced to 6.5 metres.

FURTHER ASSESSMENT TABLE:

| Non-Compliant Requirements – Revised Plans Stamp Dated 30 May 2008 | | | |
|---|---|---|---|
| Requirements | Required | Proposed * | Officer Comments Pursuant to Clause 38(5) of TPS 1 |
| Density: | 3.91 dwellings at R60 multiple dwelling requirements. | 4 multiple dwellings. 2.31 per cent density bonus. | Not supported – the proposed density bonus does not comply with any of the reasons for support outlined in Clause 20 (2) of the Town of Vincent Town Planning Scheme No. 1. |
| Plot Ratio: | 0.7 or 454.3 square metres | 0.72 or 468.35 square metres | Not supported – considered to have an undue impact on the amenity of the area. |
| Building Setbacks: Ground Floor -West Unit 1 | 1.5 metres | Nil – 1.2 metres | Supported – not considered to have an undue impact on the neighbouring properties. |

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|--|-----------------------------------|---|---|
| Unit 3 | 1.5 metres | Nil – 1.061 metres | Supported – not considered to have an undue impact on the neighbouring properties. |
| -East Unit 2 | 1.5 metres | Nil – 1.2 metres | Supported – not considered to have an undue impact on the neighbouring properties. |
| Unit 4 | 1.5 metres | Nil – 1.88 metres | Supported – not considered to have an undue impact on the neighbouring properties. |
| -South Units 3 and 4 | 1.5 metres | Nil – 1.2 metres | Supported – not considered to have an undue impact on the neighbouring properties. |
| First Floor -North (Richmond Street – Units 1 and 2) Balconies | 1 metre behind the ground floor. | In line with the ground floor. | Supported – the proposed setback of the balcony is not considered to have an undue impact on the streetscape as there are examples of new developments with ground floor and upper floor flush walls along Richmond Street. |
| Main Building | 2 metres behind the ground floor. | Partly in line with the ground and partly setback 3.7 metres behind the ground floor. | Not supported – the proposed setback of the main building is considered to have an undue impact on the streetscape. The previous set of plans illustrated articulation with the main building setback at 6 metres with the balcony setback at 4 metres. |
| -West Unit 1 | 1.6 metres | 0.5 metre – 1.2 metres | Supported – the owner of the western neighbouring property has advised the Town's Officers that the revised set of plans are acceptable and have signed off on this setback variation. |
| Courtyards | 2 metres | 1.2 metres | Supported – not considered to have an undue impact on the neighbouring properties. |
| -East Unit 2 | 1.6 metres | 0.5 metre – 1.2 metres | Not supported – considered to have an undue impact on the neighbouring properties. |

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| <p>Unit 4</p> <p>-South Units 3 and 4</p> | <p>3 metres</p> <p>2 metres</p> | <p>1.2 metres – 2.5 metres</p> <p>1.2 metres – 1.97 metres</p> | <p>Supported – not considered to have an undue impact on the neighbouring properties.</p> <p>Supported – not considered to have an undue impact on the neighbouring properties.</p> |
| <p>Buildings on Boundary:</p> | <p>Walls not higher than 3.5 metres with average of 3 metres for 2/3 the length of the balance of the boundary behind the front setback, to one side boundary.</p> | <p>Three boundary walls proposed.</p> <p>-West Wall Height – Unit 1 boundary wall height = 6 metres Unit 3 wall height = 3 metres.</p> <p>Wall Length – 2/3 = 22.46 metres Proposed total wall length = 8 metres</p> <p>-East Wall Height – Unit 2 boundary wall height = 6 metres Unit 4 boundary wall height = 3 metres.</p> <p>Wall Length – 2/3 = 22.46 metres Proposed total wall length = 9 metres</p> | <p>Supported – the owner of the affected western neighbouring property has supported the height and length of the proposed western boundary wall.</p> <p>Supported in part – the height of the boundary wall is considered to have an undue impact on the neighbouring property.</p> |
| | | <p>-South Wall Height – Unit 3 wall height = 3 metres</p> <p>Wall Length – 2/3 = 12.8 metres Proposed total wall length = 5.1 metres</p> | <p>Supported in part – the height of the boundary wall is considered to have an undue impact on the neighbouring property.</p> |

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| Building Height: | Pitch Roof – 6 metres to the top of the eaves and 9 metres to the top of the pitch. | 7 metres to the top of the eaves. | Not supported – considered to have an undue impact on the neighbouring properties and the amenity of the area. |
| Privacy Setbacks: Unit 2 -Windows to the Loft (North) | 6 metres | 4.1 metres to the eastern boundary | Not supported – considered to have an undue impact on the neighbouring property. |
| Unit 3 -Private Courtyards (West) | 7.5 metres | 1.2 metres the western boundary | Not supported – “as above”. |
| -Windows to the Loft (North) | 6 metres | 4.3 metres to the western boundary | Not supported – “as above”. |
| Unit 4 -Private Courtyards (East) | 7.5 metres | 1.2 metres to the eastern boundary | Not supported – “as above”. |

Previous Consultation Submissions

| Support | Nil | Noted. |
|---------------|--|---|
| Objection (6) | <ul style="list-style-type: none"> • Building setbacks. • Overshadowing. • Building height and proposed third storey. | <ul style="list-style-type: none"> • Supported in part – the proposed building setbacks as specified above, are considered to have an undue impact on the neighbouring properties. • Not supported – the proposal is compliant with the overshadowing requirements of the R Codes. • Not supported – revised plans have been submitted illustrating the loft to be contained entirely within the roof space, hence the development is now two-storeys. |
| | <ul style="list-style-type: none"> • Boundary walls. | <ul style="list-style-type: none"> • Supported in part – the proposed boundary walls on the ground floor are not considered to have an undue impact on the neighbouring properties; nevertheless, the two-storey boundary walls will have an undue impact on the neighbouring properties. The owner of the western neighbouring property has signed off on the two-storey boundary wall on the western elevation. |

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| | <ul style="list-style-type: none">• Privacy.• Bulk and scale and overdevelopment of the site.• Car parking. | <ul style="list-style-type: none">• Supported – considered to have an undue impact on the neighbouring properties. Revised plans have been submitted that address most of the privacy variations.• Supported – the proposed plot ratio has an undue impact on the amenity of the area.• Not supported – the proposal is compliant with car parking requirements of the R Codes. |
|--|---|---|

In light of the outstanding variations to the density, plot ratio, building height, building setbacks, boundary wall and privacy requirements, the revised proposal is still not supportable.

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 13 May 2008.

“OFFICER RECOMMENDATION:

That;

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

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

COUNCIL DECISION ITEM 10.1.6

Moved Cr Farrell, Seconded Cr Youngman

That the recommendation be adopted.

Debate ensued.

PROCEDURAL MOTION

Moved Cr Farrell, Seconded Cr Youngman

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

PROCEDURAL MOTION PUT AND CARRIED (7-0)

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

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

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

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

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

ASSESSMENT:

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

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

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

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| | | <p><i>East</i> Wall Height – Unit 2 boundary wall height = 6 metres Unit 4 wall height = 3 metres. Wall Length – 2/3 = 22.46 metres Proposed total wall length = 9 metres</p> <p><i>South</i> Wall Height – Unit 3 wall height = 3 metres Wall Length – 2/3 = 12.8 metres Proposed total wall length = 5.1 metres</p> | <p><i>Supported in part – the height of the boundary wall is considered to have an undue impact on the neighbouring property.</i></p> <p><i>Supported in part – the height of the boundary wall is considered to have an undue impact on the neighbouring property.</i></p> |
| <p><i>Building Height:</i></p> | <p><i>Maximum height of two storeys.</i></p> <p><i>Pitch Roof – 6 metres to the top of the eaves and 9 metres to the top of the pitch.</i></p> <p><i>Concealed Roof – Maximum height of 7 metres to the top of the building.</i></p> | <p><i>Three storeys proposed for units 3 and 4.</i></p> <p><i>7 metres to the top of the eaves for units 1 and 2.</i></p> <p><i>8.4 metres to the top of the concealed roof for units 3 and 4.</i></p> | <p><i>Not supported – considered to have an undue impact on the neighbouring properties and the amenity of the area.</i></p> <p><i>Not supported – considered to have an undue impact on the neighbouring properties and the amenity of the area.</i></p> <p><i>Not supported – considered to have an undue impact on the neighbouring properties and the amenity of the area.</i></p> |
| <p><i>Privacy Setbacks:</i> <i>Unit 1</i> <i>-Balcony to the Kitchen (West)</i></p> <p><i>-Private Courtyards (West)</i></p> | <p><i>7.5 metres</i></p> <p><i>7.5 metres</i></p> | <p><i>1.2 metres to the western boundary</i></p> <p><i>1.2 metres to western boundary</i></p> | <p><i>Not supported – considered to have an undue impact on the neighbouring property.</i></p> <p><i>Not supported – “as above”</i></p> |
| <p><i>-Windows to the Loft (South)</i></p> | <p><i>7.5 metres</i></p> | <p><i>3.9 metres to western boundary</i></p> | <p><i>Not supported – “as above”</i></p> |

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| <i>Unit 2</i> | | | |
| <i>-Balcony to the Kitchen (East)</i> | <i>7.5 metres</i> | <i>1.2 metres to the eastern boundary</i> | <i>Not supported – “as above”</i> |
| <i>-Private Courtyards (East)</i> | <i>7.5 metres</i> | <i>1.2 metres to the eastern boundary</i> | <i>Not supported – “as above”</i> |
| <i>-Windows to the Loft (North)</i> | <i>6 metres</i> | <i>3.9 metres to the eastern boundary</i> | <i>Not supported – “as above”</i> |
| <i>-Windows to the Loft (South)</i> | <i>6 metres</i> | <i>4.1 metres to the eastern boundary</i> | <i>Not supported – “as above”</i> |
| <i>Unit 3</i> | | | |
| <i>-Private Courtyards (West)</i> | <i>7.5 metres</i> | <i>1.2 metres the western boundary</i> | <i>Not supported – “as above”</i> |
| <i>-Windows to the Loft (North)</i> | <i>6 metres</i> | <i>4.3 metres to the western boundary</i> | <i>Not supported – “as above”</i> |
| <i>-Windows to the Loft (South)</i> | <i>6 metres</i> | <i>3.2 metres to the western boundary</i> | <i>Not supported – “as above”</i> |
| | | <i>5 metres to the southern boundary</i> | |
| <i>Unit 4</i> | | | |
| <i>-Private Courtyards (East)</i> | <i>7.5 metres</i> | <i>1.2 metres to the eastern boundary</i> | <i>Not supported – “as above”</i> |
| <i>-Windows to the Loft (South)</i> | <i>6 metres</i> | <i>4.2 metres to the eastern boundary</i> | <i>Not supported – “as above”</i> |
| | | <i>5 metres to the southern boundary</i> | |
| <i>Consultation Submissions</i> | | | |
| <i>Support</i> | <i>Nil</i> | <i>Noted.</i> | |
| <i>Objection (6)</i> | <ul style="list-style-type: none"> • <i>Building setbacks.</i> • <i>Overshadowing.</i> • <i>Building height and proposed third storey.</i> | <ul style="list-style-type: none"> • <i>Not supported – the proposed building setbacks are not considered to have an undue impact on the neighbouring properties.</i> • <i>Not supported – the proposal is compliant with the overshadowing requirements of the R Codes.</i> • <i>Supported – considered to have an undue impact on the neighbouring properties and the amenity of the area.</i> | |

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| | <ul style="list-style-type: none"> • <i>Boundary walls.</i> • <i>Privacy.</i> • <i>Bulk and scale and overdevelopment of the site.</i> | <ul style="list-style-type: none"> • <i>Supported in part – the proposed boundary walls on the ground floor are not considered to have an undue impact on the neighbouring properties. However the two-storey boundary walls will have an undue impact on the neighbouring properties.</i> • <i>Supported – considered to have an undue impact on the neighbouring properties.</i> • <i>Supported – the proposed plot ratio has an undue impact on the amenity of the area.</i> |
| | <ul style="list-style-type: none"> • <i>Car parking.</i> | <ul style="list-style-type: none"> • <i>Not supported – the proposal is compliant with car parking requirements of the R Codes.</i> |
| <i>Other Implications</i> | | |
| <i>Legal/Policy</i> | <i>TPS 1 and associated Policies, and Residential Design Codes (R Codes).</i> | |
| <i>Strategic Implications</i> | <i>Nil</i> | |
| <i>Financial/Budget Implications</i> | <i>Nil</i> | |

COMMENTS:

Demolition

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

A full heritage assessment was undertaken for No. 119 Richmond Street which indicates that the place has little aesthetic, historic, scientific or social heritage significance. In accordance with the Town's Policy relating to Heritage Management – Assessment, the place does not meet the threshold for entry on the Town’s Municipal Heritage Inventory.

Redevelopment

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

10.1.2 No. 3/279 (Lot 5, Strata Lot: 3 STR: 13463) Lord Street, Perth - Proposed Change of Use from Office to Unlisted Use (Jewellery Studio)

| | | | |
|------------------------------|---------------------|--------------------|--------------------------|
| Ward: | South | Date: | 30 May 2008 |
| Precinct: | Forrest; P14 | File Ref: | PRO2148; 5.2008.155.1 |
| Attachments: | 001 | | |
| Reporting Officer(s): | D Pirone | | |
| Checked/Endorsed by: | D Abel, R Boardman | Amended by: | - |

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by S Palioudakis on behalf of the owner E R Del Borrello for proposed Change of Use from Office to Unlisted Use (Jewellery Studio), at No. 3/279 (Lot 5, Strata Lot: 3 STR: 13463) Lord Street, Perth, and as shown on plans stamp-dated 3 April 2008, subject to the following conditions:

- (i) all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (ii) the gross floor area of the jewellery studio shall be limited to 31 square metres;*
- (iii) the hours of operation of the jewellery studio shall be limited to 8:00am to 5:00pm, Monday to Friday, inclusive;*
- (iv) the maximum number of employees at the jewellery studio at any one time shall be limited to three (3);*
- (v) the maximum number of the clients/customers at the jewellery studio at any one time shall be limited to two (2), and shall be "by appointment only";*
- (vi) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (vii) any new street/front wall, fence and gate within the Lord Street setback area including along the side boundaries within this street setback area, shall comply with the following:*
 - (a) the maximum height being 1.8 metres above the adjacent footpath level;*
 - (b) the maximum height of piers with decorative capping being 2.0 metres above the adjacent footpath level;*
 - (c) the maximum height of the solid portion of the wall being 1.2 metres above the adjacent footpath level, and a minimum of fifty percent visually permeable above 1.2 metres;*

- (d) *the piers having a maximum width of 355 millimetres and a maximum diameter of 500 millimetres;*
- (e) *the distance between piers should not be less than the height of the piers except where pedestrian gates are proposed; and*
- (f) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (viii) *within twenty-eight (28) days of the issue date of this 'Approval to Commence Development', the owner(s) or the applicant on behalf of the owner(s) shall comply with the following requirements:*
 - (a) *pay a cash-in-lieu contribution of \$2,257.20 for the equivalent value of 0.836 car parking spaces, based on the cost of \$2,700 per bay as set out in the Town's 2007/2008 Budget; OR*
 - (b) *lodge an appropriate assurance bond/bank guarantee of a value of \$2257.20 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; and
- (ix) *prior to the first occupation of the development, a certification shall be provided by the installer of the gas LPG bottle stating that the ventilation complies with Australian Standard 1668.2 – 1991.*

| | |
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| Landowner: | E R Del Borrello |
| Applicant: | S Palioudakis |
| Zoning: | Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Commercial |
| Existing Land Use: | Office |
| Use Class: | Unlisted Use (Jewellery Studio) |
| Use Classification: | "SA" |
| Lot Area: | 981 square metres |
| Access to Right of Way | West side, 6 metres wide, sealed, Town owned |

BACKGROUND:

13 February 1985 The Metropolitan Region Planning Authority conditionally approved the construction of a two-storey office building at the subject property.

DETAILS:

The proposal involves the change of use from office to a jewellery studio, which is an unlisted use in accordance to the Town of Vincent Town Planning Scheme No. 1. The applicant has proposed no alterations or additions to the existing building.

The owner's submission is "*Laid on the Table*", and is summarised below.

Property Values

- The change of use of unit 3 from office to jewellery studio does not affect the surrounding properties, (that is, common areas, other units).
- The proposal is not for a zoning change just a change of use for unit 3 only.
- The applicant has spoken to a senior property analyst and the change of use to unit 3 does not and will not decrease or change the value of any other property surrounding unit 3.
- The applicant has been considerate to the other lessees and owners by advising in writing of the intended change of use.
- The applicant believes that the jewellery studio will raise the profile of the area and complex rather than detracting from it.

Security

- The applicant will be fitting a video surveillance system on the interior and exterior of unit 3 which will be an obvious visual deterrent to any would-be burglars in the whole complex, thus making the whole complex safer for everyone involved.
- Information has been received from insurance brokers suggesting that the nature of the business will not affect the other offices' insurance policies from a burglary point of view and that our raised security levels should deter burglars from the whole complex.

Nature of the Business

- The type of business that will be operating is a "by appointment" hand-made jewellery studio. This type of business has minimal traffic from clients and does not require any signage which may attract burglars.
 - The applicant wishes to be discreet and not draw attention to the business as the exclusive nature of the products attracts a smaller client base.
 - A high percentage of the clients are consulted off premises.
 - The applicant does not have or will be operating heavy machinery in the premises.
 - The gas that will be used consists of a barbecue size LPG bottle and the system will be installed by a professional plumber and gas fitter.
 - The micro torches that will be used emit a flame of approximately one inch long and are used infrequently.
 - The tools and equipment that will be used are small and most of the work is done by hand whilst seated at a desk.
 - There are no furnaces or anything requiring heavy exhaust emissions.
 - Any dust produced is filtered and collected by the applicant in order to be refined for gold content.
-

ASSESSMENT:

| Non-Compliant Requirements | | | |
|--|---|-------------------|---|
| Requirements | Required | Proposed * | Officer Comments Pursuant to Clause 38(5) of TPS 1 |
| Plot Ratio: | N/A | N/A | Noted. |
| Car Parking | | | |
| Car parking requirement (nearest whole number) - Industry – 3 bays for the first 200 square metres - Gross Floor Area = 31 square metres - requires 3 bays | | | = 3 car bays |
| Apply the adjustment factors. <ul style="list-style-type: none"> ▪ 0.80 (within 400 metres of a train station) ▪ 0.85 (within 400 metres of a bus stop) ▪ 0.90 (within 400 metres of a public car parking place with in excess of 50 car parking spaces) | | | (0.612) = 1.836 car bays |
| Minus the car parking provided on-site Note: the certificate of title indicates that one car bay is allocated to each commercial tenancy | | | 1 car bay |
| Minus the most recently approved on-site car parking shortfall | | | Nil |
| Resultant shortfall | | | 0.836 car bay |
| Consultation Submissions | | | |
| Support (2) | No comments made. | | Noted. |
| Objection (3) | <ul style="list-style-type: none"> • The use is unsuitable for the area. • Storage and emissions of inflammable gas containers. • Lack of parking. • Greater security required due to housing valuable materials. | | <ul style="list-style-type: none"> • Not supported – the proposed use is not an intensive use and will not have an undue impact on the surrounding tenants and properties. • Supported in part – the Town’s Environmental Health Officers have addressed this issue and advised that prior to the first occupation of the development, a certification shall be provided by the installer of the gas LPG bottle stating that the ventilation complies with Australian Standard 1668.2 – 1991. This has been placed as a condition of approval. • Supported in part – the development is existing and, therefore, no extra car bays can be provided. A condition has been applied for the applicant to pay a cash-in-lieu of car parking for the proposed shortfall. • Not supported – the applicant has provided security grilles that are not visible from the street on the internal facing windows of the subject tenancy and will also be fitting a video surveillance system on the exterior and interior of the subject unit. |

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

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

COMMENTS:

The proposed jewellery studio is considered not to have an undue impact on the amenity of the area. The applicant has advised in their submissions that there will only be three staff members and clients coming to the site will be by appointment only. In light of this, it is recommended that the Council approve the proposal, subject to standard and appropriate conditions to address the above matters.

10.1.3 No. 195 (Lot: 57 D/P: 29901) Lincoln Street, Perth - Proposed Carport Addition to Existing Single House

| | | | |
|------------------------------|---------------------|--------------------|------------------------|
| Ward: | South | Date: | 30 May 2008 |
| Precinct: | Hyde Park; P12 | File Ref: | PRO4332 5.2008.85.1 |
| Attachments: | 001 | | |
| Reporting Officer(s): | A Du | | |
| Checked/Endorsed by: | D Abel, R Boardman | Amended by: | - |

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Half Price Patios on behalf of the owner G D Taylor for proposed Carport Addition to Existing Single House, at No. 195 (Lot: 57 D/P: 29901) Lincoln Street, Perth, and as shown on plans stamp-dated 26 February 2008 , subject to the following conditions:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive; and*
- (ii) any new street/front wall, fence and gate within the Lincoln Street setback area, including along the side boundaries within this street setback area, shall comply with the following:*
 - (a) the maximum height being 1.8 metres above the adjacent footpath level;*
 - (b) the maximum height of piers with decorative capping being 2 metres above the adjacent footpath level;*
 - (c) the maximum height of the solid portion of the wall being 1.2 metres above the adjacent footpath level, and a minimum of fifty percent visually permeable above 1.2 metres;*
 - (d) the piers having a maximum width of 355 millimetres and a maximum diameter of 500 millimetres;*
 - (e) the distance between piers should not be less than the height of the piers except where pedestrian gates are proposed; and*
 - (f) the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level.*

| | |
|-------------------------------|--|
| Landowner: | G D Taylor |
| Applicant: | Half Price Patios |
| Zoning: | Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R80 |
| Existing Land Use: | Residential |
| Use Class: | Single House |
| Use Classification: | "P" |
| Lot Area: | 253 square metres |
| Access to Right of Way | South side, 3 metres wide, unsealed, Town owned |

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves the construction of a single carport addition to an existing single house.

This application is being referred to Council for its determination mainly as it involves a variation to the open space requirements.

ASSESSMENT:

| Non-Compliant Requirements | | | |
|---|--------------------|-------------------|--|
| Requirements | Required | Proposed * | Officer Comments Pursuant to Clause 38(5) of TPS 1 |
| Plot Ratio | N/A | N/A | Noted. |
| Building Setbacks -West (Carport) | 1 metre | 0.125 metre | Supported – not considered to have undue impact on adjoining neighbour. Affected neighbour's consent received. |
| -East (Carport) | 1 metre | 0.125 metre | Supported – as above. |
| Open Space | 45 per cent | 40.28 per cent | Supported – refer to 'Comments' below. |
| Car Parking | Two Parking Spaces | One Parking Space | Supported – refer to 'Comments' below. |
| Consultation Submissions | | | |
| Application was not advertised as the affected neighbours' consent were received. | | | |
| Other Implications | | | |
| Legal/Policy | | | TPS 1 and associated Policies, and Residential Design Codes (R Codes). |
| Strategic Implications | | | Nil |
| Financial/Budget Implications | | | Nil |

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

COMMENTS:

The proposed single carport has a length of 4.8 metres, and a width of 6 metres. Due to the narrow width of the right of way, being only 3 metres wide, The Town's Technical Services Officers have assessed the manoeuvrability of the proposed carport and have established that the carport width must be 6 metres, as it is currently proposed, in order to comply with the requirements for manoeuvrability and to achieve an adequate turning area.

However, the narrow width of the lot being only 6.3 metres wide, does not allow for the adequate open space requirement of 45 per cent to be achieved. In this situation, vehicles need to physically be able to adequately enter and exit the carport from the right of way. The reduction of the carport width to facilitate the open space requirement will result in the carport pillars being an obstruction when entering from the right of way and not a viable option in this instance. Being at the rear of the lot with no changes to the existing dwelling at the front, it is also considered to have no undue impact on the amenity of the area. Moreover, a functional and compliant outdoor living area is provided on site.

Furthermore, there are currently no formal car parking bays on-site. The proposed development creates one parking space for the dwelling at the rear of the lot, relieving the front verge from car parking, which in turn improves the amenity of the streetscape. Additionally, the proposed location of the carport at the rear of dwelling does not impend or detract from the dwelling's character value.

Both the affected adjoining land owners have provided their consent to the proposed single carport addition and have no objections.

In light of the above, the variation to open space is supported, and it is recommended that the Council approve the application, subject to standard and appropriate conditions.

10.1.4 No. 448 (Lot: 136 D/P: 1197, Lot: 137 D/P: 1197, Lot: 138 D/P: 1197/1) Lord Street, Corner West Parade, Mount Lawley - Proposed Demolition of Existing Workshop and Showrooms and Construction of Four-Storey Office Building Comprising Nine (9) Offices and Associated Car Parking

| | | | |
|------------------------------|---------------------|--------------------|--------------------------|
| Ward: | South | Date: | 3 June 2008 |
| Precinct: | Banks; P15 | File Ref: | PRO4079; 5.2007.421.1 |
| Attachments: | 001 | | |
| Reporting Officer(s): | R Rasiah, K Jackson | | |
| Checked/Endorsed by: | D Abel, R Boardman | Amended by: | - |

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Oldfield Knott Architects Pty Ltd on behalf of the owner F Corrigan and A and P Shakibae for proposed Demolition of Existing Workshop and Showrooms and Construction of Four-Storey Office Building Comprising Nine (9) Offices and Associated Car Parking, at No. 448 (Lot: 136 D/P: 1197, Lot: 137 D/P: 1197, Lot: 138 D/P: 1197/1) Lord Street, corner West Parade, Mount Lawley, and as shown on revised plans stamped 29 May 2008, subject to the following conditions :

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) prior to the issue of a Building Licence, the subject land shall be amalgamated into one lot on Certificate of Title; OR alternatively, prior to the issue of a Building Licence the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to amalgamate the subject land into one lot within 6 months of the issue of the subject Building Licence. All costs associated with this condition shall be borne by the applicant/owner(s);*
- (iii) within twenty-eight (28) days of the issue date of this 'Approval to Commence Development,' the owner(s), or the applicant on behalf of the owner(s), shall comply with the following requirements:*
 - (a) pay a cash in lieu public art contribution of \$40,000 for the equivalent value of one per cent (1%) of the estimated total cost of the development (\$4,000,000); OR*
 - (b) lodge an appropriate public art assurance bond/bank guarantee of a value of \$ 40,000 with the Town. The assurance bond/bank guarantee will only be released to the owner(s)/applicant in the following circumstances:*

- (1) *designs for art work(s) valued at one per cent (1%) of the estimated total cost of the development (\$4,000,000) have been submitted to and approved by the Town. The art work(s) shall be in accordance with the Town's Policy relating to Percent for Art Scheme and be developed in full consultation with the Town's Community Development Services with reference to the Percent for Art Scheme Policy Guidelines for Developers. The art work(s) shall be installed prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s); or*
- (2) *a Statutory Declaration of the prescribed form endorsed by the owner(s)/applicant and stating that they will not proceed with the subject 'Approval to Commence Development,' have been submitted to and approved by the Town; or*
- (3) *the subject 'Approval to Commence Development' did not commence and subsequently expired.*

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

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

- (aa) *a formal request has been submitted to the Town in writing for such an extension before the date of the six (6) month deadline; and*
 - (bb) *the Town's Arts Officer is satisfied that significant negotiations have been entered into by the owner(s)/applicant to provide the art work;*
- (iv) *a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
 - (v) *first obtaining the consent of the owners of Nos. 434-446 Lord 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. 434-446 Lord Street in a good and clean condition;*
 - (vi) *all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;*
 - (vii) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, parking of trade person vehicles, footpath access, traffic and heavy vehicle access via Lord Street, West Parade and the rear right-of-way (ROW), dust and any other appropriate matters (such as notifying all affected landowners/occupiers of the commencement of construction works), shall be submitted to and approved by the Town;*
-

- (viii) *prior to the first occupation of the development, seventeen (17) class one or two, plus three (3) class three bicycle parking facilities, shall be provided at a location convenient to the entrance and within the development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to the installation of such facilities;*
 - (ix) *the car park shall be used only by employees, tenants, and visitors directly associated with the development;*
 - (x) *doors, windows and adjacent floor areas of the office fronting Lord Street and West Parade shall maintain an active and interactive relationship with these streets;*
 - (xi) *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;*
 - (xii) *the maximum gross floor area for the office component shall be limited to 3372 square metres;*
 - (xiii) *the car parking area shown for the office component shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;*
 - (xiv) *in keeping with the Town's practice for multiple dwellings, commercial, retail and similar developments, the footpaths adjacent to the subject land shall be upgraded, by the applicant, to a brick paved standard to the Town's specification. A refundable footpath upgrading bond and/or bank guarantee of \$15,000 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing facilities have been reinstated to the satisfaction of the Town's Technical Services Division. An application to the Town for the refund of the upgrading bond must be made in writing;*
 - (xv) *prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title or Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town;*
 - (xvi) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) *continuous and complementary awnings being extended along the Lord Street frontage to the western end of the building adjacent to the stairways and bicycle parking area, taking into account the relevant 5 metres future road widening, and the awnings being a minimum height of 2.75 metres from the footpath level to the underside of the awning and a minimum of 500 millimetres from the future kerb line of Lord Street and West Parade;*
 - (b) *the provision of end of trip facilities for bicycle users in accordance with the Town's Policy relating to Parking and Access;*
 - (c) *a bin compound being provided in accordance with the Town's Health Services Specifications, based on 1 x mobile garbage bin per unit and 1 x paper recycle bin per unit, or per 200 square metres of floor space;*
-

- (d) ramps being a minimum width of 5.5 metres between kerbs and setback from right-of-way(ROW) to allow 6 metres manoeuvring room;*
- (e) visual truncations of 1.5 metres by 1.5 metres being provided at the parking entrance for the protection of pedestrians along the ROW;*
- (f) car bays 32, 33 and 41 each being a minimum width of 2.7 metres;*
- (g) no construction being permitted within the ROW widening area; and*
- (h) the corner component of the development incorporating significant appropriate design elements to define and accentuate the corner and create a landmark feature without further increasing the height or plot ratio of the development.*

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

- (xvii) any proposed vehicular entry gates to the car parking area shall have a minimum 50 per cent visually permeable and shall be either open at all times or suitable management measures shall be implemented to ensure access is available for visitors for the commercial tenancies at all times. Details of the management measures shall be submitted to and approved by the Town prior to the first occupation of the development;*
 - (xviii) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
 - (xix) an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
 - (xx) any new street/front wall, fence and gate within the Lord Street and West Parade setback area including along the side boundaries within these street setback areas, shall comply with the following:*
 - (a) the maximum height being 1.8 metres above the adjacent footpath level;*
 - (b) the maximum height of piers with decorative capping being 2.0 metres above the adjacent footpath level;*
 - (c) the maximum height of the solid portion of the wall being 1.2 metres above the adjacent footpath level, and a minimum of fifty percent visually permeable above 1.2 metres;*
 - (d) the piers having a maximum width of 355 millimetres and a maximum diameter of 500 millimetres;*
 - (e) the distance between piers should not be less than the height of the piers except where pedestrian gates are proposed; and*
 - (f) the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
-

- (xxi) *all car-parking bays shall be dimensioned on the Building Licence application working drawings and all car parking facilities shall comply with the minimum specifications and dimensions specified in the Town's Parking and Access Policy and Australian Standards AS2890.1 – "Off Street Parking";*
- (xxii) *the installation of lighting on the southern elevation of the building facing the rear right of way (ROW), and all costs associated with the provision this lighting on the southern elevation of the building facing the ROW shall be met by the owner(s);*
- (xxiii) *the support/approval of the Department for Planning and Infrastructure and/or Western Australian Planning Commission, and compliance with its comments and conditions at the applicant(s)/owner(s)' full expense;*
- (xxiv) *prior to issue of a Building Licence, the applicant shall comply with all requirements recommended by the Department for Planning and Infrastructure and/or Western Australian Planning Commission and Town of Vincent Technical Services with regards to traffic management, at the applicant(s)/owner(s)' full expense;*
- (xxv) *a detailed landscaping plan, including a list of plants and the landscaping of the Lord Street and West Parade road verges adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. The landscaping of the verge shall include details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months. The Council encourages landscaping methods which do not rely on reticulation. Where reticulation is not used, the alternative method should be described. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s); and*
- (xxvi) *prior to the issue of a Building Licence, a management plan addressing how vehicles will enter/exit the tandem parking bays when there is a vehicle already parked at the rear or front parking bay, to be submitted and approved by the Town.*

| | |
|-------------------------------|---|
| Landowner: | F P Corrigan & A & P Shakibae |
| Applicant: | Oldfield Knott Architects Pty Ltd |
| Zoning: | Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Commercial |
| Existing Land Use: | Workshop, showroom and car yard |
| Use Class: | Office Building |
| Use Classification: | "P" |
| Lot Area: | 1640 square metres |
| Access to Right of Way | South side, 3.6 metres wide, sealed and Town-owned |

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves the demolition of the existing buildings and the construction of a four (4) storey office building with an associated basement and ground level car parking area. Access to the site is via the rear right-of-way off West Parade.

The applicant's submission, which also includes a comprehensive response to the concerns raised during the consultation period, is "*Laid on the Table*".

A summary of the response and details of the proposal are as follows:

- Lord Street is a major arterial road and is able to handle a more intense development at this location, as it is a prominent entrance statement for the Town.
- There is no loss of amenity, as the neighbouring properties are "*commercial or light industry*", with residential development some distance away.
- Current two storey development is considered substandard in most cases, and the proposed development will become a catalyst and benchmark for other developments in the area.
- The fourth storey has been designed to be located away from the lot boundaries, there by reducing any overshadowing.
- There is no plot ratio applying to the site, and plot ratio is also controlled by car parking, which is provided in accordance with the Town's requirements.
- Additional features have been incorporated into the exterior perspectives.

ASSESSMENT:

| Non-Compliant Requirements | | | |
|-----------------------------------|--|------------------------------------|---|
| Requirements | Required | Proposed * | Officer Comments Pursuant to Clause 38(5) of TPS 1 |
| Plot Ratio | 0.65 or 1066 square metres | 2.06 or 3372 square metres | Supported - refer to "Comments" Section. |
| No. of Storeys | 3 storeys (plus loft) | 4 storeys, plus basement car park. | Supported - refer to "Comments" Section. |
| Consultation Submissions | | | |
| Support (1) | No comments provided. | | Noted. |
| Objection (1) | Contradicts with the Town's Policies for the Banks Precinct in terms of number of storeys, scale, and loss in amenity relating to privacy. | | Not supported - refer to "Comments" Section. |
| | The proposal is out of character with existing single and two storey developments in the area, and will disrupt the streetscape. | | Not supported- refer to "Comments" Section. |
| | 4 storey building will create a sense of confinement. | | Not supported - refer to "Comments" Section. |
| | Will result in adjoining single storey building being difficult to see from street for customers approaching along Lord Street/Guilford Road. | | Not supported - as this is not a significant planning consideration. |
| | The plot ratio is considered excessive. If the road widening is taken, there would be no setbacks or landscaping to minimise the aspect of bulk. | | Not supported - refer to "Comments" Section. |
| | The 16 metre high wall will significantly overshadow the adjoining single storey building and retail business. | | Not supported - as the overshadowing requirements of the R Codes do not apply to Commercial zoned land. |

| | | |
|-------------------------------|---|--|
| | Car parking provided is considered not sufficient, as 48 car bays are being provided in lieu of 68 car bays. The tandem car bays are unlikely to be utilised, unless significant monitoring is undertaken. Street parking is already fully utilised in the area. Concerned that the overflow in car parking for above development site would spill over into adjoining property's visitor car park. | Not supported - as the car parking provided is compliant with the Town's requirements. |
| Other Implications | | |
| Legal/Policy | | TPS 1 and associated Policies. |
| Strategic Implications | | Nil |
| Financial/Budget Implications | | Nil |

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

| Car Parking- Commercial Component | |
|---|--|
| Car parking requirement (nearest whole number) Office: 1 car bay per 50 square metres gross office floor area (reduced from 3378 to 3372 square metres to address car parking shortfall) = 67.44 car bays. | 67 car bays |
| Apply the parking adjustment factors. <ul style="list-style-type: none"> • 0.85 (within 400 metres of a bus stop) • 0.85 (within 800 metres of a rail station) | (0.7225) 48.41 car bays |
| Minus the car parking provided on-site | 48 car bays |
| Minus the most recently approved on-site car parking shortfall | Not applicable as proposal is to redevelop site. |
| Resultant shortfall- no cash-in-lieu is required for shortfall, if the shortfall is less than 0.5 car bay | 0.41 car bay |
| Bicycle Parking Facilities | |
| Offices <ul style="list-style-type: none"> • 1 space per 200 (proposed 3372) square metres gross floor area (class 1 or 2) - 16.86 spaces. • 1 space per 750 (proposed 3372) square metres over 1000 square metres for visitors (class 3) - 3.16 spaces. | Only class 2 bicycle facilities are shown. |

COMMENTS:

Demolition

The subject place at No. 448 Lord Street, Mount Lawley, is a commercial property with a combined workshop, office and showroom. It was built circa 1971 in the Post-war International style, which is characterised by a cubiform shape, extensive windows, and uninterrupted surfaces, and extended to its current form in 1985.

The final Wise Post Office Directory, published in 1949, does not list a property at No. 448 Lord Street, East Perth. The most northern business listed in the street that year is Rosen & Son, aerated water manufacturers and fuel distributors, at No. 446 Lord Street. A brick building identified as a garage is shown on the northeast corner of the site on the Perth Sewerage Plan dated 1953, along with an adjoining galvanized iron structure and concreted area. From the footprint shown on the Sewerage Plan, it would seem that these structures were subsequently demolished and the current building constructed at a later time. The earliest recorded Building Licence was issued in 1969 to Hills Industries for a carport (1577/69). A Building Licence was issued to Keian Holdings in 1971 for an office (876/71), and in 1985 for extensions to a car yard (831/85).

The Certificate of Title indicates that the title was registered in 1955 to Hills Hoists Pty Limited. It was transferred several times over a short period, including to Keian Holdings Pty Ltd in 1973. It was transferred to the current owners in 2005.

A preliminary check indicates that the subject place at No. 448 Lord Street, Mount Lawley, has little aesthetic, historic, scientific or social heritage significance. In accordance with the Town's Policy relating to Heritage Management – Assessment, the place does not meet the threshold for entry on the Town's Municipal Heritage Inventory.

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

Department for Planning and Infrastructure (DPI) Referral

The proposal has been referred to the Department for Planning and Infrastructure (DPI) as the proposal abuts Lord Street, which is classified as an "Other Regional Road" and also due to regional transport implications.

The Department for Planning and Infrastructure (DPI) in its letter dated 19 November 2007 has advised the subject sites are affected by a 5 metre wide Other Regional Road Reservation along the Lord Street frontage including a 8.5 metre truncation at the Lord Street and West Parade intersection. The DPI's has supported the access off West Parade to the subject development and also the temporary use of the road widening area for landscaping purposes only, and that the landscaping of this area shall not be taken into any future consideration in determining any land acquisition cost or compensation that may be payable by the Town or the Western Australian Planning Commission. The DPI has also requested the applicant to submit a "*Traffic Statement*" for the DPI's further assessment, as it considers this development proposal to have a moderate traffic impact. The DPI's comment on the traffic statement has not been received, at the time this Agenda Report was prepared.

Technical Services Comments

Technical Services have advised that the proposal is considered acceptable; however, it would have to satisfy the DPI's requirements on regional transport grounds. It is to be noted that underground power adjacent to the development site has been completed, and that the remaining power lines are high tension power lines.

Other Technical Services matters raised which can be conditioned are as follows:

- Ramps being a minimum width of 5.5 metres between kerbs and setback from Right-Of-Way(ROW) to allow 6 metres manoeuvring room.
 - Visual truncations of 1.5 metres by 1.5 metres being provided at the parking entrance for the protection of pedestrians along the ROW.
 - Car bays 32, 33 and 41 each being a minimum width of 2.7 metres.
 - No construction being permitted within the ROW widening area.
-

Height and Plot Ratio

The increased plot ratio is as a result of the increase in the number of floors. The height and overall design of the proposal would not result in an undue impact on the amenity of the street or area. The building incorporates appropriate articulation and design features to reduce the visual impact on this area, with the fourth storey setback away from the lot boundaries. As the site is considered a landmark site, an appropriate condition has been recommended for additional design elements to be incorporated into the building at this key corner location to further enhance this entrance statement into the Town.

Conclusion

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

10.1.5 Amendment No. 27 to the Town of Vincent Town Planning Scheme No. 1 – Relating to Land Coded R20 in the Mount Hawthorn and North Perth Precincts – Precinct Plans 1 and 8

| | | | |
|------------------------------|--|--------------------|-------------|
| Ward: | North | Date: | 30 May 2008 |
| Precinct: | Mount Hawthorn, P1; North Perth, P8 | File Ref: | PLA0177 |
| Attachments: | - | | |
| Reporting Officer(s): | E Saraceni | | |
| Checked/Endorsed by: | D Abel; R Boardman | Amended by: | - |

OFFICER RECOMMENDATION:

That the Council;

- (i) *pursuant to section 74 of the Planning and Development Act 2005 RESOLVES to INITIATE an amendment to the Town of Vincent Town Planning Scheme No. 1 by deleting the following clauses;*
 - (a) *clause 20 (4) (c) (ii) “After 1 September 2008 development and subdivision of land coded R20 will be determined in accordance with the R30/40 code and shall be subject to all provisions relevant to that coding in the North Perth Precinct”; and*
 - (b) *clause 20 (4) (h) (i) “After 1 September 2008 development and subdivision of land coded R20 will be determined in accordance with the R30 code and shall be subject to all provisions relevant to that coding in the Mount Hawthorn Precinct”; and*
- (ii) *REQUESTS the Minister for Planning and Infrastructure and the Western Australian Planning Commission to progress the above amendment as a matter of priority, including a reduced advertising period of 21 days, due to the implications of the confined timeframe of 1 September 2008.*

PURPOSE OF REPORT:

The purpose of this report is to initiate an amendment to the Town’s Town Planning Scheme No. 1 (TPS1), to delete the following clauses:

- (i) *clause 20 (4) (c) (ii) “After 1 September 2008 development and subdivision of land coded R20 will be determined in accordance with the R30/40 code and shall be subject to all provisions relevant to that coding in the North Perth Precinct”; and*
- (ii) *clause 20 (4) (h) (i) “After 1 September 2008 development and subdivision of land coded R20 will be determined in accordance with the R30 code and shall be subject to all provisions relevant to that coding in the Mount Hawthorn Precinct”;*

These clauses generally relate to the land coded R20 in the area contained in the “*Mount Hawthorn Precinct – Scheme Map 1*” and the “*North Perth Precinct – Scheme Map 8*” (which is the area formerly known as the “*Eton Locality*”).

BACKGROUND:

Detailed background information relating to this matter is contained in Item No. 10.1.13 to the Ordinary Meeting of Council held on 24 July 2007.

24 July 2007

The Council at its Ordinary Meeting resolved the following in regard to the subject area:

“That the Council:

- (i) RESOLVES pursuant to Town Planning Regulation 17 (1) to RECEIVE the 12 submissions of objection and 140 submissions of support, alternatively are shown as “Laid on the Table”.*
- (ii) RESOLVES pursuant to Town Planning Regulation 17 (2), that Amendment No. 24 to the Town of Vincent Town Planning Scheme No. 1 be adopted for final approval, without modification;*
- (iii) AUTHORISES the Mayor and Chief Executive Officer to execute and affix the Town of Vincent Common Seal to Amendment No. 24 to the Town of Vincent Town Planning Scheme No. 1 documents reflecting the Council’s endorsement of final approval;*
- (iv) FORWARDS the relevant executed documents to and REQUESTS the Honorable Minister for Planning and Infrastructure and Western Australian Planning Commission to adopt for final approval and gazettal, without modification, Amendment No. 24 to the Town of Vincent Planning Scheme No. 1;*
- (v) ADVISES the Environmental Protection Authority and those who made submissions of (i), (ii), (iii) and (iv) above;*
- (vi) WRITES to the Minister for Planning and Infrastructure and the Western Australian Planning Commission to strongly request those parties treat Amendment No. 24 as a matter of urgency and that they support and gazette Amendment No. 24 prior to the 30 December 2007 deadline; and*
- (vii) RECEIVES quarterly progress reports in the Information Bulletin as to the progress of Amendment No. 24.”*

18 December 2007

The Council at its Ordinary Meeting resolved the following with regard to Amendment No. 24:

“That the Council;

- (i) RECEIVES the decision from the Hon Minister for Planning and Infrastructure and the Western Australian Planning Commission as contained in letter dated 6 December 2007, relating to the modifications required to Amendment No. 24 to the Town of Vincent Town Planning Scheme No. 1;*
-

- (ii) *RESOLVES pursuant to Town Planning Regulations 21 (2) and 25, that Amendment No. 24 to the Town of Vincent Town Planning Scheme No. 1, with modifications as required by the Hon Minister for Planning and Infrastructure and the Western Australian Planning Commission, in accordance with its letter dated 6 December 2007, BE ADOPTED FOR FINAL APPROVAL as follows:*
1. *Modify the documents by retaining clauses 20)4)c)ii) and 20)4)h)i) and change the date referred to in both clauses to '1 September 2008'; and*
 2. *Replace the words 'Delegated under S.20 of WAPC Act 1985' with the words 'Delegated under S.16 of the PD Act 2005';*
- (iii) *AUTHORISES the Mayor and Chief Executive Officer to execute and affix the Town of Vincent common seal to Amendment No. 24 to the Town of Vincent Town Planning Scheme No. 1 modified amendment documents reflecting the Council's endorsement of final approval;*
- (iv) *ADVISES the Hon Minister for Planning and Infrastructure, Western Australian Planning Commission (WAPC), Environmental Protection Authority, and those who made submissions as outlined in the Minutes of the Ordinary Meeting of Council held on 24 July 2007, of clauses (i), (ii) and (iii) above; and*
- (v) *FORWARDS the relevant executed modified amendment documents to and requests the Hon Minister and Western Australian Planning Commission to adopt for final approval and Gazettal, Amendment No. 24 to the Town of Vincent Town Planning Scheme No. 1."*

- 21 April 2008 The Minister for Planning and Infrastructure granted final approval to modify Amendment No. 24.
- 9 May 2008 Amendment No. 24, was gazetted and published in the Government Gazette.

DETAILS:

On the basis that the sunset clause is due to expire prior to the completion of the Town's Town Planning Scheme Review, it is recommended that the Town initiate a new Scheme Amendment in relation to the land coded R20 within the Mount Hawthorn and North Perth Precincts, which proposes the deletion of clauses 20 (4) (c) (ii) and 20 (4) (h) (i). The rationale applied in recommending the deletion rather than the extension of the sunset clause date is as follows:

1. The Town has recommended in the three previous Scheme Amendments relating to the subject land (being Scheme Amendment No. 11, Scheme Amendment No. 22 and Scheme Amendment No. 24) that the area referred to in the above mentioned clauses be down - coded from the higher "R30" and "R30/40" density to "R20", on the premise that the lower coding is more consistent with and will facilitate the orderly and proper planning within the locality.
-

2. On all three occasions, the Minister for Planning and Infrastructure's final determination has been contrary to the Town's recommendation. The Minister has decided to impose a sunset clause on down - coding within the Mount Hawthorn Precinct and North Perth Precinct to "R20" in order to make provision for the completion of the Town's Residential Density Review Study, and most recently, to coincide with the anticipated gazettal of the new Town Planning Scheme.
3. The Town's proposed Town Planning Scheme No. 2 will not be gazetted by the date stated in the sunset clause, which will result in a significant lapse in time between the end of the sunset clause and the gazettal of the new Scheme. As the Town's Officers have not yet determined what the recommended zoning of the land subject to clause 20 (4) (c) (ii) and clause 20 (4) (h) (i) will be under the proposed Town Planning Scheme No. 2, the lapse in time may be detrimental to the intention of the new Scheme and the orderly and proper planning within the subject areas.
4. As a matter of consistency, and with regard to the community consensus in relation to this matter, it is considered most appropriate to recommend the same recommendation that has been put forth for Scheme Amendments No. 11, Scheme Amendment No. 22 and Scheme Amendment No. 24 at the time of their initiation, which is to down - code the subject areas to "R20", which is regarded as being congruous with the current orderly and proper planning within the subject areas.

The Town's main concern is that due to unanticipated delays in the progression of the Town Planning Scheme Review, should the Minister determine a further extension to the sunset clause, uncertainty to the Town and the residents affected by the Scheme Amendment area will result. As a result of the above, a subsequent Scheme Amendment may again be required to be initiated and progressed to further extend the date specified in the new sunset clause, should there be a further unprecedented delay in the progression of the Town Planning Scheme Review.

Accordingly, it is considered that the most appropriate approach to deal with this matter in an orderly administrative way, would be to delete clauses 20 (4) (c) (ii) and 20 (4) (h)(i), and remove any reference to a sunset date. Effectively, the "R20" coding would apply for the remainder of time until the new Town Planning Scheme No. 2 is adopted and gazetted.

LEGAL/POLICY:

Town of Vincent Town Planning Scheme No. 1, associated Policies and the Residential Design Codes.

STRATEGIC IMPLICATIONS:

Strategic Plan 2006-2011 states:

"Natural and Built Environment

Objective 1.1 Improve and maintain environment and infrastructure...

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

FINANCIAL/BUDGET IMPLICATIONS:

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

COMMENTS:

In light of the above, it is recommended that the Council initiates Amendment No. 27 to the Town's Town Planning Scheme No. 1.

10.1.6 Nos. 395-397 (Lot 28) William Street, Perth – Non-compliance with the Town of Vincent Town Planning Scheme No. 1 and Alterations to Front Door and Windows to Approved Shops, Offices and Warehouse – State Administrative Tribunal (SAT) Review Matters DR 423 of 2006, DR 439 of 2006 and DR 251 of 2007

| | | | |
|------------------------------|---------------------|--------------------|-------------|
| Ward: | South | Date: | 29 May 2008 |
| Precinct: | Beaufort, P13 | File Ref: | PRO3301 |
| Attachments: | 001 | | |
| Reporting Officer(s): | N Wellington | | |
| Checked/Endorsed by: | D Abel, R Boardman | Amended by: | - |

That the Council AUTHORISES the Chief Executive Officer to proceed with prosecution and legal proceedings against the owners of Nos. 395-397 (Lot 28) William Street, Perth, in relation to the requirements of the Written Direction issued under Section 214 (3) of the Planning and Development Act 2005 and additional directions pursuant to Section 29 (3) of the State Administrative Tribunal Act 2004 (WA) and Section 255 of the Planning and Development Act 2005 (WA) to re-instate the front doors and windows that previously existed on the property.

PURPOSE OF REPORT:

In accordance with the Town's Prosecution Policy No. 4.1.22, the Council is required to determine and/or direct the Chief Executive Officer to initiate legal proceedings.

BACKGROUND:

5 January 2006 The Town under delegated approval from the Council conditionally approved an application for change of use from consulting rooms to shops, offices and warehouse and associated alterations and additions, subject to standard and appropriate conditions, including compliance with the following condition:

"(vi) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating that the existing front doors and windows are kept intact. The revised plans shall not result in any greater variation to the requirements of the Town's Policies."

12 September 2006 The Council at its Ordinary Meeting adopted the place at Nos. 395 - 397 (Lot 28) William Street, Perth on the Town's Municipal Heritage Inventory.

5 October 2006 The Town's Development Compliance Officer inspected the subject premises in relation to the above condition. The site inspection revealed that the ground level windows had been removed and provisions made for wide commercial ground level door openings. A Building Licence had not been issued for works on the site.

6 October 2006 Under Section 214(3) of the Planning and Development Act 2005, a Written Direction was issued by the Town of Vincent, which required:

"1 Under section 214(3) of the Planning and Development Act 2005 ('Act'), you are required, within 60 days of the service of this written direction on you:

(a) to re-instate the front doors and windows that previously existed on the property."

10 November 2006

An application for retrospective approval for alterations to front door and windows to approved shops, offices and warehouse was refused by the Town under delegated authority from the Council for the following reasons:

"(i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality; and

(ii) the non-compliance with the Town's Policy No. 3.6.1 relating to Heritage Management - Development Guidelines as the place is listed on the Municipal Heritage Inventory and the subject alterations do not reflect the heritage significance associated with the place and do not follow good heritage management practice."

In relation to this matter, the owner of the subject place was also advised the following:

"In light of this Planning Refusal the current ground floor front openings, resultant from the removal of the ground floor front door and four sash windows that previously existed on the property are still unauthorised, therefore you are requested to reinstate the front door and four sash windows by 8 December 2006 (this date reflects the 60 day timeframe as provided in the Town's Written Direction dated 6 October 2006). If you do not comply with this request the Town will commence legal proceedings against you under the provisions of Section 214(3) of the Planning and Development Act, 2005."

27 November 2006

The owner of the subject place lodged applications for review of both the Written Direction and the Refusal of Retrospective Approval to the SAT.

26 June 2007

The SAT dismissed the application for review of the Refusal of the Retrospective Approval and affirmed the Council's decision to issue the Written Direction under Section 214 (3) of the Planning and Development Act 2005, subject to the following additional directions:

"(i) Direction 1(b) shall read "that if in the opinion of the Town it is impractical to reinstate the original door and windows they shall be reconstructed from timber based on the photographic or documentary evidence available".

(ii) Direction 1(c) shall read "that should an additional door be required to provide direct and independent access to both tenancies from William Street the previous door, which has

since been bricked up, along the southern side of the centre line of the building shall be reinstated based on credible evidence acceptable to the Town of its location and form”.

- (iii) *Direction 1(d) shall read “that should further alterations be required the applicant shall undertake whatever professionally prepared investigations are necessary to establish an adequate basis on which the Town can assess proposals for adaptation”.*”

16 July 2007

The SAT amended the Order made on 26 June 2007 and replaced it with the following Orders:

“In regard to DR 439 of 2006:

1. *The application for review of the refusal of the retrospective approval is dismissed.*

In regard to DR 423 of 2006:

2. *The respondent’s s214(3) decision issued under the Planning and Development Act 2005 (WA), is to be affirmed subject to the following additional directions pursuant to s 29(3) of the State Administrative Tribunal Act 2004 (WA) and s 255 of the Planning and Development Act 2005 (WA):*

(i) *Direction 1(b) shall read “that if in the opinion of the Town it is impractical to reinstate the original door and windows they shall be reconstructed from timber based on the photographic or documentary evidence available”.*

(ii) *Direction 1(c) shall read “that should an additional door be required to provide direct and independent access to both tenancies from William Street the previous door, which has since been bricked up, along the southern side of the centre line of the building shall be reinstated based on credible evidence acceptable to the Town of its location and form”.*

(iii) *Direction 1(d) shall read “that should further alterations be required the applicant shall undertake whatever professionally prepared investigations are necessary to establish an adequate basis on which the Town can assess proposals for adaptation”.*

(iv) *The date by which the direction must be complied with is extended to 60 days from the date of this order.”*

25 July 2007

The applicant sought review of the SAT’s determinations by the President upon a matter involving a question of law.

- 6 August 2007 SAT ordered that:
- “1. *The time for compliance by the respondent with paragraph 9 of Practice Note 4 is extended to 28 August 2007 in order to enable the respondent to obtain legal advice.*
 2. *The direction that is the subject of proceedings DR 423 of 2006 is stayed until further order.”*
- 12 October 2007 The SAT President determined that the Tribunal misconstrued its powers, and therefore erred in law, in imposing two of the three additional requirements in the direction. However, the President determined that the Tribunal did not err in law in its determination to affirm the direction. The following order was made:
- “1. *The stay of the direction that is the subject of the proceedings DR 423 of 2006 imposed on 6 August 2007 is discharged.*
 2. *The application for review by the President in relation to the determination in proceedings DR 423 of 2006 is allowed in part.*
 3. *The application for review by the President in relation to the determination in proceedings DR 439 of 2006 is dismissed.*
 4. *The decision and orders made by the Tribunal on 26 June 2007 and varied on 16 July 2007 in proceedings DR 423 of 2006 are affirmed with the following variations:*
 - (a) *Paragraphs (ii) and (iii) of Order 2 are deleted; and*
 - (b) *Paragraph (iv) of Order 2 is amended so as to require compliance with the direction within 60 days of the date of this order.*
 5. *The decision and orders made by the Tribunal on 26 June 2007 and varied on 16 July 2007 in proceedings DR 439 of 2006 are affirmed.”*
- 5 November 2007 The Town’s Officers met with the owner and the tenant to provide advice and assistance to achieve compliance with the SAT Order.
- 7 November 2007 The Town’s Officers met with the owner, tenant and architect on site to provide advice and assistance to achieve compliance with the SAT Order.
- 19 January 2008 The Town’s Officers met with the owner, architect and another representative on behalf of the owner, to provide advice and assistance to achieve compliance with the SAT Order.
- 6 February 2008 SAT ordered that:
-

“1. Paragraph 4(b) of the Orders of 12 October 2007 is amended so that the time for compliance with the direction is extended to Friday 15 February 2008.”

- 19 February 2008 The owner’s representative advised the Town’s Officers that the representative would attempt to lodge a Building Licence application to the Town for the required modifications to comply with the SAT Orders within the next week.
- 2 April 2008 The Town wrote to the owner of the subject property advising that failure to comply with the SAT Order made on 12 October 2007 would result in the Town commencing legal proceedings.
- 7 April 2008 The owner of the subject property advised the Town, in writing, that the Building Licence application will be lodged with the Town “*this week*”.
- 15 April 2008 The owner’s representative attended the Town’s Administration and Civic Centre to submit a Building Licence application in order to comply with the Order of the SAT. The plans were insufficient and did not reflect previous discussions or correspondence with the Town, in accordance with the SAT Order.
- 16 April 2008 The Town’s Officers confirmed in writing, to the owners representative, the necessary requirements to be fulfilled in order to satisfy the SAT Order and requested the Building Licence application to be submitted to the Town by no later than Wednesday, 23 April 2008.
- 22 April 2008 The owners representative submitted revised plans via email for consideration by the Town’s Officers.
- 23 April 2008 The Town’s Officers advised the owners representative, via email, that the revised plans generally reflected the Town’s requirements and requested advice as to when the Building Licence application will be submitted.
- To-date, no response has been received to the Town’s email dated 23 April 2008 and a completed Building Licence application has not been submitted to the Town.

CONSULTATION/ADVERTISING:

Not required.

LEGAL/POLICY:

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

The Town's Prosecution Policy No. 4.1.22 requires consideration to be given in taking prosecution action, instead of, or in addition to applying alternative enforcement actions, in circumstances including alleged failure to comply with a notice within a reasonable period of time.

STRATEGIC IMPLICATIONS:

This matter is in accordance with the Town's Strategic Plan 2006-2011 – Objective 4.1.2 *Manage the organisation in a responsible, efficient and accountable manner.*”

FINANCIAL BUDGET IMPLICATIONS:

The 2007/2008 Budget lists \$40,000 for Town Planning Administration - Legal Expenses. The costs associated with undertaking prosecution proceedings, including solicitors costs, are to be determined. If successful in the prosecution proceedings, the Town may be able to recover associated costs.

COMMENTS:

The Town has made every reasonable effort in achieving compliance with the SAT Order. However, the owner has not complied with the necessary requirements. In light of the above, it is recommended that the Chief Executive Officer be authorised to proceed with prosecution and legal proceedings.

10.2 TECHNICAL SERVICES

10.2.1 Tender for the Supply & Installation of Rubberised Playground Safety Surfaces – Tender No. 382/08

| | | | |
|------------------------------|----------------------------|--------------------|-------------|
| Ward: | Both | Date: | 3 June 2008 |
| Precinct: | All | File Ref: | TEN0392 |
| Attachments: | - | | |
| Reporting Officer(s): | J van den Bok | | |
| Checked/Endorsed by: | R Lotznicker; M Rootsey | Amended by: | |

OFFICER RECOMMENDATION:

That the Council ACCEPTS the tender submitted by Reclaim Industries in accordance with the specifications detailed in Tender No. 382/08.

PURPOSE OF REPORT:

The purpose of this report is to obtain the Council's approval for the tender evaluated as being the best value for money for the supply and installation of rubberised playground safety surfaces.

BACKGROUND:

Tenders for the supply and installation of rubberised playground safety surfaces for a three (3) year period closed at 2.00pm on 28 May 2008 and two (2) tenders were received.

The prices submitted are to be fixed for a three (3) year period. Beyond this, price adjustments for CPI and material increases/decreases may be negotiated.

DETAILS:

Details of all submissions received for Tender No. 382/08 are as follows.

| | Fall Height | Thickness | Reflex Recycled | Vibraflex Recycled |
|--------------------|--------------------|------------------|------------------------|---------------------------|
| Reclaim Industries | below 500mm | 15mm | \$59 | \$78 |
| | 500-1200mm | 35mm | \$87 | \$112 |
| | 1200-1600mm | 50mm | \$92 | \$119 |
| | 1600-2300mm | 75mm | \$122 | \$136 |
| | 2300-2500mm | 90mm | \$136 | \$150 |

Note: GST exclusive

| | Fall Height | Thickness | Coloured Shred | Pre coloured Granules | EPDM Granules |
|---------------|--------------------|------------------|-----------------------|------------------------------|----------------------|
| Retech Rubber | to 1450mm | 40mm | \$126 | \$126 | \$145 |
| | 1800mm | 50mm | \$135 | \$135 | \$154 |
| | 2000mm | 60mm | \$143 | \$143 | \$164 |
| | 2400mm | 70mm | \$152 | \$152 | \$173 |

Site preparation: \$20/sqm (includes rock dust, levelling, compaction). Site Security: Included

Note: GST not mentioned

Tender Evaluation

Selection Criteria

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

| CRITERIA | | WEIGHTING |
|---------------|---|-----------|
| 1 | Cost of materials and installation | 50% |
| 2 | Proven past performance | 20% |
| 3 | References | 15% |
| 4 | Sourced material from WA manufacturers or suppliers | 10% |
| 5 | Product warranty information | 5% |
| TOTAL: | | 100% |

Tender Evaluation Panel

The Tender Evaluation Panel consisted of the Director Technical Services, Rick Lotznicker, Director Corporate Services, Mike Rootsey, and Manager Parks Services, Jeremy van den Bok.

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

| Selection Criteria | % | Reclaim Industries | Retech Rubber |
|---------------------|------------|--------------------|---------------|
| Cost | 50 | 50 | 41.5 |
| Past Performance | 20 | 20 | 16 |
| References | 15 | 15 | 15 |
| Source of materials | 10 | 8 | 8 |
| Warranty | 5 | 2.5 | 2.5 |
| Total | 100 | 95.5 | 83 |
| Ranking | | 1 | 2 |

Reclaim Industries have held this contract with the Town for the past six (6) years and have provided an excellent service.

The product utilised in the majority of projects within the Town is the on site coloured granules referred to as “Reflex Recycled” by Reclaim Industries and “Coloured Shred” by ReTech Rubber.

In addition, the thickness of the rubber utilised in most projects undertaken by the Town is from 0 – 2300mm in fall height which equates to a rubber thickness of up to 75mm.

The prices submitted by Reclaim Industries are the lowest and present the best value for money for the Town.

Retech Rubber are a reputable company and have also provided this product to a number of local government municipalities and landscape contractors.

CONSULTATION/ADVERTISING:

The tender was advertised in accordance with the Local Government Act Tender Regulations and the Town's Tender Policy.

LEGAL/POLICY:

The tender was evaluated in accordance with the Local Government Act Tender Regulations and the Town's Tender Policy.

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of Strategic Plan 2005-2010 – 1.1.5 Enhance and maintain parks and community facilities. *“a) Ensure all Town services, playgrounds and facilities are universally accessible where practicable.”*

FINANCIAL/BUDGET IMPLICATIONS:

Costs associated with the supply and installation of rubberised playground safety surfaces are charged against the respective Playground upgrade program capital works accounts as/when required.

The value of this tender is approximately \$50,000 per annum.

COMMENTS:

It is therefore recommended that the Council accepts the tender submitted by Reclaim Industries for the supply and installation of rubberised playground safety surfaces in accordance with the specifications as detailed in Tender No. 382/08.

10.3 CORPORATE SERVICES

10.3.1 Investment Report as at 31 May 2008

| | | | |
|------------------------------|---------------------|--------------------|-------------|
| Ward: | Both | Date: | 3 June 2008 |
| Precinct: | All | File Ref: | FIN0033 |
| Attachments: | 001 | | |
| Reporting Officer(s): | B Wong | | |
| Checked/Endorsed by: | B C Tan | Amended by: | |

OFFICER RECOMMENDATION:

That the Council RECEIVES the Investment Report for the month ended 31 May 2008 as detailed in Appendix 10.3.1.

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of the level of funds available, the distribution of surplus funds in the short term money market and the interest earned to date.

BACKGROUND:

Interest from investments is a significant source of funds for the Town, where surplus funds are deposited in the short term money market for various terms. Details are attached in Appendix 10.3.1.

Council's Investment Portfolio is spread across several Financial Institutions in accordance with Policy Number 1.3.8.

DETAILS:

Total Investments for the period ended 31 May 2008 were \$12,782,320 compared with \$14,790,333 at 30 April 2008. At 31 May 2007, \$15,381,269 was invested.

Total accrued interest earned on Investments as at 31 May 2008:

| | Budget | Actual | % |
|-----------|---------|---------|--------|
| | \$ | \$ | |
| Municipal | 535,000 | 596,549 | 111.50 |
| Reserve | 547,600 | 579,588 | 105.84 |

COMMENT:

As the Town performs only a custodial role in respect of monies held in Trust Fund Investments these monies cannot be used for Council purposes, and are excluded from the Financial Statements.

The decrease in investments for the month of May is as a result of payments for capital projects.

10.3.2 Parks and Reserves Strategy/Recreational Needs Analysis - Recommendation

| | | | |
|------------------------------|-------------------------------------|--------------------|-------------|
| Ward: | Both | Date: | 29 May 2008 |
| Precinct: | All | File Ref: | |
| Attachments: | 001 | | |
| Reporting Officer(s): | J Anthony, J van den Bok, J Maclean | | |
| Checked/Endorsed by: | M Rootsey | Amended by: | |

OFFICER RECOMMENDATION:

That the Council;

- (i) **APPROVES** the recommendations of the Parks and Reserves Strategy/Recreational Needs Analysis and timeline for implementation; and
- (ii) **DEFERS** the recommendations that apply to Forrest Park until after the Council has made a decision on the Forrest Park project.

PURPOSE OF REPORT:

To present the Parks and Reserves Strategy/Recreational Needs Analysis Report to the Council with a timeline for implementation of recommended strategies.

BACKGROUND:

At the Ordinary meeting of Council on 13 May 2008, the following resolution was adopted;

"That the Council:

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

DETAILS:

The following are recommendation of the Parks and Reserves Strategy with attached comments and timelines for completion:

POLICY RECOMMENDATIONS

Recommendation No. 1

That based on the identified trends and current issues consideration be given to the development of a Recreational Policy which clearly states the Council's position in its provision of sport and recreation facilities and services.

Officer's Comments:

The Town is currently developing a Physical Activity Plan for the next five years. It is recommended that the Recreational Policy be aligned to the plan which will be developed on consultative processes with the community and agencies in the Town of Vincent.

Proposed Completion Date

February 2009

Responsible Sections:

Community Development and Parks Services

Recommendation No. 2

That the proposed Seasonal Changeover Policy be adopted.

Officer's Comments:

This has been partly implemented currently with a two week seasonal changeover period. The policy will be reviewed and be formalised as part of the Recreational Policy.

Proposed Completion Date

February 2009

Responsible Section:

Parks Services

Recommendation No. 3

That the Reserves Classification listing be adopted and delegated authority be given to Council employees for the allocation of sporting uses on Major Active Reserves for weekdays between 4pm and 8.30pm and daylight hours during the weekends.

Officer's Comments:

Current practice and procedures reflect the recommendation and will continue.

Proposed Completion Date

Currently in place

Responsible Section:

Parks Services

Recommendation No. 4

That all sporting clubs be requested to provide updated participation numbers within three weeks of the commencement of their respective season.

Officer's Comments:

A letter will be sent to sporting clubs to provide updated participation numbers as recommended. This will be incorporated as part of bookings procedures.

Proposed Completion Date

August 2008

Responsible Section:

Parks Services

Recommendation No. 5

That all reserves be assessed in conjunction with the sporting group to determine the maximum playing surfaces/playing numbers to allow for improved surface quality and reserve management.

Officer's Comments:

This practice is currently in progress and is undertaken at the beginning and end of each season.

Proposed Completion Date

In progress – reviewed annually

Responsible Section:

Parks Services

Recommendation No. 6

That an annual on-site meeting be incorporated into the booking process and the Draft Reserve Utilisation Checklist be used as the template for all meetings.

Officer's Comments:

This recommendation will be implemented prior to the commencement of the Summer Season for 2008. The Bookings Officer and Senior Community Development Officer will meet with reserve users and work through the checklist as a template.

Proposed Completion Date

August 2008

Responsible Section:

Community Development and Parks Services

Recommendation No. 7

That officers update information contained within the Draft Reserve Utilisation Checklist on an annual basis to ensure its currency with requirements and standards.

Officer's Comments:

This will be incorporated into the bookings procedures.

Proposed Completion Date

June 2008

Responsible Section:

Parks Services

Recommendation No. 8

That an end of season exit interview be conducted with seasonal users to address any issues that either the user or the council has experienced during the season and determine actions to alleviate a reoccurrence of the issue.

Officer's Comments:

This will be incorporated into the bookings procedures for the end of each season.

Proposed Completion Date

Commence for Summer Season 2008

Responsible Section:

Parks Services

Recommendation No. 9

That the Draft Maintenance Responsibilities Standards Paper be endorsed and included with any management agreement to ensure all parties are aware of their responsibilities.

Officer's Comments:

Some minor amendments have been made to the document in line with current lease agreements, however this is to be included in any future management/lease agreements.

Proposed Completion Date

Currently in place and to be applied to future agreements as they arise.

Responsible Section:

Parks Services

Recommendation No. 10

That consideration be given to the development of a Fees and Charges Policy which clearly states the Council's position in its provisions of Sport and Recreation facilities and services and specifically addresses the following:

- *Depreciation requirements*
 - *Maintenance costs and responsibilities*
 - *Desired cost recovers*
 - *Utilisation*
 - *Capacity to pay*
-

Officer's Comments:

A working group will be established to investigate this issue and will report back to Council in February 2009.

Proposed Completion Date

February 2009

Responsible Section:

Community Development and Parks Services

Recommendation No. 11

That the Town retains all booking rights to any floodlights located on Major Active Reserves and an appropriate fee be determined to allow for more of the community to access lights for activities.

Officer's Comments:

The Town currently maintains booking rights to floodlights that it owns on the reserves. There are also additional recreational lights installed on various reserves for community unstructured activities.

Proposed Completion Date

Currently in practice

Responsible Section:

Parks Services

FACILITIES

Recommendation No. 12

That in recognition of the changing nature of participation, the Town as a priority supports the placement of additional facilities for unstructured sport and recreation such as outdoor gym equipment.

Officer's Comments:

This is currently in progress and additional locations are to be reviewed as part of the Physical Activity Planning process.

Proposed Completion Date

February 2009

Responsible Section:

Community Development and Parks Services

Recommendation No. 13

That the placement of this equipment be focused on four key areas throughout the Town to allow for ease of access for the Town's population.

Officer's Comments:

In progress and locations to be reviewed as part of the Physical Activity Planning process.

Proposed Completion Date

February 2009

Responsible Section:

Community Development and Parks Services

Recommendation No. 14

That the Town consider lighting four key reserves on a permanent basis to 9pm to allow for after work activity on an unstructured basis. The advent of daylight saving during the summer months for the next three years will alleviate the need to turn the lights on from October to March but lighting should be considered from April to October.

Officer's Comments:

Completed

Proposed Completion Date

N/A

Responsible Section:

Parks Services

Recommendation No. 15

That the four reserves recommended as trial reserves (subject to changes in floodlight policy) are:

- *Forrest Park;*
- *Les Lilleyman Reserve;*
- *Britannia Reserve; and*
- *Charles Veryard Reserve.*

Officer's Comments:

Currently the following reserves have recreational lighting:

- Forrest Park;
- Les Lilleyman Reserve;
- Britannia Road Reserve;
- Woodville Reserve;
- Loton Park; and
- Birdwood Square.

Proposed Completion Date

Completed

Responsible Section:

Parks Services

Recommendation No. 16

That in support of the Council decision of 6 December 2005 (Item 10.3.6) the Town investigate and trial a total off-leash reserve for dog exercise.

Officer's Comments:

The recommended reserve is Birdwood Square which has fencing and ideal for off-leash use. This reserve also has the least number of bookings thereby minimising impact on users.

Proposed Completion Date

Trial proposed for January to June 2009.

Responsible Section:

Rangers and Community Safety Services

Recommendation No. 17

- *That a feasibility study be conducted to address all options and costings to either renovate or redevelop the Forrest Park Clubrooms and Change Rooms.*

Officer's Comments:

The redevelopment concept plans are currently being assessed and awaiting a Council decision and a Special Meeting of Electors.

Proposed Completion Date

December 2008

Responsible Section:

CEO and Directors

Recommendation No. 18

That an assessment of the necessary remedial works be undertaken to the Birdwood Square to improve the quality of the playing surface to allow for sporting use.

Officer's Comments:

Partially completed - further works are listed and allocated on 2008/09 Budget

Proposed Completion Date

October 2008

Responsible Section:

Parks Services

Recommendation No. 19

That Birdwood Square be reconsidered as a dog exercise area.

Officer's Comments:

This requires a local law amendment to be enforced. Statutory processes need to be undertaken including a community consultation process of six weeks.

Proposed Completion Date

December 2008

Responsible Section:

Ranger and Community Safety Services

Recommendation No. 20

That a feasibility study be conducted to address all options and costings prior to either renovate or redevelop the Britannia Reserve Clubrooms and Change Rooms.

Officer's Comments:

Tenders have been received for the upgrade of the facility. The scope of works was agreed with all stakeholders.

Proposed Completion Date

To be advised

Responsible Section:

Technical Services and Corporate Services

Forrest Park

The Council decision on 13 May 2008 requested that this report address the issues associated with Forrest Park. Since the meeting, the Town has received a request for a Special Meeting of Electors concerning Forrest Park. The Town has agreed not to make any decisions on Forrest Park until this meeting and the subsequent Council decision on the matter. It is therefore considered premature to address matters that relate to Forrest Park until these meetings are held.

CONSULTATION/ADVERTISING

Nil.

LEGAL/POLICY

The following policies are impacted by this report:

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

STRATEGIC IMPLICATIONS:

Strategic Plan 2006-2011 – Key Result Area

- 1.1.5 Enhance and maintain parks and community facilities
 - (a) *Complete a Recreational Needs Analysis and implement recommendations.*

FINANCIAL/BUDGET IMPLICATIONS

An amount of \$20,000 is included in the 2007/2008 budget for the implementation of recommendations of this study. The funds will be carried forward to the 2008/2009 financial year in lieu of the timeline for the implementation of recommendations.

COMMENT:

The Parks and Reserves Strategy/Recreational Needs Analysis provides a comprehensive insight into the current and future demands on our reserves and parks and the recreational requirements of the Town.

The recommendations in the report should be adopted and implemented.

10.3.3 Tender No. 380/08 – Upgrade of Britannia Reserve Clubrooms

| | | | |
|------------------------------|------------------------|--------------------|-------------|
| Ward: | North | Date: | 3 June 2008 |
| Precinct: | Leederville | File Ref: | TEN 0390 |
| Attachments: | - | | |
| Reporting Officer(s): | M. Rootsey, A. Neilson | | |
| Checked/Endorsed by: | M Rootsey | Amended by: | |

OFFICER RECOMMENDATION:

That the Council:

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

PURPOSE OF REPORT:

The purpose of the report is to inform the Council of the outcome of the tender for the upgrade of the Britannia Reserve Clubrooms

BACKGROUND:

The tender for the upgrade of the Britannia Reserve Clubrooms was advertised on the 12 April 2008 and the tender closed on the 14 May 2008.

Present at the tender opening were Gee Wong, Financial Services A/Purchasing Officer and Andy Neilson, Coordinator Major Projects.

Two members of the public were also in attendance at the tender opening.

DETAILS:

Six tenders were received from the following tenderers:

- Classic Construction \$742,628.00
- Resolve FM \$674,150.81
- SG Building \$651,690.00
- ZD Construction \$630,598.00
- CPD Group \$598,000.00
- Dalcon Construction \$587,468.42

Tender Evaluation

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

Tender Evaluation Panel

The tender evaluation panel consisted of the Director Corporate Services, Coordinator Major Projects and Manager Parks Services.

Tender Summary

1. Resolve FM:

| Criteria | | Weighted Score |
|-----------------|---|-----------------------|
| 1. | Financial Offer/Fee Proposal | 37.5 |
| 2. | History and Viability of Company | 6 |
| 3. | Relevant Experience and Expertise of Project Team | 3 |
| 4. | Methodology, Key Issue and Risk | 3 |
| 5. | Financial Capacity and Evidence of Stability and Experience | 4 |
| | | 53.4 |

2. CPD Group:

| Criteria | | Weighted Score |
|-----------------|---|-----------------------|
| 1. | Financial Offer/Fee Proposal | 48.75 |
| 2. | History and Viability of Company | 8 |
| 3. | Relevant Experience and Expertise of Project Team | 5 |
| 4. | Methodology, Key Issue and Risk | 4 |
| 5. | Financial Capacity and Evidence of Stability and Experience | 4 |
| | | 69.75% |

3. SG Building:

| Criteria | | Weighted Score |
|-----------------|---|-----------------------|
| 1. | Financial Offer/Fee Proposal | 41.25 |
| 2. | History and Viability of Company | 3 |
| 3. | Relevant Experience and Expertise of Project Team | 3 |
| 4. | Methodology, Key Issue and Risk | 3 |
| 5. | Financial Capacity and Evidence of Stability and Experience | 3 |
| | | 53.25 |

4. ZD Construction:

| Criteria | | Weighted Score |
|-----------------|---|-----------------------|
| 1. | Financial Offer/Fee Proposal | 45 |
| 2. | History and Viability of Company | 9 |
| 3. | Relevant Experience and Expertise of Project Team | 4 |
| 4. | Methodology, Key Issue and Risk | 4 |
| 5. | Financial Capacity and Evidence of Stability and Experience | 4 |
| | | 66 |

5. Classic Construction:

| Criteria | | Weighted Score |
|-----------------|---|-----------------------|
| 1. | Financial Offer/Fee Proposal | 33.75 |
| 2. | History and Viability of Company | 6 |
| 3. | Relevant Experience and Expertise of Project Team | 3 |
| 4. | Methodology, Key Issue and Risk | 3 |
| 5. | Financial Capacity and Evidence of Stability and Experience | 3 |
| | | 48.75 |

6. Dalcon Construction:

| Criteria | | Weighted Score |
|-----------------|---|-----------------------|
| 1. | Financial Offer/Fee Proposal | 52.50 |
| 2. | History and Viability of Company | 7 |
| 3. | Relevant Experience and Expertise of Project Team | 4 |
| 4. | Methodology, Key Issue and Risk | 3 |
| 5. | Financial Capacity and Evidence of Stability and Experience | 3 |
| | | 69.5 |

CONSULTATION/ADVERTISING

Advertised in accordance with the Tender regulations.

LEGAL/POLICY

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

STRATEGIC IMPLICATIONS:

Strategic Plan – 2006-2011 – 1.16.

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

FINANCIAL/BUDGET IMPLICATIONS

The amount of \$250,000 is listed on the 2007/08 Budget, this amount will be carried forward to the 2008/09 Budget.

COMMENT:

The tenderers submitted, far exceed the funds available in the budget, and it is therefore recommended that no tenders be accepted and that further options be investigated.

10.4 CHIEF EXECUTIVE OFFICER

10.4.1 Use of the Council's Common Seal

| | | | |
|------------------------------|-------------|--------------------|-------------|
| Ward: | - | Date: | 4 June 2008 |
| Precinct: | - | File Ref: | ADM0042 |
| Attachments: | - | | |
| Reporting Officer(s): | M McKahey | | |
| Checked/Endorsed by: | John Giorgi | Amended by: | - |

OFFICER RECOMMENDATION:

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

BACKGROUND:

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

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

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

| Date | Document | No of copies | Details |
|-------------|----------------------|---------------------|---|
| 6/05/08 | Contract Documents | 2 | Town of Vincent and Leederville Gardens Retirement Estate of 37 Britannia Road, Leederville and Mr J Chandler re: Unit 19, Leederville Gardens |
| 14/05/08 | Withdrawal of Caveat | 1 | Town of Vincent and Downings Legal, Level 11, 2 Mill Street, Perth 6000 re: Nos 81-85 (Lots 70 and 71) Walcott Street, Mount Lawley - to satisfy Points 1 and 2 as follows; <ol style="list-style-type: none"> 1. <i>the caveat being withdrawn was enforcing an obligation to amalgamate various lots. By WAPC approval 131037, the owners have substantially amalgamated those lots to the satisfaction of the Town; and</i> 2. <i>a Section 129BA Restrictive Covenant (in triplicate) required by Condition 8 of WAPC Approval 131037 by which development is prohibited within 0.5 metres of an adjoining right of way)</i> |
| 14/05/08 | Restrictive Covenant | 3 | Town of Vincent and P Zuppar of 87 Hastings Street, Scarborough, A J and D F Burns of 48 Farmer Street, North Perth, Hawkesdale Nominees Pty Ltd of 6 Acer Glen Duncraig, R G and S I Campbell Nominees Pty Ltd of PO Box 8110, Angelo Street, South Perth, R and M Smith of 34 Somerton Road, Karrinyup, Hepera Pty Ltd of 17 Blake Street, North Perth, Sounar Pty Ltd of 25 Franklin Street, Leederville, Top Nominees Pty Ltd of PO Box 475, West Perth and Cloud Holdings Pty of PO Box 345, Cottesloe re: Nos 81-85 (Lots 70 and 71) Walcott Street, Mount Lawley |

| | | | |
|----------|------------------------------|---|--|
| 14/05/08 | Deed of Licence | 1 | Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Spotless Services Ltd of Gate 7, Subiaco Oval, Subiaco Road, Subiaco WA 6008 re: Western Power Meeting - 15 May 2008 (Gareth Naven Room) |
| 14/05/08 | Deed of Licence | 1 | Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Spotless Services Ltd of Gate 7, Subiaco Oval, Subiaco Road, Subiaco WA 6008 re: Australia Post Meeting - 16 May 2008 (Gareth Naven Room) |
| 15/05/08 | Restrictive Covenant | 2 | Town of Vincent and Trang Thu Thi Ha and Ngoc Van Nguyen of 38 Waltham Way, Morley re: No. 164 (Lot: 81 D/P: 1106 and Lot: 310 D/P: 29908) Lincoln Street, Highgate - To satisfy WAPC Conditional Approval dated 8 January 2008 - Condition 3: <i>"No new development shall occur within 0.99 metre of the right-of-way abutting the northern boundary of the lot to accommodate widening of the right-of-way should it be required in the future."</i> |
| 26/05/08 | Deed of Restrictive Covenant | 3 | Town of Vincent and M P Cornes and F E Spencer of 35 Burt Street, Mount Lawley 6050 re: No. 35 (Lot 2) Burt Street, Mount Lawley - <i>To satisfy Condition (iv) of the conditional Planning Approval granted by the Council at its Ordinary Meeting held on 28 March 2006</i> |
| 29/05/08 | Deed of Licence | 1 | Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Spotless Services Ltd of Gate 7, Subiaco Oval, Subiaco Road, Subiaco WA 6008 re: Western Power Meeting - 29 May 2008 (Gareth Naven Room) |
| 29/05/08 | Deed of Licence | 1 | Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Spotless Services Ltd of Gate 7, Subiaco Oval, Subiaco Road, Subiaco WA 6008 re: Women's Health Services Workshop - 4 June 2008 (Members Equity Bank Lounge) |
| 3/06/08 | Transfer of Land | 1 | Town of Vincent and Austbrokers Holdings Ltd (formerly known as The Intercolonial Investment Land and Building Company Ltd) of Level 21/111 Pacific Highway, North Sydney re: A right of carriageway appurtenant to Lots on Deposited Plan 2816, pursuant to Section 1657A of the Transfer of Land Act 1893 (<i>Remaining Right of Ways comprised in Certificate of Title Volume 374 Folio 96 (off Green Street and Woodstock Street, Mount Hawthorn)</i>) |
| 3/06/08 | Transfer of Land | 1 | Town of Vincent and Austbrokers Holdings Ltd (formerly known as The Intercolonial Investment Land and Building Company Ltd) of Level 21/111 Pacific Highway, North Sydney re: A right of carriageway appurtenant to Lots 28 and 29 on Deposited Plan 1436, pursuant to Section 1657A of the Transfer of Land Act 1893 (<i>Right of Way comprised in Certificate of Title Volume 386 Folio 15 (off Oxford Street)</i>) |
| 3/06/08 | Deed of Release | 3 | Town of Vincent and Perpetual Trustees WA Ltd of Angel Place, 123 Pitt Street, Sydney NSW 2000 and Ms K Nichols of 6 Aitken Place, Ocean Reef, WA 6027 (<i>This is a privately owned Right of Way (ROW). There was a dispute between the ROW trustees (Perpetual Trustees WA Ltd) and an adjoining property owner (Ms K Nichols) regarding damage caused to the property by a tree in the ROW. This matter was resolved and the Town will now purchase the privately owned ROW from Perpetual Trustees WA Ltd</i>) |

10.4.2 Loftus Centre Redevelopment, 99 Loftus Street, Leederville - Progress Report No. 27

| | | | |
|------------------------------|---------------------|--------------------|-------------|
| Ward: | South | Date: | 4 June 2008 |
| Precinct: | Oxford Centre; P4 | File Ref: | RES0061 |
| Attachments: | 001 | | |
| Reporting Officer(s): | John Giorgi | | |
| Checked/Endorsed by: | - | Amended by: | - |

OFFICER RECOMMENDATION:

That the Council RECEIVES the Progress Report No. 27 as at 4 June 2008, relating to the Loftus Centre Redevelopment, 99 Loftus Street, Leederville.

PURPOSE OF THE REPORT:

The purpose of the report is to update the Council on the progress of the Loftus Centre Redevelopment, 99 Loftus Street, Leederville, as at 4 June 2008.

BACKGROUND:

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

PROGRESS OF WORKS

Documentation

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

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

2. Gymnastics WA- Lease

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

3. Loftus Community Centre Lease

On 23 April 2008, a lease was provided to the Loftus Centre Community Centre. This is still awaiting signing by the Community Centre.

Landgate has requested the Town to review the Leederville Oval Reserve cadastral layout and provide comment. This is being carried out and meetings are still being held. Revised plans have been prepared for the approval of Landgate.

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

Program and Progress

Regular site meetings between the Builder, Consultants, Architect and Town are still being held. In addition, site inspections are carried out on a weekly basis and as required. Contact with the Site Supervisor, Architect and Consultants is occurring on a daily basis. The Builder has verbally advised that they anticipate all works to be completed by mid-June 2008.

Construction - (See Photographs attached)

Earthworks and Landscaping

The earthworks and landscaping are completed.

Underground Car Park

The underground car park has been completed.

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

Loftus Car Park

The Town's Technical Services will complete the remaining works in mid-June to mid-July 2008. This will involve;

1. removing excess soil from the south western portion of the car park;
2. tree planting;
3. installing new lights; and
4. linemarking.

Medibank Stadium (Leederville Oval) Public Open Space

Works commenced in early October 2007 and are now 98% completed. (See photographs.)
The main path is completed.

Landscaping is 98% completed, except for mulching and erection of path light poles.

External Soccer Pitch

The outdoor pitch has been completed and is being used.

Netting above the perimeter fencing is yet to be installed. (Quotes are currently being finalised.)

Library and Local History Centre

All works were completed and the Town took possession at 3pm on Friday 15 February 2008. The "snag list" of minor items requiring attention is being progressively completed. External signage has been erected. (East elevation signage to be changed, as it is too low.)

LOFTUS COMMUNITY CENTRE

All works completed.

RECREATION CENTRE

New Gymnasium (Located in former Library)

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

Reception Upgrade

Reception area has been upgraded and made larger. Foyer light fittings have been replaced where necessary. Carpets to be installed in mid June 2008.

Toilet Upgrade / Universal Access Toilet

New tiling was necessary, due to the very poor condition of existing sub-floor. All works completed, except painting, installing toilet fittings and universal signage.

Kiosk Upgrade

A major upgrade has been commenced. New counters and benches, together with associated equipment will be installed. Café works are well advanced and due for completion in mid-June 2008.

New Fitness Room (Former Upper Level Gym)

New floor covering provided. All works completed. Ready for use from 6 June 2008.

Main Sports Hall - Handover to Town occurred on 12 May 2008

All works completed.

Additional Works

1. Carpets - quotes obtained - due for installation in early June 2008.
2. Internal Painting - colour scheme being prepared - due June 2008.
3. Spinning (cycling) Room - new vinyl laid - works completed.
4. Indoor Soccer Court - repairs to wall cladding - quotations currently being obtained.
5. Public Address System - Upgrade - works completed.

STATE GYMNASTICS CENTRE (STAGE 2 WORKS)

Offices

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

Rhythmic Gymnastics Hall

All works have been completed.

Exhibition / Performance Hall - Completed

Gymnastics WA have relocated equipment from Len Fletcher Pavilion over the long weekend of May/June.

LOFTUS CENTRE

1. Refuse Receptacle enclosure - location determined - work to be carried out in June 2008 by Town's Technical Services.
2. Street Signage - design currently being prepared.
3. External Painting of existing Centre - colour schedule prepared and quote obtained.
4. External signage to the Loftus Centre is yet to be installed.

Opening Ceremonies / "Open Days"

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

Matters still to be addressed

Options to minimise the Operating Deficit

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

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

Comment:

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

ADVERTISING/COMMUNITY CONSULTATION:

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

LEGAL/POLICY IMPLICATIONS:

N/A.

STRATEGIC IMPLICATIONS:

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

FINANCIAL/BUDGET IMPLICATIONS:

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

Builder Progress Claim Payments

| Progress Payment Number | Date Received | Amount Requested (excl GST) | Amount Paid (excl GST) | Date Paid |
|--------------------------------|----------------------|--|-----------------------------------|------------------|
| No. 1 | 17/04/07 | \$247,568.00 | \$247,568.00 | 26/04/07 |
| No. 2 | 16/05/07 | \$979,312.00 | \$979,312.00 | 22/05/07 |
| No. 3 | 18/06/07 | \$1,158,441.86 | \$1,158,441.86 | 25/06/07 |
| No. 4 | 12/07/07 | \$1,072,606.68 | \$1,072,606.68 | 18/07/07 |
| No. 5 | 10/08/07 | \$1,145,259.15 | \$1,145,259.15 | 20/08/07 |
| No. 6 | 17/09/07 | \$1,080,029.70 | \$1,080,029.70 | 25/09/07 |
| No. 7 | 30/09/07 | \$1,345,370.12 | \$1,345,370.12 | 10/10/07 |
| No. 8 | 14/11/07 | \$1,042,313.27 | \$1,042,313.27 | 28/11/07 |
| No. 9 | 20/12/07 | \$1,173,472.88 | \$1,173,472.88 | 30/12/07 |
| No. 10 | 17/01/08 | \$848,772.81 | \$848,772.81 | 22/01/08 |
| No. 11 | 15/02/08 | \$607,033.21 | \$607,033.21 | 20/02/08 |
| No. 12 | 19/03/08 | \$532,401.63 | \$532,401.63 | 25/03/08 |
| No. 13 | 15/04/08 | \$533,949.78 | \$533,949.78 | 30/04/08 |
| No. 14 | 15/05/08 | \$406,197.84 | \$406,197.84 | 28/05/08 |

Total Paid **\$12,172,728.93**

Cost Variations/Additional Scope of Works

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

COMMENTS:

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

A final progress report will be provided to the Council in July 2008.

10.4.3 Town of Vincent Policies - Review of

| | | | |
|------------------------------|---------------------------|--------------------|-------------|
| Ward: | - | Date: | 4 June 2008 |
| Precinct: | - | File Ref: | ORG0023 |
| Attachments: | 001 | | |
| Reporting Officer(s): | R Lotznicker, John Giorgi | | |
| Checked/Endorsed by: | - | Amended by: | - |

OFFICER RECOMMENDATION:

That the Council APPROVES of the following;

- (i) *Policies to be AMENDED as shown in Appendix 10.4.3;*
 - (a) *2.2.6 – Street Parties*
 - (b) *4.1.16 – Vehicle Management*
- (ii) *Policy to be RESCINDED;*
 - (a) *1.2.8 – Selective Purchasing – Burma*
- (iii) *NEW Policy to be adopted;*
 - (a) *4.1.31 – Council Dealings with Oppressive Governments*
- (iv) *AUTHORISES the Chief Executive Officer to:*
 - (a) *advertise the new policy in clause (iii) above for a period of 21 days seeking public comment;*
 - (b) *report back to the Council with any public submissions received; and*
 - (c) *include the amended policies in the Town’s Policy Manual if no public submissions are received.*

PURPOSE OF REPORT:

To obtain the Council’s approval to amend, delete and/or re-adopt Council policies which are reviewed every 5 years.

BACKGROUND:

The Council's Policy Manual contains various policies which provide guidance to the Town's Administration for day to day management issues and also to Council Members to assist in decision making.

The policies are amended from time to time as the need arises. It is "best practice" to review policies at a regular interval and the Town undertakes this every five years. The Town's Administration has commenced the process and has provided the comments as outlined in this report.

The words “Elected Member” and “Executive Manager” have been changed to “Council Member” and “Director”, to reflect the correct titles. The words “staff” or “officer” have been replaced with “employee”.

The word “Council” has been replaced with “Town” where necessary, to reflect the correct entity. These do not affect the intent of the Policies.

The following policies are recommended to be **amended**:

- (i) No. 2.2.7 – Street Parties

CEO's Comment

In 1999 the Council adopted Policy 2.2.13 "Street Parties" (subsequently renumbered), which was due to be reviewed in December 2004. At the time, officers carried out some research through WALGA regarding what policies other Local Governments had in place. At the time WALGA advised that they were conducting an inquiry into the responsibility of Local Governments with regard to Street Parties, in particular, the issue of traffic management plans, who is responsible, etc.

Since 2004, the Town's Officers have been liaising with WALGA regarding the review of Policy 2.2.13, "Street Parties", however, to date no clear position has been developed by the association (due mainly to staff changes and internal staffing issues).

Until WALGA has completed their inquiry and have developed a position, it is considered that the Town's existing policy should be amended as shown by underlining and strikethrough.

New clauses 14 and 15 have been inserted to require the use of accredited Traffic Managers/Company.

A further report will be presented to the Council when WALGA have provided their findings.

- (ii) No. 4.1.16 – Vehicle Management Policy

CEO's Comment

The current Policy No. 4.1.16 – "Council Vehicles" has been extensively reviewed and substantially redrafted and redesignated "Vehicle Management Policy". The new policy is closely based on other local government policies and the WA Government Fleet Policy. The amended policy reflects the Town's current procedures, current Contract of Employment conditions and provides new objectives as follows:

- (i) *provide guidance for the management of the Town of Vincent's ("Town") vehicles;*
- (ii) *ensure the Town's transport requirements associated with the Town's business operations are met;*
- (iii) *provide guidance for the acquisition and disposal of the vehicles to maximise the Town's asset;*
- (iv) *ensure that vehicles are allocated and used by the Town's employees, as part of an employees overall salary package;*
- (v) *prescribe requirements and conditions for the driver of a Town vehicle;*
- (vi) *promote an environment which;*
 - *reduces fleet costs;*
 - *satisfies operational requirements;*
 - *optimises the use of a vehicle through car sharing/pooling;*
 - *gives consideration to the environmental sustainability impact of vehicle use.*

This policy is very comprehensive and will be issued to all Town employees who use a Town Vehicle. It is mainly an internal document used by the Town's administration. Accordingly, it is recommended that it not be advertised for public comment.

The following policies are recommended to be **rescinded**:

- (i) no. 1.2.8 – Selective Purchasing – Burma

CEO's Comment

At the Ordinary Meeting of Council held on 22 April 2008. The Council considered this policy and resolved to defer the matter to seek further information from the Federal Member for Perth/Minister for Foreign Affairs Stephen Smith and Local Member for Perth John Hyde. A letter has been received on 29 May 2008 from the Member for Foreign Affairs as follows:

Thank you for your letter dated 24 April 2008 about the "Selective Purchasing – Burma" policy currently being reviewed by the Town of Vincent.

The Australian Government is deeply concerned by the political, economic and humanitarian situation in Burma, and I appreciate the interest of the Town of Vincent in this issue.

As you would be aware, Cyclone Nargis hit Burma on 2-3 May causing massive loss of life and devastation in Rangoon and Ayeyarwady Divisions. The Australian Government remains deeply concerned at ever increasing estimates of the number of Burmese people who have been severely affected by the cyclone. Access into Burma for aid workers and supplies remains the greatest challenge. The Government is pressing the Burmese regime to allow international humanitarian assistance into the affected areas, and is providing \$25 million in humanitarian assistance to the people of Burma, which puts us among the most responsive of donors.

The Government is also deeply concerned about the constitutional referendum held in Burma on 10 and 24 May. Regrettably, it seems the constitution put before the Burmese people was fundamentally flawed, and drafted with the aim of perpetuating the military's position in Burma. The Government's view is that this process has not been transparent and has not provided for the participation of the regime's opponents or Burma's ethnic minorities. Australia has consistently called for the full and free participation of all political players in Burma in a political reform process supported by the international community.

The Government has made Burma a priority in its dealings with the international community. The Prime Minister, the Hon Mr Kevin Rudd, and I raised Australia's concerns about Burma with the United Nations Secretary-General, Ban Ki-moon, when we met in Bali in December 2007. At the Secretary-General's invitation, Australia joined his Group of Friends on Burma, which has now met on several occasions. Australia's participation in this group reflects the priority the Government places on working through the United Nations. I have also made Burma a focus in my meetings to date with Australia's key bilateral partners, including China and India.

Your letter requests details of restrictive policies the Government maintains against countries with repressive regimes. On a bilateral level, the Government maintains firm pressure on the Burmese regime through targeted financial sanctions and travel restrictions against senior regime figures, including their associates and supporters, and a ban on all defence exports to Burma. The financial sanctions have the effect of restricting certain financial transfers involving the 418 individuals on the Burma sanctions list. Details of these policies are available on the Department of Foreign Affairs and Trade website at www.dfat.gov.au/un/unsc_sanctions/burma.html

The Town of Vincent is correct in its belief that policies on matters of international trade are the responsibility of the Commonwealth Government. Under international law, the Commonwealth must also take reasonable steps to ensure that other levels of government in Australia comply with our international trade obligations, and is responsible for measures taken by other levels of government which affect international trade.

On the issue of restrictive trade measures against Burma, Australian Government policy is that trade sanctions by Australia would not be an effective tool in relation to Burma. Australia's trade with Burma is very small, and Australian investment in Burma is also very limited. Australia's range of measures in relation to Burma is carefully targeted to place pressure on the regime, while not harming the Burmese people. The Government assesses that prohibiting Australia's limited trade would have negligible practical impact on the regime itself. There is no government register for companies conducting business with Burma.

I appreciate the intention of the Town of Vincent to express support for the people of Burma and I urge you to continue to uphold principles of human rights and justice in your municipal dealings. The issues you raise in your letter are complex, and you may wish also to seek independent legal advice on the "Selective Purchasing – Burma" policy.

Thank you for bringing your concerns to my attention and I trust this information has been of assistance.

[Bold font added].

The Town's enquiries reveal that there are more than 70 countries ruled by dictators who exercise arbitrary authority over their citizens and who cannot be removed from power through legal means. These countries include: the Sudan, Ethiopia, Cuba, Swaziland, North Korea, Burma/Myanmar, China, Saudi Arabia, Libya, Pakistan, Turkmenistan, Zimbabwe, Equatorial Guinea, Iran, Uzbekistan, Belarus, Egypt, Russia Syria, Eritrea, Laos, Chad, Fiji and Cameroon.

The Town strongly opposes and continues to strongly oppose military dictatorships/oppressive government and fully supports freedom, justice and rights for all humanity.

In view of the Minister for Foreign Affairs advice, it is recommended that the current Policy No. 1.2.8 – "Selective Purchasing – Burma" be rescinded. However, to reflect the Council's opposition to dealings with oppressive governments and directorships, it is recommended that a NEW Policy "No. 4.1.31 – *Council Dealings with Oppressive Government*" be adopted.

Whilst it is his acknowledged that this proposed policy is predominantly symbolic in nature, it does send a message to reflect the Council's position.

No response has been received from John Hyde, Local Member for Perth.

CONSULTATION/ADVERTISING:

The Council has a policy of advertising for a period of 21 days seeking comments from the public. However, as the proposed policy changes are relatively minor or of an administrative nature, it is recommended that this not be carried out, in this instance. This will provide costs savings to the Council.

LEGAL/POLICY:

Policies are not legally enforceable, however they provide guidance to the Town's Administration and Council Members when considering various matters.

STRATEGIC IMPLICATIONS:

This matter is in keeping with the Strategic Plan 2006-2011 – Key Result Area –

Leadership, Governance and Management

4.1.2 – Manage the Organisation in a responsible, efficient and accountable manner.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The Town's Policies are reviewed every five years. These will reflect the Council's position and also any legislative changes and community attitude changes which have occurred over the previous five years.

10.4.4 Information Bulletin

| | | | |
|------------------------------|---------------------|--------------------|-------------|
| Ward: | - | Date: | 3 June 2008 |
| Precinct: | - | File Ref: | - |
| Attachments: | 001 | | |
| Reporting Officer(s): | A Radici | | |
| Checked/Endorsed by: | John Giorgi | Amended by: | - |

OFFICER RECOMMENDATION:

That the Information Bulletin dated 10 June 2008, as distributed with the Agenda, be received.

DETAILS:

The items included in the Information Bulletin dated 10 June 2008 are as follows:

| ITEM | DESCRIPTION |
|-------------|---|
| IB01 | Joint letter from Western Australian Local Government Association (WALGA) CEO, Ricky Burgess, CEO/State Library of WA (SLWA), Margaret Allen and CEO/Local Government Managers Australia (LGMA), Stephen Cole regarding Public Library Stock takes and a new Framework Agreement. |
| IB02 | Photocopy of a card of appreciation received by the Town from Mr Rodney O'Brien for the Northbridge History Studies Day held on Sunday, 18 May 2008. |
| IB03 | Letter of Appreciation from ConnectGroups regarding second and final stage of Project Makeover held on 2 May 2008 |
| IB04 | Letter of Appreciation from Western Australia Police regarding re-launch of Backpack Safe held on 20 May 2008 |
| IB05 | Register of Petitions – Progress Report – June 2008 |
| IB06 | Register of Notices of Motion – Progress Report - June 2008 |
| IB07 | Register of Reports to be Actioned – Progress Report – June 2008 |
| IB08 | Register of Legal Action - Progress Report - June 2008 |
| IB09 | Register of State Administrative Tribunal Appeals - Progress Report - June 2008 |
| IB10 | Notice of Forum – 17 June 2008 |

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

12. REPRESENTATION ON STATUTORY AUTHORITIES AND PUBLIC BODIES

12.1 WALGA Nomination – Working Group - Review of Legislation and Administration of Clearing of Native Vegetation

| | | | |
|------------------------------|---------------------|--------------------|-------------|
| Ward: | - | Date: | 26 May 2008 |
| Precinct: | - | File Ref: | ORG0045 |
| Attachments: | 001 | | |
| Reporting Officer(s): | M McKahey | | |
| Checked/Endorsed by: | John Giorgi | Amended by: | - |

OFFICER RECOMMENDATION:

That _____ be nominated as WALGA Member - Working Group - Review of Legislation and Administration of Clearing of Native Vegetation (Officer Level).

BACKGROUND:

The Minister for the Environment, at the behest of the Western Australian Local Government Association (WALGA), has established a Working Group for the review of legislation and administration of clearing of native vegetation.

The objective of the group is to:

- review the clearing provisions of the *Environmental Protection Act 1986* and the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004* as they apply to local government; and
- determine what, if any, amendments to legislation, regulations or administrative processes would improve efficiency of the regulation of clearing while ensuring that appropriate protection of native vegetation was maintained.

WALGA is seeking nominations for a Local Government representative. Support to the representative will be provided by WALGA staff. Given the life of the group (deliberations should be concluded by October 2008) and its focus, nominations are being called from a Serving Officer.

Nominations must be submitted by **12 June 2008**, preferably by email to cbulford@walga.asn.au, by facsimile 9321 8378 or by post to WALGA.

DETAILS:

Please see Appendix 12.1 for Terms of Reference, along with further details.

13. URGENT BUSINESS

Nil.

14. CONFIDENTIAL REPORTS (Behind Closed Doors)

Nil.

15. CLOSURE