



TOWN OF VINCENT

"Enhancing and celebrating our diverse community"

MINUTES

13 JULY 2010

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(iv)	WALGA Member - Landgate Customer Service Council (Urban Member);	
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Nil.	187
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Minutes of the Ordinary Meeting of Council of the Town of Vincent held at the Administration and Civic Centre, 244 Vincent Street, Leederville, on Tuesday 13 July 2010, commencing at 6.00pm.

1. DECLARATION OF OPENING

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

2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE

(a) Apologies:

Cr Steed Farrell – apology – arriving late due to work commitments.

(b) Present:

Mayor Nick Catania, JP	Presiding Member
Cr Matt Buckels	North Ward
Cr Anka Burns	South Ward
Cr Steed Farrell	North Ward (from 6.34pm)
Cr Taryn Harvey	North Ward
Cr Sally Lake (<i>Deputy Mayor</i>)	South Ward
Cr Warren McGrath	South Ward
Cr Dudley Maier	North Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Development Services
Mike Rootsey	Director Corporate Services
Craig Wilson	A/Director Technical Services
Anita Radici	Executive Assistant (Minutes Secretary)
<u>Employee of the Month Recipient</u>	
Nadine Wellington	Development Compliance Officer
<u>Special Guest</u>	
Marcel Pidala	Work Experience Town Planner from Sicily
Ross McRae	Journalist – “ <i>The Guardian Express</i> ” (until approximately 9.00pm)
David Bell	Journalist – “ <i>The Perth Voice</i> ”
2 Members of the Public.	

(c) Members on Approved Leave of Absence:

Cr Joshua Topelberg on approved leave of absence due to work commitments.

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

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

1. Dushanka Grubor of 66 Sydney Street, North Perth – Item 9.1.5. Advised that she has been backwards and forwards with the application over the years. Stated that there have been changes over the years and at stages she was not advised of the changes. Advised that she has come to Council on a number of occasions stating what she was looking for and where she was at. Believes that particularly in her area, there are a lot of rental properties and upkeep is very poor and a number of houses have a few tenants and do not seem liveable to her. Therefore she believes it is a better option to subdivide and clean-up the street and the area.

Stated that she applied for subdivision of her home which was apparently approved however, it was then refused and she got to the point where she could not understand why but was told that it was a "loop-hole". Believed that North Perth, particularly the pocket she is in on Sydney Street, needs to be tidied up and the only way that can happen is if there is subdivision. Stated that the older houses that are there are basically people who have lived and died in the house and their children have taken them over and renting them out. Believed the house next door to her is not even liveable. Believed there should be higher density in her area considering they have all the infrastructures and are close to city. Requested approval of the Item.

There being no further speakers, public question time closed at approx. 6.08pm.

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. APPLICATIONS FOR LEAVE OF ABSENCE

4.1 Cr Steed Farrell requested leave of absence from 20 July 2010 to 23 July 2010 (inclusive) due to attending a conference on behalf of the Council.

Moved Cr Burns, Seconded Cr Lake

That Cr Steed Farrell's request for leave of absence be approved.

CARRIED (7-0)

(Cr Farrell had not yet arrived to the meeting. Cr Topelberg was on approved leave of absence.)

5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND PRESENTATIONS

Nil.

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

6.1 Minutes of the Ordinary Meeting of Council held on 22 June 2010.

Moved Cr Maier, Seconded Cr Buckels

That the Minutes of the Ordinary Meeting of Council held 22 June 2010 be confirmed as a true and correct record.

CARRIED (7-0)

(Cr Farrell had not yet arrived to the meeting. Cr Topelberg was on approved leave of absence.)

6.2 Minutes of the Special Meeting of Council held on 6 July 2010.

Moved Cr Maier, Seconded Cr Burns

That the Minutes of the Special Meeting of Council held 6 July 2010 be confirmed as a true and correct record.

CARRIED (7-0)

(Cr Farrell had not yet arrived to the meeting. Cr Topelberg was on approved leave of absence.)

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

7.1 Employee of the Month Award for Town of Vincent for July 2010

As members of the public will know, the Council recognises its employees by giving a monthly award for outstanding service to the Ratepayers and Residents of the Town. The recipients receive a \$100 voucher, kindly donated by the North Perth Community Bank, and a Certificate.

For JULY 2010, the award is presented to Nadine Wellington, Development Compliance Officer in the Town's Development Services Section. Nadine was nominated by the Chief Executive Officer, John Giorgi.

Nadine was previously employed by the Town from April 1997 until March 2005. After a brief absence, Nadine returned to the Town in May 2006 to her current role of Development Compliance Officer (DCO).

The DCO role is extremely difficult and deals with development compliance matters and related complaints on a daily basis. In many cases, the complainants are frustrated and stressed, requiring the Officer to use a high level of negotiation and inter-personal skills when resolving the matter.

Recently the Town dealt with a complex development application in Beaufort Street involving sheet-piling, which resulted in numerous residents' complaints and also counter-complaints from the developer/builder. Nadine successfully dealt with this matter on a daily basis over a period of several months and positive feedback was received from both the developer and the complainants about Nadine's professionalism.

The Town's Solicitors have also recently written to the Town (on this matter) as follows;

"I would like to congratulate Nadine Wellington, Helen Smith, Rob Boardman, and Chief Executive Officer, John Giorgi, in how you individually and collectively handled what was a cumbersome matter, and which involved emotive personal issues. I do not believe that the average ratepayer would be aware of the efforts taken by you all, frequently above and beyond what could be reasonably expected - well done to you all."

This Award is presented to Nadine in recognition of her efforts and service to the Town.

Congratulations Nadine and well done!

Received with Acclamation!

7.2 Proposed Domestic Cat Control Legislation – Consultation Paper

The Department of Local Government recently wrote to all Local Governments seeking comment on their proposal to introduce state-wide cat control legislation. Comments are to be received by 30 July 2010.

The Town's Administration is currently preparing a report for consideration at the Ordinary Meeting of Council to be held on 27 July 2010 and, in particular, addressing the cost implications on the Town, relating to enforcement of the proposed legislation.

The key elements of the discussion paper relate to;

1. Compulsory identification in the form of microchips;
2. Compulsory registration; and
3. Compulsory sterilisation.

To obtain a copy of the Consultation Paper or for more information visit the Department of Local Governments' website at www.dlg.wa.gov.au or contact the Department as follows:

Department of Local Government
GPO Box R1250
Perth WA 6844

Email: info@dlg.wa.gov.au
Phone: (08) 9217 1500

Members of the Vincent community are encouraged to make their submission know to the Department of Local Government.

7.3 Item 9.1.4 Relating to Development Application 459 Fitzgerald Street, corner Angove Street, North Perth

Item 9.1.4 as shown in the Agenda has been WITHDRAWN by the Chief Executive Officer and replaced with a new item and recommendation for refusal.

The Chief Executive Officer's recommendation has been made based on information relating to car parking in the area.

7.4 Welcome to a Special Guest

I have pleasure in welcoming Marcel Pidala - a Town Planner from Sicily - who is currently carrying out work experience with the Town of Vincent. Marcel is a highly qualified planner in Italy and has written numerous papers on planning matters.

Welcome to Marcel and I trust you have an enjoyable time in Australia and at the Town of Vincent.

7.5 Briefing with Residents of Summers Street, East Perth on 21 June 2010

On 21 June 2010 a public meeting was held at the Loftus Recreation Centre Boardroom with the Claise Brook North Group. About 115 people attended which exceeded the expected attendance of 30 people who had responded.

People attended because they wanted to know what the Town's plans were in relation to the Stadium Precinct (Lord/Summers Streets to the Railway). There were concerned as they had not been informed. They were also very concerned about the batching plant and the effect it has on people who live and work around it.

Claise Brook North Group have formed a community group which is going to be active in ensuring that the Town does not forget his particularly area and work diligently to ensure that the batching plants are removed from the area as they, and the Town, see it as an area to be developed in a combination of residential and commercial developments.

It was great to be there and there were many questions fielded as well as criticism received however, I have received many complementary phone calls after the event stating that they appreciated the public meeting and the fact that the Town listened.

Thank you to Tory Woodhouse, Co-ordinator Strategic Planning and Rachael Marie, Planning Officer (Strategic) who also attended the meeting and did a very good job explaining to the attendees what the Town intended for that area.

8. DECLARATIONS OF INTERESTS

- 8.1 Mayor Catania declared a Proximity interest in Item 9.2.3 – Traffic Safety Improvement in the Vicinity of the Intersection of Fitzgerald and Forrest Streets, North Perth. The extent of his interest being that his family company owns a house at 112 Forrest Street, North Perth.
- 8.2 Cr Buckels declared an interest affecting Impartiality in Item 9.1.12 – Nos. 317-321 (Lots 13, 14 and Y12 D/P: 880) Vincent Street, Dual Frontage to The Avenue, Leederville – Proposed Demolition of Existing Service Station and Construction of Service Station with Associated Signage – State Administrative Tribunal (SAT) Review Matter No. DR 361 of 2009. The extent of his interest being that the applicant is represented by Solomon Brothers where his wife's uncle is a partner and his cousin is also employed. He believes that his impartiality in this matter is compromised and therefore has indicated that he will be departing the Chamber and will not participate in the debate or vote on this Item.
- 8.3 Cr Maier declared a Proximity interest in Item 9.2.2 – Proposed 2010/2011 Footpath Upgrade Program. The extent of his interest being that he owns a property in a street which is listed in the 2010/11 Program.
- 8.4 Cr Lake declared a Proximity interest in Item 9.2.2 – Proposed 2010/2011 Footpath Upgrade Program. The extent of her interest being that the footpath adjacent to her home is listed for upgrade.
- 8.5 Cr Lake declared an interest affecting Impartiality in Item 9.3.1 – Cultural Development Seeding Grant Applications, more particularly a proposed amendment. The extent of her interest being that she is a member of the Highgate Primary School Council.
- 8.6 Cr McGrath declared an interest affecting Impartiality in Item 9.2.8 – 2010 Pride Parade – Temporary Closure of Brisbane Street between Beaufort and William Streets and William Street between Bulwer and Newcastle Streets, Perth. The extent of his interest being that he has historically been a member of Pride WA and may rejoin in the future.
- 8.7 Cr Burns declared an interest affecting Impartiality in Item 9.3.2 – Beaufort Street Festival. The extent of her interest being that she is a shareholder of the lessee company of 560 Beaufort Street and her husband is a shareholder and director and her father is a director. The same company has been granted development approval and a building licence in relation to the premises.

8.8 The Chief Executive Officer declared a Financial interest in Item 9.4.7 – Chief Executive Officer’s Performance Review 2010 – Appointment of Human Resources Consultant. The extent of his interest being that it relates to his contract of employment.

8.9 The A/Director Technical Services declared a Proximity interest in Item 9.2.6 – Smith’s Lake Reserve – Petition concerning Lighting. The extent of his interest being that he lives in close proximity.

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

Nil.

10. REPORTS

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

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

Item 9.1.5.

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

Items 9.1.13, 9.2.3, 9.2.5, 9.3.2, 9.4.2, 9.4.3, 9.4.4 and 9.4.8.

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

Items 9.1.12, 9.2.2, 9.2.3, 9.2.6 and 9.4.7.

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

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

Cr Buckels	Items 9.1.4, 9.1.6 and 9.4.8.
Cr McGrath	Items 9.1.1, 9.2.6, 9.2.8 and 9.4.4.
Cr Harvey	Nil.
Cr Lake	Item 9.1.9.
Cr Burns	Item 9.1.14.
Cr Maier	Items 9.1.2, 9.1.12, 9.1.13, 9.2.13, 9.3.1 and 9.4.3.
Mayor Catania	Nil.

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

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

Items 9.1.3, 9.1.7, 9.1.8, 9.1.10, 9.1.11, 9.2.1, 9.2.4, 9.2.7, 9.2.9, 9.2.10, 9.2.11, 9.2.12, 9.4.1, 9.4.6 and 9.4.9.

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

Nil.

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

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

Items 9.1.3, 9.1.7, 9.1.8, 9.1.10, 9.1.11, 9.2.1, 9.2.4, 9.2.7, 9.2.9, 9.2.10, 9.2.11, 9.2.12, 9.4.1, 9.4.6 and 9.4.9.

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

Item 9.1.5.

(c) **Items which require a nomination or an option to be approved by the Council;**

Items 9.1.12, 9.1.14, 9.3.2, 9.4.3 and 9.4.5.

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

Moved Cr Harvey, Seconded Cr McGrath

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

Items 9.1.3, 9.1.7, 9.1.8, 9.1.10, 9.1.11, 9.2.1, 9.2.4, 9.2.7, 9.2.9, 9.2.10, 9.2.11, 9.2.12, 9.4.1, 9.4.6 and 9.4.9.

CARRIED (7-0)

(Cr Farrell had not yet arrived to the meeting. Cr Topelberg was on approved leave of absence.)

9.1.3 No. 9 (Lot 16; D/P 953) Bruce Street, Leederville - Proposed Partial Demolition of, and Alterations and Two Storey Addition to Existing Single House and Additional One (1) Two-Storey Grouped Dwelling

Ward:	South	Date:	5 July 2010
Precinct:	Leederville; P03	File Ref:	PRO1160; 5.2010.239.1
Attachments:	001		
Reporting Officer:	D Pirone, Statutory Planning Officer		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Y C Wong on behalf of the owner Y C & E Y Wong for proposed Partial Demolition of and Alterations and Two Storey Addition to Existing Single House and Additional One (1) Two-Storey Grouped Dwelling, at No. 9 (Lot 16; D/P 953) Bruce Street, Leederville, and as shown on plans stamp-dated 27 May 2010, subject to the following conditions:

- (i) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Bruce Street;*
- (ii) *any new street/front wall, fence and gate within the Bruce Street setback area, including along the side boundaries within this street setback area, shall comply with the Town's Policy provisions relating to Street Walls and Fences;*
- (iii) *first obtaining the consent of the owners of Nos. 5 and 11 Bruce 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. 5 and 11 Bruce Street in a good and clean condition;*
- (iv) **PRIOR TO THE ISSUE OF A BUILDING LICENCE, the following shall be submitted to and approved by the Town:**

(a) **Construction Management Plan**

A Construction Management Plan shall be submitted to and approved by the Town, addressing the following issues:

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

(b) **Landscaping and Reticulation Plan**

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

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

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

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

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

(c) Privacy Screening

The balcony ~~and the sitting room windows to the sitting room~~ on the western elevations, being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2008. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of Nos. ~~179 Lincoln Street~~ 11 Bruce Street, Leederville, stating no objection to the respective proposed privacy encroachments; and

(d) Carport and Garage Doors

The Carport and Garage Doors fronting Ragen Alley shall have a minimum of 80 percent visual permeability.

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

- (v) *prior to the issue of a Building Licence, the owner(s) shall enter into a legal agreement 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, for the conservation of the existing dwelling (Unit 1). All costs associated with this condition shall be borne by the applicant/owner(s).*

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

COUNCIL DECISION ITEM 9.1.3

Moved Cr Harvey, Seconded Cr McGrath

That the recommendation be adopted.

CARRIED "EN BLOC" (7-0)

(Cr Farrell had not yet arrived to the meeting. Cr Topelberg was on approved leave of absence.)

Landowner:	Y C & E Y Wong
Applicant:	Y C Wong
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R60
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	329 square metres
Access to Right of Way	South side, 10 metres wide, sealed, and privately owned.

BACKGROUND:

- 4 November 2003 The Council at its Ordinary Meeting recommended refusal to the Western Australian Planning Commission (WAPC) for a survey strata subdivision of No. 9 Bruce Street, Leederville. The proposal sought to subdivide the property to create two vacant lots both with gazetted road frontages.
- 12 April 2005 The Council at its Ordinary Meeting reviewed an application to create two survey strata vacant lots on the subject site; one lot with gazetted road access to Bruce Street and the other with frontages to Ragen Alley, which is a 10 metre wide private right of way. The Council determined that the item be deferred to enable the applicant an opportunity to amend the plans lodged with the WAPC.
- 28 June 2005 The Council at its Ordinary Meeting recommended conditional approval to the WAPC for a revised survey strata subdivision of the subject site, which involved one lot with frontage to Bruce Street and the other a frontage to Ragen Alley. The subdivision required the demolition of the existing dwelling fronting Bruce Street.
- The revised plan included a 1.5 metre wide pedestrian access way/service corridor from the proposed strata lot fronting Ragen Alley to the Bruce Street frontage to enable pedestrian access and the utility agencies to provide services to the strata lot.
- 7 February 2006 The Town of Vincent received a letter from the WAPC advising that the above survey strata subdivision application, as reviewed at the Ordinary Meeting of Council held on 28 June 2005 had been refused.
- 21 June 2006 The Town's Draft Municipal Heritage Inventory (MHI) was released for owner and public consultation. The subject place was identified as having cultural heritage significance and was included on the Draft MHI.
- 28 June 2006 The Town received an application for demolition of the existing single storey house and associated outbuildings.
- 26 September 2006 Whilst the place was identified as having cultural heritage, which was strongly linked to its association with the remaining weatherboard cottages along the street, complexities regarding the previous management of the street, in terms of demolition, resulted in the Council at its Ordinary Meeting resolving to approve the demolition of the subject place, subject to standard conditions.

At this meeting, the Council also resolved the following Subsequent Motion in regard to this matter:

"That the Town's Officers advise the applicant of the development potential, as well as the requirements/constraints on any redevelopment proposals on the subject site in light of clause (v) of Item 14.2."

27 May 2008

The Council at its Ordinary Meeting resolved to conditionally approve an application for Proposed Partial Demolition of, and Alterations and Two Storey Addition to Existing Single House and Additional One (1) Two-Storey Grouped Dwelling.

DETAILS:

The subject proposal is identical to the proposal approved by the Council at its Ordinary Meeting held on 27 May 2008; however, the applicant wishes to have two conditions reconsidered in the determination of this application. The conditions from the previous approval are:

“(v) *prior to the issue of the Building Licence, revised plan shall be submitted and approved demonstrating the following:*

(a) *the window to the dining room of Unit 2, within the 6.0 metre cone of vision to the western property boundary;*

(c) *the balcony of Unit 2, within the 7.5 metre cone of vision to the western property boundary;*

being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of Nos. 5 and 11 Bruce Street, stating no objection to the respective proposed privacy encroachments.

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

The Town's Officers have considered the applicant's request to remove these conditions, with comments in the non-compliant requirements assessment table.

It is noted that the previous application was lodged with the Town on 10 October 2007, which was approximately 2 months prior to the Town's Residential Design Elements (RDE's) Policy being adopted. The subject application has been assessed in accordance to the RDE's Policy and has resulted in additional variations relating to street setbacks to Ragen Alley.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density:	1.8 grouped dwellings.	2 grouped dwellings.	Supported – refer to comments section.
Minimum Site Area:	160 square metres per lot.	Lot 1 = 190.7 square metres Lot 2 = 138.3 square metres	Supported – No variation proposed. Supported – refer to comments section.
Plot Ratio:	N/A	N/A	Noted.
Building Setbacks: Unit 1 Ground Floor -East Main Building	1.5 metres	Nil – 1 metre	Supported – Not considered to have an undue impact on the neighbouring property and no objection received from affected land owner.
Carport	1 metre	Nil	Supported – Not considered to have an undue impact on the neighbouring property and no objection received from affected land owner.
-West	1.5 metres	1.3 metres	Supported – Not considered to have an undue impact on the neighbouring property.
First Floor -East	1.2 metres	Nil – 1 metre	Supported – Not considered to have an undue impact on the neighbouring property and no objection received from affected land owner.
Unit 2 Ground Floor -West	1.5 metres	Nil – 1.9 metres	Supported – Not considered to have an undue impact on the neighbouring property.
First Floor -South (Ragen Alley) Balcony	2.5 metres	0.5 metre	Supported – This is not considered to have an undue impact on the Ragen Alley streetscape as the majority of the streetscape is made up of garages that have nil setbacks to the street.

<p>Main Building</p> <p>-West</p>	<p>1 metre behind all portions of the ground floor main building line.</p> <p>1.6 metres</p>	<p>2.8 metres behind to 2.6 metres in front of the ground floor main building line.</p> <p>Nil – 2 metres</p>	<p>Supported – This is not considered to have an undue impact on the Ragen Alley streetscape as majority of the streetscape is made up of garages that have nil setbacks to the street.</p> <p>Supported – Not considered to have an undue impact on the neighbouring property.</p>
<p>Buildings on Boundary:</p>	<p>Walls not higher than 3.5 metres with average of 3 metres for 2/3 (26.83 metres) of the length of the boundary behind the front setback, to one side boundary.</p>	<p>Unit 1 -East (Main Building) Wall Height = 5 metres; Wall Length = 6.39 metres.</p> <p>-East (Carport) Wall Height = 2.5 metres; Wall Length = 9.5 metres.</p> <p>Unit 2 -West Wall Height = 4 metres – 5 metres (average height = 4.5 metres); Wall Length = 8.5 metres.</p>	<p>Supported – No objections have been received from the adjacent affected neighbour and furthermore, the portion of wall on the boundary is well setback from the street, reducing any undue impact on the amenity of the area.</p> <p>Supported – Whilst an objection has been received regarding this variation, it is considered acceptable as the wall abuts a portion of the adjacent property's garage, which is built on the boundary.</p>
<p>Open Space:</p>	<p>45 percent of the site area</p>	<p>Lot 1 = 33 percent of the site area.</p> <p>Lot 2 = 43 percent of the site area.</p>	<p>Supported – The proposal involves the retention of an existing dwelling which contributes to the amenity and character of the area. Furthermore, the proposal satisfies the Performance Criteria of the R Codes for Open Space, which requires sufficient open space around buildings:</p> <ul style="list-style-type: none"> • to complement the building; • to allow attractive streetscapes; and • to suit the future needs of residents, having regard to the type and density of the dwelling.

Outdoor Living Area:	A minimum dimension of 4 metres by 4 metres.	Unit 1 = 2.3 metres by 8.8 metres.	Supported – Whilst this is non-complaint with the acceptable development requirements of the R Codes, it is considered that the application is compliant with the Performance Criteria as the outdoor living area is capable of use in conjunction with a habitable room and is a north facing courtyard.
		Unit 2 = 3.8 metres by 5.8 metres.	Supported – This is a minor variation and the outdoor living area is larger than the required 16 square metres.
Privacy Setbacks: Unit 1 -Balcony (north elevation)	7.5 metre cone of vision.	1 metre to eastern boundary. 1.4 metres to western boundary.	Supported – The resultant privacy encroachments are supportable as per the Performance Criteria of the R Codes, which states there is a <i>'lesser need to prevent overlooking of front gardens or areas visible from the street.'</i>
Unit 2 -Balcony (west elevation)	7.5 metre cone of vision.	2 metres to western boundary.	Not supported – Considered to have an undue impact on the neighbouring property. Condition applied for the western side of the balcony to be screened or obtain neighbour's consent.
-Dining (south elevation)	6 metre cone of vision.	0.5 metre to the western boundary.	Supported – Not considered to have an undue impact on the neighbouring property as the cone of vision falls onto a small portion of the neighbouring property which accommodates a garage roof.
Consultation Submissions			
Support	Nil.	Noted.	
Objection (1)	<ul style="list-style-type: none"> All the variations proposed will affect the western adjacent property. 	<ul style="list-style-type: none"> Not supported – The application has been previously approved and is considered to be appropriate. 	

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

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

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

COMMENTS:

The place at No. 9 Bruce Street, Leederville is not listed on the Town of Vincent's Municipal Heritage Inventory (MHI). However, the provision of a density bonus is not restricted to places that are on, or meet the threshold for inclusion onto the MHI.

The subject weatherboard and iron house at No. 9 Bruce Street, Leederville was constructed circa 1914 in the Federation Georgian style of architecture. The place is considered worthy of retention as it contributes to the evolution and pattern of the history of the Town of Vincent, with particular reference to the early part of the twentieth century following the Gold Rush period and as a representative example of the timber housing stock that was common to the Leederville locality during this time. In light of the above, it is considered that the subject dwelling is worthy of retention and the provision of a density bonus.

The previous application saw the applicant liaising with the Town's Officers on numerous occasions in order to design an appropriate development, which is respectful of the existing streetscape and the various technical planning requirements. The proposed development is considered to be a good design response to the small site.

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

9.1.7 No. 32 (Lot 801; D/P 33355) Edward Street, Perth - Proposed Signage Addition (Billboard) to Existing Mixed-Use Building

Ward:	South	Date:	5 July 2010
Precinct:	East Perth Redevelopment Authority	File Ref:	PRO4026; 5.2010.183.1
Attachments:	001		
Reporting Officer:	R Narroo, Senior Planning Officer (Statutory)		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions and powers of both the Local Government (Change of Districts Boundaries) Order 2007 and the Local Government (Constitution) Regulations 1998, allowing the Town of Vincent to, in effect, administer the East Perth Redevelopment Authority Scheme No. 1 as if it were its own Scheme, and the Metropolitan Region Scheme, REFUSES the application submitted by Greg Rowe & Associates on behalf of the owner Lisajoe Investments Pty Ltd for proposed Signage Addition (Billboard) to Existing Mixed Use Building, at No. 32 (Lot: 801; D/P: 33355) Edward Street, Perth, and as shown on plans stamp-dated 28 April 2010 , for the following reasons:

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) the non-compliance with the requirements of East Perth Redevelopment Authority Scheme No. 1-Planning Policy 1.13-Advertising Signs; and*
- (iii) consideration of the objections received.*

COUNCIL DECISION ITEM 9.1.7

Moved Cr Harvey, Seconded Cr McGrath

That the recommendation be adopted.

CARRIED “EN BLOC” (7-0)

(Cr Farrell had not yet arrived to the meeting. Cr Topelberg was on approved leave of absence.)

Landowner:	Lisajoe Investments Pty Ltd
Applicant:	Greg Rowe & Associates
Zoning:	Metropolitan Region Scheme: Urban East Perth Redevelopment Authority Scheme No. 1: Residential R80
Existing Land Use:	Multiple Dwellings and Showrooms
Use Class:	Multiple Dwellings and Showrooms
Use Classification:	Preferred Uses
Lot Area:	335 square metres
Access to Right of Way	Not applicable

BACKGROUND:

- 6 June 2006 The Perth City Council refused a development application for a four level mixed-use building containing two multiple dwellings, two showrooms and provision for five car parking bays.
- 12 December 2006 The Perth City Council conditionally approved a revised development application for a four level mixed-use building containing two multiple dwellings, two showrooms and provision for five car parking bays.
- 1 July 2007 Under the provisions and powers of both the Local Government (Change of District Boundaries) Order 2007 and the Local Government (Constitution) Regulations 1998, this area of East Perth came under the administration of Town of Vincent.
- 11 February 2009 The Town received an application for change of use from residential to office (retrospective application).
- 10 March 2009 The application for change of use from residential to office (retrospective application) was withdrawn as the applicant advised the Town that the existing office was being relocated.

DETAILS:

The proposal involves a signage addition to the existing building. The signage is proposed to be erected on the roof of the existing building. The dimensions of the signage are 18.99 metres in length and 6 metres in height (inclusive of the supports). The applicant has specified that the signage would initially be used by, but not limited to, the Office of Road Safety, for the display of road safety messages and that they are prepared to negotiate with the Town, all on-going content, prior to the signage being changed.

The applicant's submission is "*Laid on the Table*" including a report from Transcore which states that the proposed signage satisfies the guidelines of Main Roads.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	N/A	N/A	Noted.
Plot Ratio	N/A	N/A	Noted.
Signage	Hoarding sign is not permitted	Hoarding sign (billboard)	Not supported- refer to "Comments".
Signage	Signage to describe the business or activity carried out on the site.	Signage is not related to the business or activity carried out on the site.	Not supported- refer to "Comments".
Consultation Submissions			
Support (4)	Anonymous		Noted.

<p>Objection (8)</p>	<p>Light Pollution</p> <p>The light emanating from the signage will cause light pollution to the area.</p> <p>Obstruct view</p> <p>The scale of the signage will obstruct views of the adjoining properties.</p> <p>Sign Display</p> <p>There will be no restriction on the sign display. <i>“We have many families that live in or frequent this area and as such strongly disapprove with the idea of having a sign that could display whatever the people who manage the sign desire.”</i></p> <p>Bulk and Scale</p> <p>The proposal would significantly exacerbate the existing problems of bulk and scale caused by this building which is already out of symmetry with the normal single storey streetscape of Edward Street.</p> <p>Sign relating to the existing use</p> <p>The proposed sign does not relate to the business or activity carried out on site.</p> <p>East Perth Redevelopment Scheme No. 1</p> <p>Hoardings or Billboards are plainly prohibited under the East Perth Redevelopment Scheme No. 1</p>	<p>Supported- The applicant has confirmed that the signage will contain static illumination with no parts of the sign flashing or pulsating. However, given the scale of the proposed signage, it is likely there will be an impact on the adjoining properties in terms of light pollution.</p> <p>Supported in Part- Obstruction of views is not a planning issue. However, the scale of the signage will have a visual impact on the amenity of the area.</p> <p>Supported- Refer to “Comments”.</p> <p>Supported- Refer to “Comments”.</p> <p>Supported- Refer to “Comments”.</p> <p>Supported- Refer to “Comments”.</p>
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<p>Main Roads Western Australia</p>	<p><i>“Main Roads Western Australia has no objection in principal to the installation and display of the proposed signage, subject to the following conditions:</i></p> <p><i>The type of sign and location complies fully with all relevant by-laws and planning schemes made by Council.</i></p> <p><i>The sign and sign structure shall be placed on private property and shall not hang over or encroach upon the road reserve.</i></p> <p><i>Sign must be located parallel to the Highway not at an angle.</i></p> <p><i>A low level of illumination is used and the sign shall not flash, pulsate or chase.</i></p> <p><i>The sign and/or any subsequent attachments do not interfere with sight lines from nearby driveways.</i></p> <p><i>Signage is consistent with the use of the site.”</i></p>	<p>Noted- The Town’s Officers assert however, that the signage is not consistent with the use of the site.</p>
<p>Other Implications</p>		
<p>Legal/Policy</p>	<p>TPS 1 and associated Policies, and Residential Design Codes (R Codes).</p>	
<p>Strategic Implications</p>	<p>Nil</p>	
<p>Sustainability Implications</p>	<p>Nil</p>	
<p>Financial/Budget Implications</p>	<p>Nil</p>	

The applicant provided the following response to the above submissions and to discussions with the Town’s Officers:

“Amenity of the Locality

As previously noted, the amenity of the locality surrounding the subject site is characterised by cement works and ageing commercial and light industrial buildings. At the present time, the sign would not detract from the amenity of the area, and more importantly, the sign would not be out of scale, as compared to the two (2) cement works within the locality.

We understand that the Town are currently progressing a draft Local Planning Strategy (LPS), and that the subject site is included within the Indicative Members Equity Stadium Precinct under the LPS. Our Office understands both the rationale and merits for redeveloping the locality surrounding the subject site. However, we note that this redevelopment is still at least 3-5 years from commencing, based on the preliminary level of strategic and statutory planning that has been put in place to guide development within the precinct.

On this basis, we are of the view that the Town could support a time limited development approval, similar to this issued in other locations within the Town. Should an approval be issued, it would be on the basis that the sign may be erected for a time limited period, as redevelopment of the area is likely to occur. As such, we request that a five year time limited Approval for the sign be considered by the Town, in its report to Council.

We consider that the above position represents a compromise between the Town not supporting the Application on the basis of the future redevelopment of the precinct, and our Clients intentions to seek a standard Development Approval not limited by a specified time period.

One of the issues raised in the submissions received by the Town was the resulting height of the proposed signage, noted as being situated atop an already “bulky and obtrusive” building. If redevelopment of the locality occurs, the proximity of the locality to the Claisebrook Train Station, the localities of East Perth, Northbridge and the Perth CBD suggest that redevelopment would occur in heights ranging from two to six storeys. Once again, this suggests that the height of the proposed sign atop the existing building on the subject site would not be out of scale with the resulting building heights of the locality, once redevelopment has occurred. As such, we contend the issues regarding the resulting height of the sign.

Compliance of the Proposed Sign

One of the submissions received by the Town noted a variation to the Town’s Local Planning Policy relating to signage. Once again, we confirm that this Policy does not apply, given development of the subject site, and surrounding locality, as confirmed by the Town, is governed by the East Perth Redevelopment Authority (EPRA) Scheme and associated Local Planning Policies.

Another submission noted that the proposal did not comply with the EPRA Scheme and Local Planning Policies, on the basis that signs such as the one proposed may only be approved in instances where the sign is for a special circumstance, or for a limited time. We reiterate our previous advice that the sign is for the predominant display of the Office of Road Safety Road Safety messages. Given we now also confirm that we seek a time limited approval for the sign, it is evident that the sign would be for the most part, for road safety messages, an exceptional circumstance, and for a limited amount of time (i.e. five years). In this regard, we further submit that the proposal is compliant with the relevant EPRA Scheme and Local Planning Policy relating to signage.

Main Roads Referral Comment

We note that Main Roads Western Australia have provided a referral comment regarding the proposal. Whilst we are generally supportive of their comment recommending Approval of the sign ‘in principle’, we are of the view that several conditions are inconsistent with the Main Roads Guide to Roadside Advertising, the document which guides the erection of signage, and the assessment of signs by Main Roads.

The first condition suggested by Main Roads to be included on the Development Approval is that the sign shall be located parallel to the road reserve, not at an angle. The traffic advice provided by Transcore included a review of the Main Roads Guide to Roadside Advertising. Transcore did not discover any standards or provisions requiring the location of a sign parallel to a road reservation, or any relevance of this condition to improved road safety. As such, we request that should the town seek to approve the sign, this condition be omitted.

Main Roads also recommended a condition that the sign only include signage material related to the use on the site, that no third party material is permitted. During the review of the Main Roads Guide to Roadside Advertising, Transcore discovered that the Guide notes that Main Roads shall maintain a “content neutral approach” to advertising content. As such, we are of the view that Main Roads have no basis to stipulate that signage content shall be contained to content which relates to the use on the site.

Conclusion

At this juncture, we request that the Town consider a time limited Approval for the proposed sign, on the basis that the amenity of the locality surrounding the subject site is lesser than that of other localities within the Town's municipal boundaries, yet redevelopment may occur in the short to medium term future. As such, the proposal could be supported as an interim measure to permitting the proposal, yet reserving the right for the sign to be removed, should the amenity of the locality be improved in the future, as a result of redevelopment."

COMMENTS:

The East Perth Redevelopment Authority Planning Policy No. 1.13 relating to Advertising Signs, specifies that: *"hoardings signs will not be permitted and signs carrying messages unrelated to the site or occupancy of the site will generally not be allowed"*. The Town considers the proposed signage as a hoarding (billboard) and any display on the signage would not relate to the use of the site.

The applicant has requested the Town to consider approval for a limited five year term for the proposed signage. For temporary signage, EPRA-Planning Policy No. 1.13 relating to Advertising Signs, specifies the following:

"In some cases the Authority may allow temporary signage for a specific purpose and period of time. These may be free-standing or attached to the building and are required to be of a scale and design complementary to the premises. They may include real estate (for sale or lease) signs, banners, announcements of openings, special exhibitions or community events. No more than one sign fronting each street of the subject property will be permitted."

The Town is of the view however, that if approval is given for any period, it will be difficult for the Town to defend an alternate position in the event of an application for renewal of the sign/billboard after any such period. The signage is considered to impact on the skyline in terms of bulk and scale and does not enhance and reinforce the character of the locality and any approval, limited or otherwise, would be inconsistent with the orderly and proper planning of the area.

The building to which the sign is proposed to be affixed is located on prominent land which is considered to be a gateway to the City of Perth and the Town of Vincent. The signage would be clearly visible from the Graham Farmer Freeway and adjacent residential/commercial properties. As a gateway to the City of Perth and the Town of Vincent, such a sign, 18.99 metres in length and 6 metres in height (inclusive of the supports), would create a disjointed and aesthetically displeasing image of the area. Moreover, this area is zoned residential (though there are commercial properties) and as such, the signage is not considered appropriate in this location as it will have a visual impact on the surrounding area.

In light of the above, the proposed signage is recommended for refusal.

9.1.8 No. 6 (Lot 3; D/P: 3785) Coogee Street, Mount Hawthorn - Proposed Additional Two-Storey Office Building to Existing Single House

Ward:	North	Date:	5 July 2010
Precinct:	Mount Hawthorn Precinct; P1	File Ref:	PRO5037; 5.2010.112.1
Attachments:	001		
Reporting Officer:	A Dyson, Statutory Planning Officer		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, REFUSES the application submitted by A Ffrench on behalf of the owner A Ffrench & D Stubbs for proposed Additional Two-Storey Office Building to Existing Single House, at No. 6 (Lot 3; D/P: 378) Coogee Street, Mount Hawthorn, and as shown on plans stamp-dated 17 March 2010, for the following reasons:

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) the development will result in an undesirable precedent for the area and the Mount Hawthorn Precinct;*
- (iii) the non compliance with the Town's Economic Development Strategy 2005 – 2010; and*
- (iv) consideration of the objections received.*

COUNCIL DECISION ITEM 9.1.8

Moved Cr Harvey, Seconded Cr McGrath

That the recommendation be adopted.

CARRIED "EN BLOC" (7-0)

(Cr Farrell had not yet arrived to the meeting. Cr Topelberg was on approved leave of absence.)

Landowner:	A Ffrench & D Stubbs
Applicant:	A Ffrench
Zoning:	Metropolitan Region Scheme: (MRS) Urban Town Planning Scheme No. 1 (TPS 1): Residential R30
Existing Land Use:	Single Residential
Use Class:	Office Building
Use Classification:	"SA"
Lot Area:	384 square metres
Access to Right of Way	Eastern Side, 6 metres wide, sealed

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves the construction of a Two Storey Office Building to the rear of the single residential lot.

In appearance, the proposed building has the look of a separate dwelling on the site as it is a two storey building with a pitched roof and a balcony. Additionally, it has a large open plan office area on the second level which could be used for a variety of purposes. It includes a kitchenette and bathroom and therefore could be used for living purposes.

The development itself provides for variations to the side setbacks of both the lower and upper storeys, as well as the rear, in addition to the privacy setbacks to the balcony. The building is compliant with the Town’s height requirements, with a wall height of 5.7 metres and a ridge height of 6.8 metres.

In terms of density, the property at 384 square metres is not adequate in size, according to the minimum and average site area requirements of Table 1 of the Residential Design Codes (Minimum 270 square metres and Average 300 square metres), to site two dwellings on the property. Therefore, a studio or ancillary accommodation facility would be the only possible development that may allow for additional useable area, not attached to the existing dwelling.

A discussion of the variations can be found in the Table below.

This application is referred to the Council due to the number of objections received by the Town following the Community Consultation and “SA” use classification of an Office Building in a Residential Zone.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
<u>Parking and Access</u>			
Car Parking	Two (2) Residential Bays. Two (2) Office Bays (1 space per 50m2 Gross Floor Area) – 2 car bays. Total= 4 bays	Three (3) Car Bays	Not Supported – Adequate parking is required to be provided on-site for all uses proposed to ensure adjoining and adjacent residents are not detrimentally affected by development.
Bicycle Requirements	One (1) Class 1 or Class 2 Bicycle Facilities One (1) Class 3 Bicycle Facility	Nil on-site facilities	Not Supported – Provision of adequate Bicycle Facilities is required to be provided on site. An approval of this application would be conditional on the number of bicycle facilities being provided.

<u>Boundary Setbacks</u>			
Lower			
- Southern Portion of Wall	1.5 metres	0.98 – 1.070 metres	Supported – The side setback variation is minimal and given the presence of no major windows along this façade, privacy would be maintained for adjoining property owners.
- Northern Portion of Wall	1.5 metres	0.98- 1.070 metres	Supported – The side setback variation is minimal and given the presence of limited windows along this façade, privacy is maintained. In addition given the structure is proposed to the back of the block, light and ventilation provision to adjoining properties, is not of major concern.
Upper			
- Southern Portion of Wall	1.5 metres	1.0 metre	Supported - Given the placement of the structure at the rear of the lot, the adjoining owners to the north and south will not lose the provision of light and ventilation to major habitable areas. In addition, the presence of highlight windows along the façade and screening to the balcony will mostly eliminate any privacy issues.
- Northern Portion of Wall	1.5 metres	1.0 metre	Supported - Given the placement of the structure at the rear of the lot, the adjoining owners to the north and south will not lose the provision of light and ventilation to major habitable areas. In addition, the presence of highlight windows along the façade and screening to the balcony will mostly eliminate any privacy issues.

- Rear (Eastern) Portion of Wall	1.5 metres	1.0 metre	Supported - Given the placement of the structure at the rear of the lot, the adjoining owners to the east will not lose the provision of light and ventilation to major habitable areas. In addition, the presence of highlight windows along the façade and screening to the balcony will mostly eliminate any privacy issues. The separation of the properties by the Right of Way aids the separation of land uses.
<u>Privacy</u> Balcony			
- Southern Elevation	7.5 metres Cone of Vision setback	1.7 metres Cone of Vision setback.	Not supported - The upper storey balcony would allow for direct overlooking of the adjoining properties rear yard areas. An approval of this application would require selected screening to be provided along the western elevation of the balcony to eliminate overlooking.
- Northern Elevation	7.5 metres Cone of Vision setback	2.0 metres Cone of Vision setback	Not Supported - The upper storey balcony would allow for direct overlooking of the adjoining properties rear yards. An approval of this application would require selected screening to be provided along the western elevation of the balcony to eliminate overlooking.
Consultation Submissions			
Support (0)	Nil		Noted.
Objections (6)	<ul style="list-style-type: none"> Concerns with use in Residential Area 		Supported - The proposed use for Office for the two storey building will provide additional traffic and persons to the site, as well as creating additional noise and traffic not otherwise associated with a primarily residential area.

	<ul style="list-style-type: none"> • More adequate areas within vicinity to locate Commercial Uses • Use would detract from the Residential Amenity of the area • Impact on parking in the area from clients visiting the premises. 	<p>Supported - The Town of Vincent Economic Development Strategy stipulates that Commercial activities should be concentrated in the main activity corridors. In Mount Hawthorn, the main Commercial areas are located along Scarborough Beach Road and Oxford Street.</p> <p>Supported - The proposed use for Office for the two storey building will provide additional traffic and persons to the site, as well as creating additional noise and traffic not otherwise associated with a primarily residential area.</p> <p>Supported - There is inadequate parking provided on-site for both the existing single residential land use and the proposed Office Building to the rear of the site with four bays required and three bays provided. This shortfall, along with the Office use on-site bringing additional persons to the site, has the propensity to cause additional parking to the area, detrimentally affecting the adjoining owners enjoyment of their properties.</p>
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Other Implications

Legal/Policy	TPS 1 and associated Planning and Building Policy Manual, Residential Design Elements Policy and Residential Design Codes (R Codes).
Strategic Implications	Economic Development Strategy 2005- 2010
Sustainability Implications	Nil
Financial/Budget Implications	Nil

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

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

COMMENTS:

It is considered the proposal to develop an additional building on the existing single Residential property will have a significant impact on the amenity of a primarily residential area. The Town's Economic Development Strategy specifically outlines that Commercial activities should be located in areas which are specifically planned for such uses. Mount Hawthorn has significant commercial areas located along Scarborough Beach Road and Oxford Street that are planned for this and a variety of other land uses.

In light of the above, it is recommended that the Council refuse the application due to the unsuitability that an integration of an office building would have in a primarily residential area, the precedent the development would impose on the area and the consideration of the large volume of submissions received objecting to the development.

9.1.10 Finalisation of Amendment No. 28 to the Town of Vincent Town Planning Scheme No. 1 – Relating to Land Previously Coded Residential R20 in the Mount Hawthorn and North Perth Precincts – Precinct Plans 1 and 8

Ward:	Both	Date:	5 July 2010
Precinct:	All Precincts	File Ref:	PLA0202
Attachments:	001		
Reporting Officer:	R Marie, Planning Officer (Strategic)		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the decision from the Hon. Minister for Planning and the Western Australian Planning Commission as outlined in its letter dated 14 June 2010, relating to modifications required to Amendment No. 28 to the Town of Vincent Town Planning Scheme No. 1, as shown in Attachment 001;*
- (ii) *RESOLVES pursuant to regulations 21 (2) and 25 of the Town Planning Regulations, 1967 (as amended), that Amendment No. 28 to the Town of Vincent Town Planning Scheme No. 1, with modifications as required by the Hon. Minister for Planning and the Western Australian Planning Commission, in accordance with its letter dated 14 June 2010, BE ADOPTED FOR FINAL APPROVAL, as follows:*
 1. *Retain clauses 20)4)c)ii) and 20)4)h)i) and change the date referred to in both clauses to 1 May 2012;*
- (iii) *NOTES that the purpose of this report is to advise the Council of the Honourable Minister's and the Western Australian Planning Commission's requirement to modify the Scheme Amendment documents as outlined in clause (ii) above, and that at this time, the Council cannot withdraw, or make any further changes to Amendment No. 28; and*
- (iv) *FORWARDS the relevant executed modified amendment documents to, and requests the Honourable Minister for Planning and Western Australian Planning Commission to adopt for final approval and Gazettal, Amendment No. 28 to the Town of Vincent Town Planning Scheme No. 1, by no later than 42 days of the receipt of the letter dated 14 June 2010.*

COUNCIL DECISION ITEM 9.1.10

Moved Cr Harvey, Seconded Cr McGrath

That the recommendation be adopted.

CARRIED "EN BLOC" (7-0)

(Cr Farrell had not yet arrived to the meeting. Cr Topelberg was on approved leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of the Minister's request, dated 14 June 2010, in relation to Scheme Amendment No. 28.

BACKGROUND:

14 June 2010 The Town received a letter dated 14 June 2010, advising that the Minister for Planning requested modifications to Scheme Amendment No. 28, prior to final approval and gazettal of the proposed amendment to the Scheme.

1 May 2010 The Town advised the Western Australian Planning Commission (WAPC) of the Council decision relating to the final approval of Scheme Amendment No. 28 under cover of letter dated 1 May 2010.

13 April 2010 The Council at its Ordinary Meeting held on 13 April 2010, considered Scheme Amendment No. 28, and resolved as follows;

"That the Council;

(i) *RESOLVES pursuant to Town Planning Regulation 17 (1) to RECEIVE the 126 submissions in relation to Amendment No. 28 to the Town of Vincent Town Planning Scheme No. 1, as summarised in Attachment 001;*

(ii) *RESOLVES pursuant to Town Planning Regulations 21 (2) and 25, that Amendment No. 28 to the Town of Vincent Town Planning Scheme No. 1, BE ADOPTED FOR FINAL APPROVAL as follows:*

(a) *Delete the following clauses:*

(1) *clause 20 (4) (c) (ii) "After 1 June 2010 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*

(2) *clause 20 (4) (h) (i) "After 1 June 2010 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*

~~(b) *Rezoned the land previously coded Residential R20 in the North Perth and Mount Hawthorn Precincts, from Residential R30/40 and Residential R30, respectively, to Residential R20; and*~~

(iii) *AUTHORISES the Mayor and Chief Executive Officer to execute and affix the Town of Vincent common seal to Amendment No. 28 to the Town of Vincent Town Planning Scheme No. 1 modified Amendment documents reflecting the Council's endorsement of final approval;*

(iv) *FORWARDS the relevant executed documents to and REQUESTS the Honourable Minister for Planning and the Western Australian Planning Commission to adopt for final approval and gazettal, Amendment No. 28, to the Town of Vincent Planning Scheme No. 1;*

- (v) *ADVISES the Environmental Protection Authority and those who made submissions of clauses (i), (ii), (iii) and (iv) above;*
- (vi) *REQUESTS to the Minister for Planning and the Western Australian Planning Commission to progress Amendment No. 28 as a matter of urgency, as the date detailed in the 'sunset clauses' will soon lapse; and*
- (vii) *NOTES that although the volume of submissions received, indicates support of Scheme Amendment No. 28, when compared to the volume of support/objection in relation to previous Amendments, namely Amendment No. 27, it is evident that there has been a slight shift in community views, with a notably higher percentage of submissions in objection to, and a lower percentage of submissions in support of the down coding of the former Eton Locality."*

DETAILS:

On 16 June 2010, the Town received a letter from the Western Australian Planning Commission, dated 14 June 2010, advising the following;

'I refer to your letter of 1 May 2010 and advise that the Minister for Planning noted the submissions of objection and support, and has decided not to approve the above amendment until such time as the following further modifications are effected:

1. *Retain clauses 20)4)c)ii and 20)4)h)i and change the date referred to in both clauses to 1 May 2012.*

The Minister advises Council that this extension to the "sunset" clauses has been granted on the grounds that the scheme review process which will include a review of residential densities in the town has completed the community visioning stage, made substantial progress in identifying future growth areas and that it is intended to submit a Local Planning Strategy and new Local Planning Scheme to the Western Australian Planning Commission for consent to advertise in early 2011...

Council is advised that in carrying out the modifications to the amending document, the Resolution Deciding to Amend a Town/Local Planning Scheme is not modified, and Council's initial and final approval adoption dates remain as the dates the amendment was originally adopted by Council prior to advertising (regulation 13(1)) and following advertising (regulation 17(2)).'

In addition, it is noted that at this time, the Council cannot withdraw Amendment No. 28 to the Town's Town Planning Scheme No. 1.

Therefore, the purpose of this report is to inform the Council of the Honourable Minister's and Western Australian Planning Commission's requirement to modify the Scheme Amendment documents as outlined above.

A full copy of the letter is shown in Attachment 001.

CONSULTATION/ADVERTISING:

In accordance with the Town of Vincent's Scheme Amendment Procedure, as well as with the provisions of regulations 23 (2) and (2a) of the *Town Planning Regulations, 1967*, the Town is to inform the applicant, any respondents and the Environmental Protection Authority of the promulgation of the Scheme Amendment, during the final advertising of the Scheme Amendment No. 28.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Strategic Plan 2009-2014 states:

“Natural and Built Environment

Objective 1.1 Improve and maintain the environment and infrastructure...

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

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

1.1.4 Minimise negative impacts on the community and environment.”

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

The current 2009/2010 Budget allocates \$66,000 for Town Planning Scheme Amendments and Policies.

COMMENTS:

The Hon. Minister for Planning and the Western Australian Planning Commission has required that the sunset clause be extended until 1 May 2012, to allow the zoning of the subject land to be considered as part of the review of residential densities in the Town Planning Scheme review.

It is noted that the Council, at its Ordinary Meeting held on 25 May 2010, considered the Town Planning Scheme Review and associated Gantt chart which estimated the gazettal of the Town Planning Scheme No. 2 as April/May 2012. It is therefore considered that the time extension prescribed by the Minister will allow sufficient time for the Town to review its Scheme and the zonings across the Town to provide an appropriate recommendation for the area.

In light of the above, it is recommended that the Minister's and the Western Australian Planning Commission's requirement to modify the Scheme Amendment documents as stated in the correspondence dated 14 June 2010, be supported and endorsed by the Council in an expedited manner, to ensure compliance with the 42 days regulatory timeframe; hence, ensuring that the Western Australian Planning Commission receive the modified amended documents by no later than 25 July 2010.

9.1.11 Town of Vincent Local History Book No. 2 – Progress Report No. 2

Ward:	Both	Date:	5 July 2010
Precinct:	All	File Ref:	PLA0187
Attachments:	-		
Reporting Officers:	H Au, Heritage Officer; J Davidson, Senior Librarian, Local History		
Responsible Officer:	R Boardman, Director Development Services; M Rootsey, Director Corporate Services		

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the Progress Report relating to the Town of Vincent Local History Book No. 2; and*
- (ii) *APPROVES the title of “Early Businesses of Vincent: a local history” for the Local History Book No. 2.*

COUNCIL DECISION ITEM 9.1.11

Moved Cr Harvey, Seconded Cr McGrath

That the recommendation be adopted.

CARRIED “EN BLOC” (7-0)

(Cr Farrell had not yet arrived to the meeting. Cr Topelberg was on approved leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to provide an update for the Council on the progress of the project and to approve a title for Local History Book No. 2.

BACKGROUND:

10 July 2007 At its Special Meeting, the Council endorsed to undertake a second local history book which would focus on the early businesses of Vincent. This has been an ongoing project undertaken by the staff in the Local History Centre and Heritage Services.

DETAILS:

Progress in 2010

- Research is now almost complete.
- The writing and compilation of the first draft of the content is nearing completion.
- The relevant pages are being posted out to contributors to ensure that the information is correct.
- Final proof-reading will be undertaken once the information is confirmed.
- Photographs selected from the Local History Collection and some purchased from the Battye collection are being processed to optimise print quality.
- Three quotations have been obtained from companies with experience in book printing to provide the artwork and printing.

Title of the book

- The title of the first book published by the Local History Centre in May 2007 was “*Our Town: early Photographs from the Town of Vincent Local History Collection.*”
- A title needs to be finalised for the Local History Book No. 2 in order that the Town may obtain an ISBN number and CIP (Cataloguing-in-Publication) from the National Library to be included in the information at the front of the book.
- It is proposed that the Council approves the title of “*Early Businesses of Vincent: a local history*” for the Local History Book No. 2.

CONSULTATION/ADVERTISING:

The Local History Book No. 2 has been advertised for community input through the following mechanisms:

- Advertisements in *The West Australian*;
- The Town of Vincent Newsletter;
- The dedicated MHI Newsletter; and
- Promotion through the Local History Centre.

The above advertising has been completed. Further advertising will be required to promote the sale of the book once completed.

LEGAL/POLICY:

Nil.

STRATEGIC IMPLICATIONS:

Town Of Vincent Strategic Plan 2009-2014:

*Strategic Objective 1.1 – Improve and maintain environment and infrastructure
Action:*

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

*Strategic Objective 3.1 – Enhance and promote community development and wellbeing
Action:*

3.1.1 – ‘Celebrate and acknowledge the Town’s cultural and social diversity

3.1.1(a) Organise and promote community events and initiatives that engage the community and celebrate cultural and social diversity of the Town.

Strategic Objective 4.1 – Provide good strategic decision-making, governance, leadership and professional management

Action:

4.1.4 – Focus on stakeholder needs, values, engagement and involvement

4.1.4c) – Increase and promote community participation in Town activities, promote business and industry associations and foster improved liaison between community groups, precinct groups, the Town and other relevant stakeholders.

SUSTAINABILITY IMPLICATIONS:

The publishing of a local history book makes a valuable contribution to the social sustainability of the Town.

FINANCIAL/BUDGET IMPLICATIONS:

Funds allocated to the project will be carried over into the 2010/2011 Budget.

COMMENTS:

The Local History Centre and the Heritage Services staff have progressed Local History Book No. 2 to the first draft; however, the preparation of the book for artwork and printing cannot continue until a title is finalised in order to acquire ISBN numbers and Cataloguing in Publication data from the National Library. In light of the above, it is recommended that the Council supports the Officer Recommendation.

9.2.1 Proposed 2010/2011 Road Rehabilitation and Upgrade Program

Ward:	Both	Date:	5 July 2010
Precinct:	All	File Ref:	TES0174
Attachments:	001		
Reporting Officers:	R Lotznicker, Director Technical Services C Economo, Manager Engineering Operations		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

- (i) *ADOPTS the first year, 2010/2011, of the four (4) year (2010/2011 to 2013/2014) Road Rehabilitation and Upgrade Program as outlined in Attachment 9.2.1; and*
- (iii) *NOTES that the remaining three (3) years of the program is "preliminary only" and will be subject to change.*

COUNCIL DECISION ITEM 9.2.1

Moved Cr Harvey, Seconded Cr McGrath

That the recommendation be adopted.

CARRIED "EN BLOC" (7-0)

(Cr Farrell had not yet arrived to the meeting. Cr Topelberg was on approved leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to obtain the Council's approval for the allocation of funds allowed for in the 2010/2011 draft budget to specific projects in the Road Rehabilitation and Upgrade Program.

BACKGROUND:

In 1997, the Council resolved to adopt a long term "Road Rehabilitation and Upgrade Program". The program was developed to ensure the Town's road infrastructure is maintained at an acceptable level of service and safety.

To ensure that the program is dynamic in reflecting changing circumstances, including development activity, other capital improvement projects, residents' requests, changing road conditions and State Funding for roads through the Metropolitan Regional Road Program (MRRP), it was considered appropriate to review and update the program on an annual basis and request that only the first year of the program be adopted.

DETAILS:**Metropolitan Regional Road Funding**

In early 2010 Main Roads WA advised the Town of the approved Metropolitan Local Road Project Grants for 2010/2011. The Town's 2009/2010 draft budget indicates the following projects:

Road	Section	Grant	Town Contribution	Estimated Cost
Stirling St	Brisbane St - Parry St	\$186,667	\$93,333	\$280,000
Brisbane St	Beaufort St – William St	\$100,000	\$50,000	\$150,000
Scarb Bch Rd	Beyond Federation St to Main St	\$100,000	\$50,000	\$150,000
Vincent St	Throssell St – William St	\$166,667	\$83,333	\$250,000
Total:		\$553,334	\$276,666	\$830,000

Revision to Projects listed in adopted budget:

In addition, \$248,334 has been allocated in the 2010/2011 draft budget for the road rehabilitation and upgrade of local roads resurfacing/rehabilitation and the following projects have been listed in the adopted 2010/2011 budget.

- Baker Ave – Bulwer to end
- Clieveden St – Charles to Walcott
- Edward St – Lord to Stirling
- Eton St – Scarb Bch Rd to Haynes
- Hunter – Redfern to Walcott
- Lawler St – Hilder to Hunter
- Windsor St – West Pde to Lord

Following the close of tenders for Road Resurfacing and a review of the costs and scope of works associated with the above projects, the proposed revised list of projects (still adding up to \$248,334) is as follows (as outlined in appendix 9.2.1):

- Clieveden St – Charles to Walcott
- Edward St – Lord to Stirling
- Eton St – Scarb Bch Rd to Haynes
- Hunter – Redfern to Walcott
- Windsor St – West Pde to Lord

The proposed four (4) year Road Rehabilitation and Upgrade Program is outlined in Appendix 9.2.1.

CONSULTATION/ADVERTISING:

N/A.

LEGAL/POLICY

The Town is responsible for the care, control and management of over 145kms of roads, which include Primary Distributors, Local Distributors and Access Roads.

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

The 2009/2010 Draft Capital Works Budget includes funds of \$510,000 for the Road Rehabilitation and Upgrade Program.

STRATEGIC IMPLICATIONS:

In accordance with the objective of Strategic Plan 2009-2014 – 1.1.6 Enhance and maintain the Town’s infrastructure to provide a safe, healthy, sustainable and functional environment. *“(a) implement adopted annual infrastructure upgrade programs, including streetscape enhancements, footpaths, rights of way, car parking and roads.”*

COMMENTS:

Since its creation, the Town has expended a considerable amount on maintaining and upgrading the road infrastructure. The Town has also been very successful in securing annual funding from the Metropolitan Regional Roads program. It is requested that the officer recommendation be adopted.

9.2.4 Traffic Management Matters Referred to Local Area Traffic Management Advisory Group – Further Report – Randell Street, Perth

Ward:	South	Date:	7 July 2010
Precinct:	Hyde Park Precinct P12	File Ref:	TES0066/TES0334
Attachments:	001		
Reporting Officer:	C Wilson, Manager Asset & Design Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

- (i) **APPROVES IN PRINCIPLE** the proposal for Randell Street as outlined on attached Plan No. 2724-CP-01;
- (ii) **CONSULTS** with residents in Randell Street, Randell Place and Randell Lane regarding the proposal; and
- (iii) **RECEIVES** a further report on the submissions received.

COUNCIL DECISION ITEM 9.2.4

Moved Cr Harvey, Seconded Cr McGrath

That the recommendation be adopted.

CARRIED “EN BLOC” (7-0)

(Cr Farrell had not yet arrived to the meeting. Cr Topelberg was on approved leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of the outcome of the Town’s Local Area Traffic Management (LATM) Advisory Group’s consideration on Randell Street Traffic Management.

BACKGROUND:

As has previously been reported to the Council, complaints were received regarding traffic volumes and speeds in Randell Street, which links Fitzgerald and Palmerston Streets and abuts the northern boundary of Robertson Park. Given the popularity of Robertson Park, which is used for both active (Robertson Park Tennis Club) and passive recreation, the main concern was the mix of children, traffic and parking.

The matter was presented to the Council at its Ordinary meeting held on 14 July 2009, where the Council made the following decision (in part):

"That the Council;

- (ii) **REFERS** "Shakespeare Street, Edinboro Street, Purslowe Street and the intersection of Hobart and Dunedin Streets, Mount Hawthorn, Randell Street, Perth and Cowle Street, West Perth" to the Town's Local Area Traffic Management Advisory Group for consideration; and
- (iii) **RECEIVES** a further report on the matters following consideration by the Town's Local Area Traffic Management Advisory Group."

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

DETAILS:

Randell Street, Perth - Fitzgerald Street to Palmerston Street

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

Randell Street connects Fitzgerald Street, a District Distributor A Road, to Palmerston Street, an Access Road.

Traffic data collected in September 2009 indicated that the average weekday traffic was in the order of 1,130 vehicles per day while the 85% speed for the two classifier locations were 51.8 kph and 53.6 kph respectively.

LATM Advisory Group meeting 17 June 2010:

Two (2) residents of Randell Street attended the meeting to provide a local perspective and also presented a petition signed by themselves and eight (8) other residents, requesting the introduction of traffic calming measures in the street.

The petition was subsequently read out at the Ordinary Meeting of Council held on 22 June 2010 and referred to the Director Technical Services for investigation and report.

Discussion at the meeting centred on the need to deter "rat runners" and reduce vehicle speeds.

With the traffic statistics in mind, various options were suggested and discussed, with some discounted and some further developed (through discussion).

The LATM Advisory Group agreed that a median island be installed at the Fitzgerald Street end to match that of the Palmerston Street end to better control traffic movements through the intersection. Further, that a low profile speed hump be installed at either end as an entry statement and that the parking either side be line-marked to narrow the drivers perspective of the width of the street. This approach has been used successfully elsewhere in the Town and has little impact on the residents' amenity.

CONSULTATION/ADVERTISING:

Consultation with affected residents will be undertaken.

LEGAL/POLICY:

N/A.

STRATEGIC IMPLICATIONS:

In accordance with the objective of Strategic Plan 2009-2014 – Key Result Area One: 1.1.6 Enhance and maintain the Town's infrastructure to provide a safe, healthy, sustainable and functional environment. *"(d) Implement Local Area Traffic Management matters referred to the Local Area Traffic Management Advisory Group by Council"*.

SUSTAINABILITY IMPLICATIONS:

The Council adopted a long term program to ensure its road infrastructure is maintained to an acceptable level of service. Funds are allocated annually to ensure this program is sustainable.

FINANCIAL/BUDGET IMPLICATIONS:

No funds have been allocated in the 2010/2011 budget for this matter, however, there is a Miscellaneous Traffic Management allocation whereby minor works may be dealt with throughout the year.

The estimated cost of the proposal is \$10,000.

COMMENTS:

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

It is therefore recommended that the Council approves the proposal for Randell Street as outlined on attached plan No. 2724-CP-01 in principle and consults with affected residents in Randell Street, Randell Place and Randell Lane.

9.2.7 Town of Vincent 2010 Garden Competition

Ward:	Both	Date:	29 June 2010
Precinct:	All	File Ref:	CVC0007
Attachments:	-		
Reporting Officer:	J van den Bok – Manager Parks & Property Services		
Responsible Officer:	R Lotznicker – Director Technical Services		

CORRECTED OFFICER RECOMMENDATION:

That the Council;

(i) **APPROVES** the recommendation of the Town of Vincent Garden Advisory Group as follows;

(a) *the prize money for the “Best Residential Front Garden”:*

First Prize - \$500

Second Prize – \$300

Third Prize - \$200

(b) *the prize money for the “Best Kept Verge”:*

First Prize - \$250

Second Prize – \$150

Third Prize - \$100

(c) *the 2010 Garden Competition as outlined in the report, with entries to close on Friday 1 October 2010, and the final judging to be carried out on Saturday 9 October 2010; and*

(d) *the final judging panel to comprise of Councillors Buckels, Farrell and Topelberg, Manager Parks & Property Services and Ian Smith (2009 winner – Best Residential Front Garden); and*

(ii) **AUTHORISES** the Chief Executive Officer to;

(a) *conduct a function, inviting competition entrants and their partners to the event, for the awarding of prizes to the winners and finalists of each category of the competition, to be held at the Town of Vincent Administration and Civic Centre on Wednesday 3 November 2010, commencing at 6.00pm; and*

(b) *investigate sponsorship opportunities for the awards function.*

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

COUNCIL DECISION ITEM 9.2.7

Moved Cr Harvey, Seconded Cr McGrath

That the recommendation be adopted.

CARRIED “EN BLOC” (7-0)

(Cr Farrell had not yet arrived to the meeting. Cr Topelberg was on approved leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of the proposed changes to the 2010 Garden Competition and to seek approval for the dates and format of the 2010 Garden Competition.

BACKGROUND:

Since the Town's inception in 1995 there has been an Annual Spring Garden Competition which is open to all owners/occupiers who have resided in the Town for at least six (6) months.

This event continues to be a highlight in the Town's calendar and many residents are keen to be a part of the competition and request information and submit entries as early as July of each year.

The Town's new Garden Awards Advisory Group, consisting of Cr Matt Buckels, Cr Steed Farrell, Cr Josh Topelberg and the Manager Parks & Property Services, met on 27 May 2010 to discuss the format for this year's competition.

The Manager Parks & Property Services gave an outline of the competition to the new committee members and, following discussion with regard to the categories, judging and prize money, it was resolved by the Group to make some minor changes to the prize money allocation in the Best Residential Front Garden and Best Kept Verge categories.

DETAILS:

Categories

As recommended by the Garden Awards Advisory Group, the categories for the 2010 garden competition remained unchanged from last year and are as follows:-

- Best Residential Front Garden
- Best Kept Verge
- Best Courtyard and/or Rear Garden
- Best Vegetable or Food Garden
- Best Kept Street/Part Street
- Catchment Friendly Garden

Judging

The judging criteria and format were discussed at the meeting of the Garden Awards Advisory Group and it was recommended that the preliminary judging for the majority of categories will again be undertaken by the Town's horticultural staff.

Preliminary judging for the Catchment Friendly Garden will be undertaken by Claise Brook Catchment Group (CBCG) members, the Parks Services Technical Officer, Project Officer – Environment and a representative from the Water Corporation.

Final judging will be undertaken on the morning of Saturday, 9 October 2010 and it is proposed that the 2010 judging panel consists of the following:

- Cr Matt Buckels
- Cr Steed Farrell
- Cr Josh Topelberg
- Manager Parks & Property Services
- Ian Smith (*Winner- 2009 Best Residential Front Garden category*)

Function/Awards/Prize Money

The Garden Awards Advisory Group discussed the prize money allocations at length and decided that, given the high profile of the Residential Front Garden category, the prize money should at least be equal to that of the Catchment Friendly Garden category.

It was also decided that the Best Kept Verge category prize money should be lowered in keeping with the other categories. Whilst the verge is a high profile area, in most cases the effort involved in maintaining a verge is considerably less than maintaining a Residential Front Garden.

The Catchment Friendly Garden category is sponsored by the Water Corporation through the CBCG, and their sponsorship has again been sourced.

Therefore, the prize money allocations for the 2010 Garden Competition have been recommended by the Garden Awards Advisory Group as follows:-

Best Waterwise Residential Front Garden Catchment Friendly Garden

- First Prize \$500 plus trophy
- Second Prize \$300 plus certificate
- Third Prize \$200 plus certificate

Best Courtyard and/or Rear Garden Best Vegetable Garden or Food garden Best Kept Verge

- First Prize \$250 plus trophy
- Second Prize \$150 plus certificate
- Third Prize \$100 plus certificate

Best Kept Street/Part Street and Mayor's Encouragement Award

A specialised street sign will again be provided for the Best Kept Street/Part Street category and a quality pair of Swiss made "Felco" secateurs will be presented for the Mayor's Encouragement Award.

As in previous years, the awards presentation night will also include a number of raffles or give-away prizes provided by the numerous sponsors.

CONSULTATION/ADVERTISING:

An advertisement/entry form will be placed in local community papers during August/September 2010. Entry forms have been included in the "Mayor's Message" and rates notices.

Entry forms are also available at the front desk of the Administration Civic Centre, the Town's Library and via the Town's website.

LEGAL/POLICY:

Nil

STRATEGIC IMPLICATIONS:

In accordance with the objective of Strategic Plan (Plan for the Future) 2009-2014 – 3.1.1 Celebrate and acknowledge the Town's cultural and social diversity. *“(a) Organise and promote community events, programs and initiatives that engage the community and celebrate the cultural and social diversity of the Town.”*

SUSTAINABILITY IMPLICATIONS:

In keeping with the Town's commitment to environmental sustainability and water wise principles and in line with last years competition, all entries are being judged against waterwise criteria such as the use of native plants, water saving measures and demonstrated controlled use of fertilisers and pesticides.

FINANCIAL/BUDGET IMPLICATIONS:

The estimated costs associated with the 2010 Town of Vincent Garden Competition are as follows:

• Cash prizes	\$3,500
• Function	\$3,750
• Trophies	\$1,300
• Photography	\$400
• Certificates	\$175
• Advertising	\$900
• Street sign	\$275
• Administration	<u>\$250</u>
	<u>\$10,550</u>

A total of \$9,000 has been allocated in the Town's 2010/11 budget.

In addition to this amount, \$1,260.00 will be received from the Water Corporation for the Catchment Friendly Garden prize money and trophy and, as in previous years, approximately \$2,500 is expected in cash donations from sponsors who have been associated with the competition.

COMMENTS:

Following this year's competition, the Garden Awards Advisory Group, which now consists of three (3) new Council Members, will review the competition format in detail and possibly recommend additional changes. One suggestion already being investigated is to look at attracting new sponsorship for the awards function which is currently a significant cost for the Town.

It is therefore recommended that the Council approves the 2010 Garden Competition as detailed within the report, with entries to close on Friday 1 October 2010.

9.2.9 Tender for the Supply of Pre Mixed Asphalt and Supply and Laying of Hotmixed Asphalt - Tender No. 413/10

Ward:	Both	Date:	1 July 2010
Precinct:	All	File Ref:	TEN0421
Attachments:	-		
Reporting Officers:	C Economo, Manager Engineering Operations G Dennison, Depot Purchasing Officer R Lotznicker, Director Technical Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council ACCEPTS the Tender submitted by Fulton Hogan Pty Ltd for the "Supply of Pre Mixed Asphalt and Supply and Laying of Hotmixed Asphalt", in accordance with the terms and conditions as detailed in Tender No. 413/10.

COUNCIL DECISION ITEM 9.2.9

Moved Cr Harvey, Seconded Cr McGrath

That the recommendation be adopted.

CARRIED "EN BLOC" (7-0)

(Cr Farrell had not yet arrived to the meeting. Cr Topelberg was on approved leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to obtain the Council's approval to award Tender 413/10 for the Supply of Pre Mixed Asphalt and Supply and Laying of Hotmixed Asphalt.

BACKGROUND:

Tenders for the supply of Pre Mixed Asphalt and Supply and Laying of Hotmixed Asphalt for a three (3) year period closed at 2.00 pm on 16 June 2010 and four (4) tenders were received.

The prices submitted are to be fixed for a twelve (12) month period. Beyond this, price adjustments for CPI and material increases/decreases may be negotiated.

DETAILS:

Details of all submissions received are listed below:

Supply of Pre-Mixed Hotmixed Asphalt

Type	Boral Collected \$/Tonne	Fulton Hogan Collected \$/Tonne	Roads 2000 Collected \$/Tonne	Downer EDI Collected \$/Tonne
7mm Coldmix	Boral will not be supplying premix	114.95	148.50 (min 5 tonne)	120.00
10mm Coldmix		114.95	148.50 (min 5 tonne)	-
7mm Hotmix		112.75	126.50	-
10mm Hotmix		112.75	126.50	-
14mm Hotmix		112.75	126.50	-
Weekend penalty rate		1,100.00	1,980.00	1,600.00 (Opening fee)

Note: Downer EDI – coldmix needs to be pre-ordered at the plant before collecting.

Supply and laying of Dense Graded Hotmixed Asphalt

Mix Type/Marshall Blow		Boral \$	Fulton Hogan \$	Roads 2000 \$	Downer EDI \$
7mm 35 Blow	0-25	394	192.50	363.00	247.00
	26-50	235	170.50	184.00	225.00
	51-100	187	154.00	168.00	195.00
	101-200	164	138.60	140.80	175.00
	201-300	154	135.30	138.60	170.00
	301-400	152	135.30	138.60	170.00
	400+	152	135.30	137.50	156.00
10mm 35 Blow	0-25	394	192.50	363.00	244.00
	26-50	235	170.50	184.00	222.00
	51-100	187	154.00	168.00	192.00
	101-200	164	138.60	140.80	172.00
	201-300	154	135.30	138.60	172.00
	301-400	152	135.30	138.60	172.00
	400+	152	135.30	137.50	160.00
10mm 50 Blow	0-25	390	190.50	363.00	244.00
	26-50	231	168.50	184.00	222.00
	51-100	183	152.00	167.00	192.00
	101-200	160	136.60	139.80	172.00
	201-300	151	133.30	138.00	172.00
	301-400	148	133.30	138.00	172.00
	400+	148	133.30	137.00	160.00
14mm 50 Blow	0-25	386	190.50	363.00	242.00
	26-50	227	168.50	184.00	220.00
	51-100	179	152.00	167.00	190.00
	101-200	156	136.60	139.80	170.00
	201-300	146	133.30	138.00	170.00
	301-400	144	133.30	138.00	170.00
	400+	144	133.30	137.00	158.00
14mm 75 Blow	0-25	386	190.50	363.00	242.00
	26-50	227	168.50	184.00	220.00
	51-100	179	152.00	166.00	190.00
	101-200	156	136.60	139.00	170.00
	201-300	146	133.30	137.50	170.00
	301-400	144	133.30	137.50	170.00
	400+	144	133.30	136.50	158.00
Weekend & Public Holiday opening – Fee:		3,500.00	2,475.00	2,475.00	1,600.00

Note 1: 7mm/35 Blow means the mix comprises of a 7mm aggregate size (Granite) and 35 blow equates to the required compaction for the voids/bitumen ratio.

Supply of Hotmixed Asphalt ex plant to be collected by the Town

Mix Type	Marshall Blow	Boral \$	Fulton Hogan \$	Roads 2000 \$	Downer EDI \$
7mm	35 Blow	117.92	114.75	126.50	104.00
10mm	35 Blow	117.92	114.75	126.50	102.00
	50 Blow	117.92	112.75	126.50	102.00
14mm	50 Blow	117.37	112.75	126.00	100.00
	75 Blow	117.37	112.75	126.00	100.00

Supply and laying of Stone Mastic Asphalt (SMA)

Mix Type/job size tonnes		Boral \$/tonne	Fulton Hogan \$/tonne	Roads 2000 \$/tonne	Downer EDI \$/tonne
SMA7	0-25	425	236.50	415.00	274.00
	26-50	266	187.00	277.20	249.00
	51-100	218	167.20	222.20	219.00
	101-200	195	165.00	178.20	199.00
	201-300	186	160.60	169.50	199.00
	301-400	183	160.60	168.00	199.00
	400+	183	160.60	168.00	187.00
SMA10	0-25	416	236.50	415.00	271.00
	26-50	257	187.00	275.20	246.00
	51-100	209	167.20	220.00	216.00
	101-200	186	165.00	176.20	196.00
	201-300	177	160.60	166.50	196.00
	301-400	174	160.60	165.50	196.00
	400+	174	160.60	165.50	185.00
SMA14	0-25	411	236.50	415.00	268.00
	26-50	252	187.00	273.20	244.00
	51-100	204	167.20	218.00	214.00
	101-200	181	165.00	174.20	194.00
	201-300	172	160.60	164.50	194.00
	301-400	169	160.60	163.50	194.00
	400+	169	160.60	163.50	183.00

Supply and laying of Red (gravel pave) Hotmixed Asphalt

Mix Type/job size tonnes		Boral* \$/tonne	Fulton Hogan \$/tonne	Roads 2000 \$/tonne	Downer EDI** \$/tonne
10mm	0-25	407	210.00	423.50	274.00
	26-50	248	210.00	286.00	252.00
	51-100	192	195.80	231.00	222.00
	101-200	176	193.60	184.80	202.00
	201-300	167	160.60	178.20	202.00
	301-400	167	160.60	177.10	202.00
	400+	167	160.60	177.10	190.00
12mm *	0-25	410	210.00	423.50	272.00
	26-50	251	210.00	286.00	250.00
	51-100	196	195.80	230.00	220.00
	101-200	179	193.60	184.00	200.00
	201-300	170	160.60	177.50	200.00
	301-400	170	160.60	176.50	200.00
	400+	170	160.60	176.50	188.00

Note: * Boral prices are based on 7mm not 12mm.

Note** Downer EDI – Red asphalt includes 1% oxide.

Supply and lay 'Sami Seal'

Aggregate size		Boral Job size \$/m ²	Fulton Hogan Job size \$/m ²	Roads 2000 Job size \$/m ²	Downer EDI* Job size \$/m ²
7mm	0-500	15.26	26.50	73.00	-
	500-1000	7.03	17.90	24.85	14.65
	1000-2000	5.66	9.46	12.85	9.27
	2000-3000	4.86	7.65	8.00	7.49
	3000+	4.42	5.90	6.15	6.85

Aggregate size		Boral Job size \$/m ²	Fulton Hogan Job size \$/m ²	Roads 2000 Job size \$/m ²	Downer EDI* Job size \$/m ²
10mm	0-500	15.26	25.50	73.20	-
	500-1000	7.03	16.80	25.00	15.27
	1000-2000	5.66	8.45	13.00	10.07
	2000-3000	4.86	7.15	8.15	6.69
	3000+	4.42	5.40	6.45	6.04

Note*:

- 7mm - rate based on 1.3 L/m²
- 10mm – rate based on 1.6 L/m²
- PMB or rubberised bitumen is ordered in minimum 3,000 litre batches, there will be cost implication
- For areas less than 1,875m² for 10mm and 2,300 m² for 7mm.
- Surcharges:
- Handwork \$100.00/tonne extra
- 20% additional charge for night works/weekends and Public

Tender Evaluation:

The tender evaluation was undertaken by Director Technical Services, and Manager Engineering Operations and Depot Purchasing Officer in accordance with the selection criteria as outlined in the tender documentation as follows:

Evaluation Criteria	Weighting	Boral	Fulton Hogan	Roads 2000	Downer EDI
Demonstrated previous experience in the provision of similar projects/works	25%	25%	25%	25%	25%
Organisational structure/capacity to deliver required services/resources	25%	23%	25%	25%	25%
Contract price	30%	22.53%	30%	24.83	23.88
Financial capacity of the company	10%	10%	10%	10%	10%
Compliance with the tender specification	5%	4%	4%	4%	5%
References	5%	5%	5%	5%	5%
TOTAL	100%	91.53	99	93.83	93.88

Officer's comments:

It is considered that all four (4) tenderers are more than capable of providing the Town with the requirements of the tender and this is reflected in the tender evaluation. All tenders were marked down slightly in category "Compliance with the tender specification" as there was only a minor mention of Health and Safety on the tender specification requirements. In addition, Boral cannot supply pre-mixed asphalt.

The Town's current contractor is Fulton Hogan Pty Ltd (previously known a Pioneer Road Services PL) and they have provided a very good service over the last six (6) years.

When comparing the tendered prices for the most common products used by the Town, Fulton Hogan has submitted the most competitive tender price.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

The Tender was advertised in accordance with the Local Government Act tender regulations.

STRATEGIC IMPLICATIONS:

In accordance with the objective of Strategic Plan 2009-2014 – Key Result Area One: 1.1.6 Enhance and maintain the Town’s infrastructure to provide a safe, healthy, sustainable and functional environment. *“(a) implement adopted annual infrastructure upgrade programs, including streetscape enhancements, footpaths, rights of way, car parking and roads.”*

SUSTAINABILITY IMPLICATIONS:

This product is used predominantly to maintain/upgrade the Town’s roads, Rights of Way and carpark assets to an acceptable level of service.

FINANCIAL/BUDGET IMPLICATIONS:

The service provided as outlined in this tender will be utilised for the construction and maintenance of the Town's infrastructure during the 2010/2011 to 2011/2013 financial years.

The annual value for this tender is approximately \$733,000.

COMMENTS:

The quantity of hotmixed Asphalt used annually is in the order of 2,500 tonnes, with the majority of projects being in the 50 tonne (plus) category.

The Town only uses a small quantity of premixed “cold mix” per annum, and approximately 50 tonnes of premixed hotmixed asphalt. The Town also carries out red asphalt overlays in streetscapes and traffic management projects and predominantly SMA, with some dense graded asphalt applications on road resurfacing projects.

All four (4) tenderers are more than capable of providing the Town with the requirements of the tender, however, Fulton Hogan submitted the most competitive tender and has provided a very good service to the Town over the last three years. It is therefore recommended that the tender for the Supply of Pre Mixed Asphalt and Supply and Laying of Hotmixed Asphalt - Tender No. 413/10, be awarded to Fulton Hogan Pty Ltd.

9.2.10 Tender for the Construction of Concrete Crossovers and Cast In-situ Concrete Paths - Tender No. 414/10

Ward:	Both	Date:	2 July 2010
Precinct:	All	File Ref:	TEN0422
Attachments:	-		
Reporting Officers:	C Economo, Manager Engineering Operations G Dennison, Depot Purchasing Officer R Lotznicker, Director Technical Services		
Responsible Officers:	R Lotznicker, Director Technical Services M Rootsey, Director Corporate Services		

OFFICER RECOMMENDATION:

That the Council ACCEPTS the Tender submitted by Techsand Pty Ltd for the "Construction of Concrete Crossovers and Cast In-situ Concrete Paths", in accordance with the terms and conditions of Tender No. 414/10.

COUNCIL DECISION ITEM 9.2.10

Moved Cr Harvey, **Seconded** Cr McGrath

That the recommendation be adopted.

CARRIED "EN BLOC" (7-0)

(Cr Farrell had not yet arrived to the meeting. Cr Topelberg was on approved leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to obtain the Council's approval to award Tender 414/10 for the Construction of Concrete Crossovers and Cast In-situ Concrete Paths.

BACKGROUND:

Tenders for the Construction of Concrete Crossovers and Cast In-situ Concrete Paths for a three (3) year period closed at 2.00 pm on 16 June 2010 and three (3) tenders were received.

The prices submitted are to be fixed for a twelve (12) month period. Beyond this, price adjustments for CPI and material increases/decreases may be negotiated.

DETAILS:

Details of all submissions received for Tender No. 414/10 are as follows. Prices include GST:

Construction of Concrete Footpaths

Description	Riverlea \$/	Cobblestone* \$/m ²	Techsand** \$/m ²
Path construction (replacement paths incorporating removal of existing slab path). <ul style="list-style-type: none"> Remove slabs, box out/compact, supply all materials for the construction of 100mm thick In-situ concrete footpaths and makes good. 	26.00/m ²	38.39/m ²	46.00/m ²

Description	Riverlea \$/	Cobblestone* \$/m ²	Techsand** \$/m ²
Reinstatements/Repairs • Less than 30m ²	65.00/m ²	60.55/m ²	58.00/m ²
Cutting concrete or bitumen	16.00 linear metre	13.20 linear metre	14.00 linear metre
Cost per salvaged precast concrete slab to residents in Town of Vincent	14.00 each	2.20 each	3.30 each

Construction of Concrete Crossovers

Description	Riverlea \$	Cobblestone* \$	Techsand** \$
Box out, prepare base, supply all materials and install standard concrete crossover and make good. • 100mm thick • 150mm thick • 200mm thick	60.00/m ² 70.00/m ² 85.00/m ²	45.65/m ² 62.70/m ² 79.75/m ²	47.00/m ² 58.00/m ² 76.00/m ²
Concrete cutting	16.00/linear metre	13.20/linear metre	14.00/linear metre
Additional cost for 150mm thick concrete sweeps/wings per crossover at a 1 metre radius	8.50/item	71.50/item	111.00/item
Colour	2.50/m ²	8.80/m ²	14.00/m ²
Weekend rates	4.50/item	See note 1 below	See note 2 below

Note:*

- Additional cost for Traffic Control will be charged to the Town per project at the rate charged by Carrington Traffic Management. It is estimated this would add 13% to the cost per m² for path construction.

- Weekend rates apply for Saturday after 12pm and Sundays for opening concrete batching plant including Sunday surcharge.

Note:**

- Weekend rates – Saturday extra labour only - \$5.50/m².

- Weekend rates – Sunday extra labour only - \$6.60/m².

- Weekend rates – opening Boral Concrete Plant fee – Sunday only - \$1,500.00

- Minimum charge – concrete works up to 10m² - \$660.00.

Evaluation:

The tender evaluation was undertaken by Director Technical Services, and Manager Engineering Operations and Depot Purchasing Officer in accordance with the selection criteria as outlined in the tender documentation as follows:

Evaluation Criteria	Weighting	Riverlea	Cobblestone	Techsand
Past experience in provision of required services	30%	20	30	30
Contract Price	30%	30.00	23.48	21.52
Organisational structure/ financial capacity/resources	15%	5	10	15
Compliance with tender specification and Health/Safety requirements	15%	11	12	15
References	10%	0	14	15
TOTAL	100%	66	89.48	96.52

Officer's comments:

The Town has reduced its involvement with regard to the installation of concrete crossovers whereby developers/builders are now required to install their own crossover in accordance with the Town's specifications.

Where the Town is required to install crossovers, the contractor would undertake this work.

The Town's current contractor, Cobblestone Concrete, has indicated that Traffic Management will apply as a separate charge per project. It has been estimated that this could add between 12% and 15% to the cost per m² for path projects (depending on the size of the project).

Compliance with tender requirements varied in the submissions received with no references provided by Riverlea, whilst there was only a minor mention of Health and Safety of the tender specification requirements by Cobblestone.

The tender supplied by Techsand fully complied with the requirements of the specification and reference checks indicated that this company provides a high quality product.

CONSULTATION/ADVERTISING

Nil.

LEGAL/POLICY:

The Tender was advertised in accordance with the Local Government Act tender regulations.

STRATEGIC IMPLICATIONS:

Although not directly affiliated with a Key Result Area, this would fall into the objective of Strategic Plan 2009-2014 – Key Result Area One: 1.1.6 Enhance and maintain the Town's infrastructure to provide a safe, healthy, sustainable and functional environment.

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

The service provided as outlined in this tender will be utilised for the construction and maintenance of the Town's infrastructure during the 2010/2011 to 2011/2013 financial years.

The annual value for this tender is approximately \$214,000.

COMMENTS:

The Town has reduced its involvement with regard to the installation of concrete crossovers.

An amount of \$350,000 has been allocated in the 2010/2011 for slab path replacement with either brickpaving or cast insitu concrete. In addition, certain capital works may have a path component whereby a new section of path may be required.

As mentioned above, the Town's current contractor has indicated that Traffic Management will apply as a separate charge per project and could add between 12% and 15% to the cost per m² for path projects. In addition, no references were provided by Riverlea, with only a minor mention of Health and Safety of the tender specification requirements by Cobblestone.

The tender supplied by Techsand fully complied with the requirements of the specification and reference checks indicated that this company provides a high quality product at a competitive price. It is therefore recommended that the Tender for the "Construction of Concrete Crossovers and Cast In-situ Concrete Paths", be awarded to Techsand Pty Ltd, in accordance with the terms and conditions of Tender No. 414/10.

9.2.11 Tender for Laying of Brick/Concrete Pavers - Tender No. 415/10

Ward:	Both	Date:	2 July 2010
Precinct:	All	File Ref:	TEN0423
Attachments:	-		
Reporting Officer:	C. Economo – Manager Engineering Operations G Dennison – Depot Purchasing Officer R. Lotznicker – Director Technical Services		
Responsible Officer:	R. Lotznicker – Director Technical Services M. Rootsey – Director Corporate Services		

OFFICER RECOMMENDATION:

That the Council ACCEPTS the tender submitted by A-Line Brickpaving for the Laying of Brick/Concrete Pavers in accordance with the specifications as detailed in Tender No. 415/10.

COUNCIL DECISION ITEM 9.2.11

Moved Cr Harvey, Seconded Cr McGrath

That the recommendation be adopted.

CARRIED “EN BLOC” (7-0)

(Cr Farrell had not yet arrived to the meeting. Cr Topelberg was on approved leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to obtain the Council’s approval to award Tender 415/10 for the Laying of Brick/Concrete Pavers.

BACKGROUND:

Tenders for the Laying of Brick/Concrete Pavers for a three (3) year period closed at 2.00 pm on 16 June 2010 and two (2) tenders were received.

The prices submitted are to be fixed for a twelve (12) month period. Beyond this, price adjustments for CPI and material increases/decreases may be negotiated.

DETAILS:

Details of all submissions received for Tender No. 414/10 are as follows. Prices include GST:

Description	A-Line \$	Allstyle \$
Laying Patterns:		
• 90° herringbone pattern	13.20/m ²	15.00/m ²
• 45° herringbone pattern	14.30/m ²	15.00/m ²
• 400mm x 400mm Urban Stone Pavers	16.50/m ²	21.00/m ²
Cutting Pavers:		
• To match building and kerbline	11.00/linear metre	1.50/linear metre
• To match public utility service outlets	11.00/linear metre	2.00/linear metre
Laying standard concrete Edge bricks on mortar bed (Prep work and concrete to be supplied by contractor)	16.50/linear metre	12.00/linear metre

Reinstatement	22.00/m ²	35.00/m ²
Box out/ earthworks and laying/cutting of brick pavers. Clean up of site. Supply TMP and Traffic Management	40.00/m ²	Box out 14.50/m ² Laying 16.00/m ² Cleaning 90.00/m ² Supply TMP \$140.00 Management/Hr: 1 man crew \$60.00 2 men crew \$95.00 3 men crew \$130.00

Evaluation:

The tender evaluation was undertaken by Director Technical Services, and Manager Engineering Operations and Depot Purchasing Officer in accordance with the selection criteria as outlined in the tender documentation as follows:

Evaluation Criteria	Weighting	A-Line	Allstyle
Past experience in provision of required services	25%	25	25
Contract Price	30%	30	21.93
Organisational structure/ financial capacity/resources	20%	17	20
Compliance with tender specification and Health/Safety requirements	15%	15	15
References	10%	10	10
TOTAL	100%	97	91.93

Officer's Comments:

The Town has undertaken a number of medium to large streetscape upgrade projects over the years which included a large area of paving. Both tenders complied with the requirements of the specification with reference checks and previous experience (with the Town's current contractor A-Line Brickpaving indicating that both companies would provide a high quality service to the Town. A-Line scored slightly lower on Organisational structure as they have fewer resources as compared with Allstyle. The tender assessment was undertaken by comparing both tenders based on a standard project using the predominant laying pattern and following an overall assessment it is recommended the tender should be awarded to A-Line Brickpaving who scored highest overall.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

The Tender was advertised in accordance with the Local Government Act tender regulations.

STRATEGIC IMPLICATIONS:

Although not directly affiliated with a Key Result Area this would fall into the general category in the Town's Strategic Plan 2006-2011 Key Result Area One: 1.1.6 "Enhance and maintain the Town's infrastructure to provide a safe, healthy, sustainable and functional environment."

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

The service provided as outlined in this tender will be utilised for the construction and maintenance of the Towns infrastructure during the 2010/2011 to 2101/2013 financial years.

The annual value for this tender is approximately \$79,500.

COMMENTS:

A-Line Brickpaving is the Town's current paving Contractor and the company has consistently provided a high level of service in all projects they have undertaken for the Town. It is therefore recommended, that the Council accept the tender for the Laying of Brick/Concrete Pavers as submitted by A Line Brickpaving in accordance with the terms and conditions as detailed in Tender No. 415/10

9.2.12 Tender for Pavement Profiling - Tender No. 416/10

Ward:	Both	Date:	6 July 2010
Precinct:	All	File Ref:	TEN0424
Attachments:	-		
Reporting Officers:	C Economo – Manager Engineering Operations G Dennison – Depot Purchasing Officer R Lotznicker – Director Technical Services		
Responsible Officers:	R Lotznicker – Director Technical Services M Rootsey – Director Corporate Services		

OFFICER RECOMMENDATION:

That the Council ACCEPTS the tender submitted by ‘WA Profiling’ for Pavement Profiling, West Coast Profilers and Downer EDI, in accordance with the specifications as detailed in Tender No. 416/10.

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

COUNCIL DECISION ITEM 9.2.12

Moved Cr Harvey, Seconded Cr McGrath

That the recommendation be adopted.

CARRIED “EN BLOC” (7-0)

(Cr Farrell had not yet arrived to the meeting. Cr Topelberg was on approved leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to obtain the Council’s approval to award Tender 416/10 for Pavement Profiling.

BACKGROUND:

Tenders for the Pavement Profiling for a three (3) year period closed at 2.00 pm on 16 June 2010 and three (3) tenders were received.

The prices submitted are to be fixed for a twelve (12) month period. Beyond this, price adjustments for CPI and material increases/decreases may be negotiated.

DETAILS:

Details of all submissions received for Tender No. 416/10 are as follows. Prices include GST:

Pavement Profiling

Profiling	Unit	WA Profiling \$	West Coast \$	Downer EDI \$
25mm depth	m ²	1.87	1.52	1.61
30mm depth	m ²	1.98	1.59	1.64
40mm depth	m ²	2.09	1.70	1.69
50mm depth	m ²	2.20	1.70	1.73
75mm depth	m ²	2.31	1.94	1.90
100mm depth	m ²	2.53	2.12	2.07
125mm depth	m ²	2.64	2.26	2.18
150mm depth	m ²	2.86	2.33	2.30

Large Profilers

Description	Unit	WA Profiling \$	West Coast \$	Downer EDI \$
Mobilisation/demobilisation Fee	Item	605.00	660.00	1 metre - \$990 2 metre - \$1100
Large Sweeper (Monday to Friday)	Hour	137.50 (Min 4 hours)	150.00	132.00
Large Sweeper (Weekend Penalty)	Hour	+ 20%	+ 20%	154.00

Bobcat, profiler and sweeper

Description	Unit	WA Profiling \$	West Coast \$	Downer EDI \$
Mobilisation/Demobilisation Fee	Item	170.50	Laid on the Table	220 (includes two machines)
Monday to Friday	Item	170.50 (Min 3 hours)	Laid on the Table	Profiler - \$143/hr Sweeper - \$110/hr (Minimum 4 hours)
Weekend Penalty	Item	+ 20%	+ 20%	\$33/Hr/Man Depot to Depot (Minimum 4 hours)

Truck hire with operator

Description	Unit	WA Profiling \$	West Coast \$	Downer EDI \$
6 Wheeler	Hour	88.00	78.00	104.50 (minimum 4 hours)
8 Wheeler	Hour	104.50	95.00	115.50 (minimum 4 hours)
Semi Tipper	Hour	126.50	115.00	132.00 (minimum 4 hours)
Weekend Penalty		+ 20%	+ 20%	\$33/hr/man Depot to Depot

Notes from WA Profiling:

- Traffic control extra – see addendum 1
- All areas under 500m² hourly Rate – refer to addendum 2. Addendums 1 and 2 are “Laid on the Table”.

Notes from Downer EDI:

- Profiling and plant rates are not inclusive of traffic control.

Evaluation:

The tender evaluation was undertaken by the Director Technical Services and Manager Engineering Operations and Depot Purchasing Officer, in accordance with the selection criteria as outlined in the tender documentation as follows:

Evaluation Criteria	Weighting	WA Profiling	West Coast	Downer EDI
Past experience in provision of required services	30%	30	30	30
Contract Price	30%	29.16	30	28.96
Organisational structure/financial capacity/resources	15%	15	14	15
Compliance with tender specification and Health/Safety requirements	15%	15	14	15
References	10%	10	10	10
TOTAL	100%	99.16	96.87 98.00	98.96

As the evaluation criteria is so close, it is recommended that all three (3) tenders be accepted.

Officers' Comments:

When comparing the prices submitted and incorporating the prices into a typical project the pricing submitted were comparable and general compliance with the tender requirements compliant with West Coast scoring slightly lower in certain aspects of the evaluation criteria requirements with regards to organisational resources and Health and Safety requirements.

In further assessing WA Profiling and Downer EDI it was considered that WA Profiling have a larger organisational structure with more plant and equipment and profiling is their core business. This was considered an important factor when a project is programmed for asphalt resurfacing as this component of the project is fully reliant on the profiling being undertaken expediently and efficiently so the asphalt contractor is not unduly held up with his scope of work.

Therefore following an overall assessment, it is recommended the tender should be awarded to WA Profiling who scored slightly higher overall.

CONSULTATION/ADVERTISING:

N/A

LEGAL/POLICY:

The Tender was advertised in accordance with the Local Government Act tender regulations.

STRATEGIC IMPLICATIONS:

Although not directly affiliated with a Key Result Area, this would fall into the general category in accordance with the objective of Strategic Plan 2009-2014 – Key Result Area One: 1.1.6 *Enhance and maintain the Town's infrastructure to provide a safe, healthy, sustainable and functional environment.*

SUSTAINABILITY IMPLICATIONS:

N/A

FINANCIAL/BUDGET IMPLICATIONS:

The service provided as outlined in this tender will be utilised for the construction and maintenance of the Towns infrastructure during the 2010/2011 to 2101/2013 financial years.

The annual value for this tender is approximately \$138,500.

COMMENTS:

In assessing the tenders, it has been determined that for the most common profiling depth and typical project size two (2) of the tenderers submitted competitive prices. However in assessing overall compliance with the Tender requirements it is considered that the tender should be awarded to WA profiling for the reasons outlined above.

9.4.1 Use of the Council's Common Seal

Ward:	-	Date:	6 July 2010
Precinct:	-	File Ref:	ADM0042
Attachments:	-		
Reporting Officer:	M McKahey, Personal Assistant		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council NOTES the use of the Council's Common Seal on the documents listed in the report, for the months of June/July 2010.

COUNCIL DECISION ITEM 9.4.1

Moved Cr Harvey, Seconded Cr McGrath

That the recommendation be adopted.

CARRIED "EN BLOC" (7-0)

(Cr Farrell had not yet arrived to the meeting. Cr Topelberg was on approved leave of absence.)

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
1/06/2010	Transfer of Land	1	Town of Vincent and City of Perth of Council House, 27 St George's Terrace, Perth re: Transfer of Land Parcels and Rights of Way (ROW) to Town of Vincent from City of Perth - Certificate of Title Volume 2740, Folios 101, 102, 103, 104, 105, 106 (Lots 350, 353, 354, 355, 356 and 357 on Plan 2503 - intersecting Green, Ellesmere and Woodstock Streets, Mount Hawthorn)

Date	Document	No of copies	Details
1/06/2010	Transfer of Land	1	Town of Vincent and City of Perth of Council House, 27 St George's Terrace, Perth re: Transfer of Land Parcels and Rights of Way (ROW) to Town of Vincent from City of Perth - <i>Certificate of Title Volume 211, Folio 174 and Plan 1106; Certificate of Volume 613, Folio 164 and Diagram 4289; Certificate of Title Volume 425, Folio 117 and Plans 1306 and 1823; Certificate of Title Volume 622, Folio 52 and Plan 3504; Certificate of Title Volume 243, Folio 192 (Lots 166 on Plan 1106, Lot 50 on Diagram 2489, Lot 150 on Plan 1823 and Lot 50 on Plan 1306, those parts of Lots 55, 56 and 57 on Plan 3504 and Lot 9 on Plan 2269 - located off Clifton, Harley, Cavendish Streets, St Albans Avenue and Chatsworth Road, Highgate)</i>
8/06/2010	Deed of Variation	2	Town of Vincent and Lessee's Graham Hay, Frances Dennis, Carol Rowling, Lauren Wilhelm and Sarah Marchant being the representatives of Robertson Park Artists Studio of Halvorsen Hall, 176 Fitzgerald Street, North Perth 6006 - <i>Re: Notification received that Parties to the Lease have varied on 17 May 2010</i>
8/06/2010	Deed of Variation	3	Town of Vincent and Minister for Works of care of 99 Plain Street, East Perth - <i>Re: Department of Spot and Recreation, 246 Vincent Street, Leederville (Lessee) - Description of land leased by the Lessor to the Lessee shall now read as "...Lot 500 on deposited Plan 65192 being the part of the land described in Record of Qualified Certificate of Crown Land Title Volume LR3157 Folio 914."</i>
8/06/2010	Transfer of Land	1	Town of Vincent and Water Corporation of 629 Newcastle Street, Leederville re: Purchase of Lot 1, The Avenue, Leederville - <i>Portion Oxford Street Drain Reserve</i>
09/06/2010	Deed of Licence	1	Town of Vincent, Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Spotless Services Ltd of Gate 7, Subiaco Oval, Subiaco Road, Subiaco WA 6008 re: <i>Nandos Meeting - 10 June 2010 (Gareth Naven Room)</i>
10/06/2010	Deed of Licence	1	Town of Vincent, Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Spotless Services Ltd of Gate 7, Subiaco Oval, Subiaco Road, Subiaco WA 6008 re: <i>Toyota Meeting - 11 June 2010 (Gareth Naven Room)</i>
10/06/10	LGIS Liability Questionnaire	1	Town of Vincent and Local Government Insurance Services - <i>Period of Insurance: 30 June 2010 to 30 June 2011 re: Public & Products Liability; Professional Indemnity Insurance and General Matters</i>
14/06/2010	Deed of Covenant	4	Town of Vincent and Diocesan Trustees of Church of England of 13 Glebe Street, North Perth WA 6006 re: <i>No. 13 (Lots 19, 20, 21 and 37 D/P: 2422) - Legal Agreement/Deed of Covenant for Amalgamation</i>
14/06/2010	Deed of Covenant	3	Town of Vincent and Fabray Pty Ltd, Bantoy Pty td, Yalaba Pty Ltd, Argyle Holdings Pty Ltd, Tegra Pty Ltd, Goldprize Investments Pty Ltd and M Fini, all c/o PO Box 470, Claremont, WA re: <i>No. 742 (lot 30, D/P 42555) Newcastle Street, with car park frontage to Vincent Street, Leederville - Proposed Change of Use of Existing Leederville Hotel Car Park to a Part Fee Paying Car Park - To satisfy Condition (v) of Planning Approval Serial No. 5.2009.342.1 of 9 February 2010.</i>
21/06/2010	Deed of Licence	1	Town of Vincent, Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Spotless Services Ltd of Gate 7, Subiaco Oval, Subiaco Road, Subiaco WA 6008 re: <i>Vincent Accord Meeting - 23 June 2010 (Gareth Naven Room)</i>

Date	Document	No of copies	Details
23/06/2010	Deed of Licence	1	Town of Vincent, Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Spotless Services Ltd of Gate 7, Subiaco Oval, Subiaco Road, Subiaco WA 6008 re: Trinity College Meeting - 24 June 2010 (Gareth Naven Room)
23/06/2010	Deed of Licence	1	Town of Vincent, Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Spotless Services Ltd of Gate 7, Subiaco Oval, Subiaco Road, Subiaco WA 6008 re: UDIA Meeting - 30 June 2010 (ME Bank Lounge)
23/06/2010	Agreement	3	Town of Vincent and Klemap Pty Ltd trading as Spices Catering of PO Box 6088, East Perth WA 6892 - Agreement for Use of a Portion of Medibank Stadium - <i>Commencement Date: 1 January 2010, Expiration Date: 31 December 2015</i>
24/06/2010	Contract Document	2	Town of Vincent and Leederville Gardens Retirement Estate, 37 Britannia Road, Leederville and Mrs S Clayton re: Unit 44, Leederville Gardens
24/06/2010	Contract Document	2	Town of Vincent and Leederville Gardens Retirement Estate, 37 Britannia Road, Leederville and Mr and Mrs Ferguson re: Unit 14, Leederville Gardens
25/06/2010	Withdrawal of Caveat	1	Town of Vincent and Mijude Nominees Pty Ltd of 9 Portree Way, Ardross re: Nos. 64A and 64B (Strata Lots 1 and 2) Wasley Street, North Perth - Proposed Extension of Temporary Car Park Use and Use of Eastern Grouped Dwelling for Storage and Administration Purposes Associated with St Michael's Nursing Home, Nos. 53-65 Wasley Street, North Perth - <i>To satisfy conditional Planning Approval Serial No. 5.2009.361.1, issued on 9 December 2009</i>
25/06/2010	Caveat		Town of Vincent and Mijude Nominees Pty Ltd of 9 Portree Way, Ardross re: Nos. 64A and 64B (Strata Lots 1 and 2) Wasley Street, North Perth - Proposed Extension of Temporary Car Park Use and Use of Eastern Grouped Dwelling for Storage and Administration Purposes Associated with the Institutional Building (St Michael's Nursing Home - Nos. 53-65 Wasley Street, North Perth) - Registration of Caveat - <i>To satisfy conditional Planning Approval Serial No. 5.2009.361.1, issued on 9 December 2009.</i>
25/06/2010	Deed of Licence	1	Town of Vincent, Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Spotless Services Ltd of Gate 7, Subiaco Oval, Subiaco Road, Subiaco WA 6008 re: JB Hi-Fi Meeting - 29 June 2010 (Gareth Naven Room)
25/06/2010	Deed of Covenant	4	Town of Vincent and The Diocesan Trustees of Church of England in WA of 13 Glebe Street, North Perth WA 6006 re: No. 13 (Lots 19, 20, 21, 22 and 37 D/P: 2422) Glebe Street, North Perth - Legal Agreement/Deed of Covenant for Amalgamation - <i>To satisfy conditional approval.</i>
02/07/2010	Funding Deed	2	Town of Vincent and Commonwealth of Australia, c/o the Department of the Environment, Water, Heritage and the Arts of GPO Box 787, Canberra ACT 2601 - Funding Deed in Relation to Funding for the Restoration of the Hyde Park Lakes
2/07/2010	Deed of Variation	2	Town of Vincent and Loftus Community Centre Inc of 99 Loftus Street, Leederville - Description of land leased by the Lessee shall now read: <i>Lot 501 on Deposited Plan 65192 being the whole/part of the land described in Record of Qualified Certificate of Crown Land Title Volume LR3157 Folio 915</i>

Date	Document	No of copies	Details
2/07/2010	Lease of Crown Land (L)	2	Town of Vincent and Loftus Community Centre Inc of 99 Loftus Street, Leederville - <i>Commencing from 1 January 2008, together with two, five year options to renew the Lease commencing on 1 January 2018</i>
2/07/2010	Deed of Variation	2	Town of Vincent and Gymnastics WA Inc of 99 Loftus Street, Leederville - Description of land leased by the Lessee shall now read: <i>Lot 501 on Deposited Plan 65192 being the whole/part of the land described in Record of Qualified Certificate of Crown Land Title Volume LR3157 Folio 915</i>
2/07/2010	Lease of Crown Land (L)	2	Town of Vincent and Gymnastics WA Inc of 99 Loftus Street, Leederville - <i>Commencing from 1 May 2008, together with two, five year options to renew the Lease commencing on 1 May 2018</i>
5/07/2010	Deed in Relation to Conservation of Existing Dwelling	3	Town of Vincent and N R Duns of 37 Mabel Street, North Perth re: No. 37 (Lot: 144 D/P: 3002) Mabel Street, North Perth - Proposed Demolition of Existing Garage & Additional Grouped Dwelling to Existing Single House - <i>To satisfy Condition (vi) of Planning Approval Serial No. 5.2008.107.1 dated 12/08/08</i>
5/07/2010	Deed in Relation to Building Encroachments	1	Town of Vincent and The Owners of Strata Plan 48977 of 2 Pisoneri Street, Perth WA 6000 re: Equinox Apartments, No. 2 (Lot 813) Pisoneri Street, cnr Newcastle Street, Perth - Deed in Relation to Encroachments - <i>To satisfy Clause (iii) of conditional approval at the Ordinary Meeting of Council held on 26 May 2009</i>
5/07/2010	Withdrawal of Caveat	1	Town of Vincent and Downings Legal of Level 11, 2 Mill Street, Perth WA 6000 re: No. 90 (Lot 107 and 196) Redfern Street, North Perth
5/07/2010	Withdrawal of Caveat	1	Town of Vincent and Downings Legal of Level 11, 2 Mill Street, Perth WA 6000 re: Nos. 136-138 (Lots 276 and 277) Matlock Street, Mount Hawthorn

9.4.6 Aquatic Centre Study Tour

Ward:	South	Date:	7 July 2010
Precinct:	-	File Ref:	ADM0031
Attachments:	-		
Reporting Officers:	D Morrissy, Manager Beatty Park Leisure Centre; M Rootsey, Director Corporate Services		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council APPROVES of the Manager Beatty Park Leisure Centre, Assistant Manager - Aquatic and Operations Beatty Park Leisure Centre and the Director Corporate Services to carry out a Leisure Centre Study Tour and site visits in Adelaide and Melbourne, as detailed in this report, at an estimated cost of \$1,949 each, during August 2010.

COUNCIL DECISION ITEM 9.4.6

Moved Cr Harvey, Seconded Cr McGrath

That the recommendation be adopted.

CARRIED "EN BLOC" (7-0)

(Cr Farrell had not yet arrived to the meeting. Cr Topelberg was on approved leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to obtain the Council's approval for the Beatty Park Leisure Centre Project Team Members (Director Corporate Services, Manager Beatty Park Leisure Centre and Assistant Manager - Aquatic and Operations) to carry out a Study Tour of Leisure Centres and site visits as part of the redevelopment process for Beatty Park Leisure Centre.

BACKGROUND:

At the Ordinary Meeting of Council held on 8 April 2008, the Council adopted in principle the concept plans for the redevelopment of the Beatty Park Leisure Centre.

The redevelopment of Beatty Park Leisure Centre is estimated to cost approximately \$18-20million. Concept sketches have been prepared and public consultation was carried out in September 2008. The redevelopment is controlled by a Project Control Group comprising;

Chief Executive Officer – Chair
Director Corporate Services
Manager Beatty Park Leisure Centre
Assistant Manager (Aquatics and Operations) Beatty Park Leisure Centre
Project Architect.

The Project Control Group is responsible for the day to day management of the project.

The study tour will inspect a number of sites in Adelaide and Melbourne. All of these centres have been identified as being recently constructed, renovated or in the planning stage of redevelopment. The tour will allow for an exchange of information to be obtained from the various facilities.

It is considered that the study tour site visits of Leisure facilities will provide an excellent opportunity to obtain first-hand knowledge about new technologies, fittings and fixtures, policies and practices within the industry that could benefit the redevelopment and operation of Beatty Park Leisure Centre. It will also provide an opportunity to talk to operators about issues, good and bad, with consultants, contractors and builders that may be invited to tender on the Beatty Park project.

It is intended that the officers will visit two (2) centres in Adelaide and four (4) centres in Melbourne. The aim of the study tour is:

“To inspect various Leisure facilities to view their management practice and the latest design features, particularly with regard to sustainability and large multi-purpose facilities.”

The facility tours will be covering aspects such as:

- Management;
- Sustainability;
- Contractors;
- Consultants;
- Design and technology; and
- Construction issues.

Venues:

The following venues will be visited in Adelaide and Melbourne:

- Aquadome - City of Playford – Adelaide;
- Adelaide Aquatic Centre – Adelaide;
- Casey RACE – Melbourne;
- Casey ARC – Melbourne;
- Monash Leisure Centre – Melbourne; and
- Waves Leisure Centre – Melbourne.

Previous Tours:

The Chief Executive Officer and Director Corporate Services carried out a study tour of leisure centres in Canberra, New South Wales, South Australia and Victoria in 2006, which also included several aquatic centres.

The Chief Executive Officer, Manager Beatty Park Leisure Centre and Assistant Manager - Aquatic and Operations Beatty Park Leisure Centre carried out a study tour of facilities in Canberra, New South Wales and Melbourne in 2008 which resulted in the implementation of several changes to programs, including; Sunday Swim lessons, RPM and the inclusion of items for consideration in the redevelopment process.

The Town is aware that the Centres mentioned in this report contain a number of sustainability and cost saving features and it is considered most beneficial for the Officers to carry out an inspection.

CONSULTATION/ADVERTISING:

N/A.

LEGAL POLICY:

Council's Policy 4.1.15 – Conferences & Training - Attendance, Representation, Travel & Accommodation Expenses and Related Matters” - Clause 1.1(i) and (ii) states:

- "(i) *When it is considered desirable that the Council be represented at an interstate conference, up to a maximum of one Council Member and one Officer may attend unless otherwise approved by the Council;*
- (ii) *In certain circumstances (for example where the Conference is of a technical nature) the CEO may recommend that two (2) officers attend. In this instance, the CEO will specify reasons in the report to the Council."*

As this Study Tour will be of a technical nature and involving day-to-day management matters, it is appropriate for the officers to attend. Notwithstanding, a Council Member may also wish to attend.

STRATEGIC IMPLICATIONS:

The redevelopment of the Beatty Park Leisure Centre is in accordance with the Town's Strategic Plan 2006-2011:

Key Result Area One – Natural and Built Environment:

"1.1: Improve and maintain environment and infrastructure."

Key Result Area Two - Economic Development:

"2.1 Progress economic development with adequate financial resources."

Key Result Area Four – Leadership, Governance and Management:

Objective 4.2: Provide a positive and desirable workplace and implement technology for business improvement.

SUSTAINABILITY IMPLICATIONS:

The opportunity to view new or recently renovated facilities incorporating the latest technologies will allow for better direction to be afforded by the Working Group to the architect for current sustainable initiatives to be incorporated into the redevelopment of the Beatty Park leisure Centre

FINANCIAL/BUDGET IMPLICATIONS:

The estimated cost per person is as follows;

	Economy Class
Airfares (Perth-Adelaide, Adelaide-Melbourne) (Melbourne-Perth) (<i>Economy Class</i>) #	\$850
Unit Accommodation (1 night in Adelaide)	\$220
Unit Accommodation (1 night in Melbourne)	\$350
Car Hire (1 day in Adelaide, 1 day in Melbourne)	\$105
Daily Allowance/Expenses (4 days @ \$106 per person per day)	\$424
	<u>\$1,949</u>

(# cost is subject to type of special offers available at the time of booking.)

COMMENTS:

There are many benefits to be gained by visiting facilities on a first hand basis as was shown during the previous tour in 2008 and the resultant implementation of knowledge obtained.

This tour will allow for a further review of best practice in policies, procedures, programs and technology to be incorporated into the imminent final planning stage for the redevelopment of the Beatty Park Leisure Centre. It will also be used to view the work of potential consultants and contractors that will be invited to tender on the redevelopment.

It is requested that approval be granted for the Director Corporate Services, Manager Beatty Park Leisure Centre and Assistant Manager - Aquatic and Operations Beatty Park Leisure Centre to carry out these inter-state site visits.

9.4.9 Information Bulletin

Ward:	-	Date:	7 July 2010
Precinct:	-	File Ref:	-
Attachments:	001		
Reporting Officer:	A Radici, Executive Assistant		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council RECEIVES the Information Bulletin dated 13 July 2010, as distributed with the Agenda.

DETAILS:

The items included in the Information Bulletin dated 13 July 2010 are as follows:

COUNCIL DECISION ITEM 9.4.9

Moved Cr Harvey, Seconded Cr McGrath

That the recommendation be adopted.

CARRIED “EN BLOC” (7-0)

(Cr Farrell had not yet arrived to the meeting. Cr Topelberg was on approved leave of absence.)

ITEM	DESCRIPTION
IB01	Letter from the Minister for Local Government; Heritage; Citizenship and Multicultural Interests regarding Local Government Reform Implementation Committee
IB02	Letter from the Western Australian Planning Commission regarding the Metropolitan Region Scheme Proposed Amendment 1082/41 – Bush Forever and Related Lands
IB03	Letter from the Department of Planning regarding Planning for Bush Fire Protection (Edition 2) – Review of Planning for Bush Fire Protection and DC 3.7 Fire Planning
IB04	Letter from the Department of Planning regarding Implementing Development Assessment Panels in Western Australia – Policy Statement
IB05	Letter of Appreciation from Mr T. Pearce regarding Beatty Park Leisure Centre
IB06	Letter of Appreciation from Ms A. Gillett regarding Storm Cleanup
IB07	Notification dated June 2010 from the Water Corporation advising of construction and maintenance works for the Hyde Park Branch Sewer Upgrade
IB08	Heritage Assistance Fund – Progress Report No. 2

- IB09 Letter and Certificate of Appreciation of Involvement with the Northbridge History Project
- IB10 Tamala Park Regional Council Minutes of the Ordinary Meeting of Council held on 24 June 2010
- IB11 Mindarie Regional Council Minutes of the Special Meeting of Council held on 24 June 2010
- IB12 Register of Petitions - Progress Report - July 2010
- IB13 Register of Notices of Motion - Progress Report - July 2010
- IB14 Register of Reports to be Actioned - Progress Report - July 2010
- IB15 Register of Legal Action (Confidential – Council Members Only) - Progress Report - July 2010
- IB16 Register of State Administrative Tribunal Appeals - Progress Report - July 2010
- IB17 Forum Notes - 15 June 2010
- IB18 Notice of Forum - 20 July 2010

9.1.5 No. 66 (Lot 55; D/P 2334) Sydney Street, North Perth - Proposed Survey Strata Subdivision

Ward:	North	Date:	5 July 2010
Precinct:	North Perth; P08	File Ref:	602-10; 7.2010.34.1
Attachments:	001		
Reporting Officer:	D Pirone, Statutory Planning Officer		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1, the Council ~~RECOMMENDS REFUSAL TO THE WESTERN AUSTRALIAN PLANNING COMMISSION and the Metropolitan Region Scheme, REFUSES~~ of the application submitted by D Grubor on behalf of the owners G & D Grubor for proposed Survey Strata Subdivision, at No. 66 (Lot 55; D/P 2334) Sydney Street, North Perth, and as shown on plans stamp-dated 9 June 2010, 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 Vehicular Access requirements of the Residential Design Codes, and the Town's Policy relating to Residential Subdivisions-; and*
- (iii) the Town has significantly advanced Scheme Amendment 28 to down code the area to R20, and is awaiting final approval and gazettal of the above rezoning.*

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

Moved Cr Lake, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

Cr Farrell entered the Chamber at 6.34pm.

Debate ensued.

MOTION PUT AND LOST (2-6)

For: Cr Burns, Cr Lake

Against: Mayor Catania, Cr Buckels, Cr Farrell, Cr Harvey, Cr McGrath, Cr Maier

(Cr Topelberg was on approved leave of absence.)

Reason:

1. Development complies with the current zoning.

ALTERNATIVE RECOMMENDATION - COUNCIL DECISION ITEM 9.1.5

Moved Cr Maier, Seconded Cr Buckels

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, RECOMMENDS APPROVAL TO THE WESTERN AUSTRALIAN PLANNING COMMISSION for the application submitted by D Grubor on behalf of the owners G & D Grubor for proposed Survey Strata Subdivision, at No. 66 (Lot 55; D/P 2334) Sydney Street, North Perth, and as shown on plans stamp-dated 9 June 2010, subject to the following conditions:

- (i) prior to the issue of a Building Licence, the owner(s) shall enter into a legal agreement 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, for the conservation of the existing dwelling. All costs associated with this condition shall be borne by the applicant/owner(s);*
- (ii) no street verge tree(s) shall be removed /pruned unless written approval has been received from the Town's Parks Services. Should such an approval be granted, all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
- (iii) the land being filled and/or drained at the subdivider's cost to the satisfaction of the Town and any easements and/or reserves necessary for the implementation thereof, being provided free of cost. The maximum permitted amount of fill and height of associated retaining walls is 500 millimetres above the existing pre-subdivision ground level, and any greater amount of fill or higher retaining wall requires a separate Planning Approval to be applied to and obtained from the Town of Vincent;*
- (iv) the Town accepts no liability for the cost of relocating any services that may be required as a consequence of this development. The applicant/owner(s) shall ensure that all services are identified prior to submitting a Building Licence application and that the cost of any service relocations is to be borne by the applicant/owner(s);*
- (v) All stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division. No further consideration will be given to the disposal of stormwater without the submission of a geotechnical report from a qualified consultant. Plans detailing stormwater disposal shall be lodged prior to the issue of a Building Licence;*
- (vi) a truncation of 2 metres by 2 metres at the rear southern corner of Lot 1 and Lot 2 shall be provided at the sub-divider's cost;*
- (vii) a truncation of 2 metres by 2 metres at the south-west corner of Lot 1 shall be provided at the sub-divider's cost;*
- (viii) prior to the clearance of the diagram of survey, the existing residence shall provide two (2) on-site car parking bays and associated driveway and crossover to the satisfaction of the Town;*
- (ix) vehicular access to both proposed lots is to be shared as common property and a maximum of one crossover is permitted per subdivision;*

- (x) *in accordance with the Town's Residential Subdivisions Policy, prior to the clearance of the diagram of survey for the proposed rear Lot 2, which has an area less than 300 square metres, the following criteria shall be met to the satisfaction of the Town of Vincent:*
- (a) *a separate Planning Approval and/or Building Licence for the development of dwelling on the lot has been issued by the Town; and*
 - (b) *the perimeter walls of the approved dwelling, including the garage walls and carport walls/pillars, have been constructed to plate height;*
- (xi) *support of the subdivision is not to be construed as support of the demolition of the existing building(s) and/or any development on the proposed lots;*
- (xii) *if any portion of the existing building(s) is to be demolished to facilitate the proposed subdivision, Planning Approval and/or Demolition Licence is to be obtained from the Town for the demolition of the existing building(s) prior to the clearance of the Diagram or Plan of Survey by the Town;*
- (xiii) *all buildings and structures that have been granted a Demolition Licence for demolition being demolished and materials removed from the site and the site made good. A separate Planning Approval and/or Demolition Licence is required from the Town prior to the commencement of any demolition works; and*
- (xiv) *given the reduced width of the vehicle accessway to the rear lot, that is, less than the minimum width of 3metres, no encroachments from the existing building to be retained, will be permitted. Examples of unacceptable encroachments are eaves, downpipes, windows, awnings, air conditioners, and utility meters. This is to enable safe vehicle movements and emergency service access.*

Debate ensued.

ALTERNATIVE MOTION PUT AND CARRIED (6-2)

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

(Cr Topelberg was on approved leave of absence.)

Landowner:	G & D Grubor
Applicant:	D Grubor
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R30/40
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	680 square metres
Access to Right of Way	N/A

BACKGROUND:

18 November 2008 The Council at its Ordinary Meeting resolved to refuse an application for a survey strata subdivision for the following reasons:

- “1. There is a seriously entertained proposal for rezoning this area to R20.
2. The rezoning proposal is at an advanced stage.
3. There is considerable community support for the rezoning.
4. The dwelling is part of a streetscape of value to the community.”

DETAILS:

The proposal involves the subdivision of the subject lot creating two (2) survey strata lots.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Pursuant to Clause 38(5) of TPS 1
Density:	R30 = 2.67 dwellings/lots	2 dwellings/lots at R30	Noted – no variations at R30
Plot Ratio:	N/A	N/A	Noted.
Vehicular Access:	Driveways for grouped and multiple dwellings are required to have a minimum width of 4 metres, which may be reduced to 3 metres where necessary to retain an existing house.	Driveway width = 2.42 metres.	Not supported – The Residential Design Codes stipulate a minimum width of three metres (where retaining an existing house) in order to provide a sufficient distance for manoeuvring in and out of the lot. The performance criteria for this requirement states that “ <i>vehicular access provided so as to minimise the number of crossovers, avoid street trees, to be in safe use and not detract from the streetscape</i> ”. The performance criteria does not mention anything about the minimum distance and, therefore, the acceptable development criteria is required to be complied with.
Consultation Submissions			
Community consultation not required for subdivision applications.			
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Sustainability Implications			Nil
Financial/Budget Implications			Nil

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

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

COMMENTS:

The property is within the former Eton Locality, where all planning and subdivision applications are required to be referred to the Council for determination. The Town is currently in the process of amending its Town Planning Scheme No. 1 through Scheme Amendment No. 28 as follows:

- (i) Deleting the following clause:

“clause 20 (4) (c) (ii) “After 1 June 2010 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”.”

- (ii) Rezoning the area to R20:

Subdivision applications within the subject area received during this interim period are to be assessed using the requirements of the current legal density codes; that is, R30/40 for the subject land formerly coded R20 within the North Perth Precinct, and referred to the Council for its consideration and determination.

However, in light of the variations to vehicular access in the R Codes and the Town’s Residential Subdivisions Policy, the proposed subdivision is recommended for refusal to the Western Australian Planning Commission.

9.1.1 Further Report- No. 99 (Lot: 2 D/P: 4270) Palmerston Street, Perth - Proposed Additional Three (3), Three-Storey Grouped Dwellings to Existing Single House

Ward:	South	Date:	5 July 2010
Precinct:	Hyde Park; P12	File Ref:	PRO4867; 5.2009.517.2
Attachments:	001 , 002		
Reporting Officer:	R Narroo, Senior Planning Officer (Statutory) H Au, Heritage Officer		
Responsible Officer:	R Boardman, Director Development Services		

FURTHER OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by S Bransby on behalf of the owner Tripleview Holdings Pty Ltd for proposed Additional Three (3), Three-Storey Grouped Dwellings to Existing Single House, at No. 99 (Lot 2; D/P 4270) Palmerston Street, Perth and as shown on plans stamp-dated 9 April 2010, 16 April 2010 and 2 July 2010, subject to the following conditions:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Palmerston Street and Robertson Park;*
- (ii) any new street/front wall, fence and gate within the Palmerston Street setback area, including along the side boundaries within this street setback area, shall comply with the Town's Policy provisions relating to Street Walls and Fences;*
- (iii) no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
- (iv) first obtaining the consent of the owners of No. 75 Palmerston Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 75 Palmerston Street, in a good and clean condition;*
- (v) a right of way widening of minimum 5.5 metres at the intersection of Palmerston Street and the right of way to facilitate a double entry for a length of 6 metres at the subject property shall be provided at the Applicant's full expense;*
- (vi) any proposed rear fence facing Robertson Park shall be of open style fence to a maximum height of 1.8 metres above the natural ground level. The maximum height of solid portion of wall/fence to be 1.2 metres above the natural ground level and of open style above 1.2 metres;*

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

(a) **Construction Management Plan**

A Construction Management Plan shall be submitted to and approved by the Town, addressing the following issues:

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

(b) **Landscape and Reticulation Plan**

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

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

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

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

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

(c) **Screening**

- (1) *the terrace (Lots ~~1 and~~ 3-ground floor) on the ~~northern and~~ southern elevations;*
- (2) *the rear balconies (Lots 1 and 3-first floor) on the northern and southern elevations;*
- (3) *the rear balcony (Lot 3-first floor) on the western elevation;*
- (4) *the balconies adjacent to kitchen/dining (Lots 1 and 3-first floor) on the eastern and western elevations;*

- (5) *the window to the dining room (Lot 3-first floor) on the southern elevation;*
- (6) *the window to the lounge/bar room (Lot 3-first floor) on the eastern elevation;*
- (7) *the rear balconies (Lots 1 and 3-second floor) on the northern, western and southern elevations; and*
- (8) *the window to the study room (Lot 3-second floor) on the southern elevation;*

within the cone of vision of 7.5 metres (balcony/terrace), 4.5 metres (study room) respectively to the lot boundaries, being screened with a permanent obscure glazing and be non-openable to a minimum of 1.6 metres above the respective finished floor levels; OR alternatively, the provision of on-site effective permanent horizontal screening or equivalent preventing direct sight within the cone of vision to ground level of adjoining properties. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2008. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the affected owners of properties along southern and northern sides, respectively, stating no objections to the respective proposed privacy encroachment;

All screens provided shall comply with the definition of the Residential Design Codes 2008.

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

(d) *Store*

A store with a minimum dimension of 1.5 metres and a minimum area of 4 square metres is to be provided for the existing house;

(e) *Schedule of External Finishes*

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;

(f) *Design Features*

Additional design features using colour and/or relief being incorporated on the visible portions of the north and south faces of the building walls facing the Right of Way and No. 75 Palmerston Street, to reduce the visual impact of the boundary walls;

(g) Site Management-Archaeological Information

As the proposed development is located immediately adjacent to Robertson Park and respective Archaeological Sites, which is significant for potential archaeology showing evidence of pre-historic use as well as early colonial use and Chinese Market Gardens, an archaeologist shall be engaged to provide advice prior to any ground disturbance work occurring; and

(h) Engineer Certification

A Certified Practising Consulting Engineer's certification as to the capability of the subject site and adequacy of the proposed foundations for the development, taking into account the geotechnical composition and history of the site, shall be submitted and approved.

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

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

The full length and width of the Right of Way from Palmerston Street to the entry of the development on the north-east boundary abutting the subject land shall be:

- (a) *illuminated by underground power; and*
- (b) *sealed, paved and drained,*

to the specifications and satisfaction of the Town, at the applicant's full expense.

ADVICE NOTE:

As per advice from the Department of Indigenous Affairs, the subject property is located within the site 17849 Robertson Park. Therefore, the Town recommends that the landowner liaises with the Department of Indigenous Affairs prior to the commencement of works on site to ensure compliance with the provisions of the Aboriginal Heritage Act 1972.

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

Moved Cr Maier, Seconded Cr Buckels

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

“(vii)(c)(8)...

All screens provided shall comply with the definition of the Residential Design Codes 2008.

The screen to the balcony adjacent to the dining room (Lot 1-first floor) on the northern elevation shall have a minimum height of 1.6 metres above the finished floor level.

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

Debate ensued.

MOTION PUT AND CARRIED (7-1)

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

(Cr Topelberg was on approved leave of absence.)

COUNCIL DECISION ITEM 9.1.1

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by S Bransby on behalf of the owner Tripleview Holdings Pty Ltd for proposed Additional Three (3), Three-Storey Grouped Dwellings to Existing Single House, at No. 99 (Lot 2; D/P 4270) Palmerston Street, Perth and as shown on plans stamp-dated 9 April 2010, 16 April 2010 and 2 July 2010, subject to the following conditions:

- (i) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Palmerston Street and Robertson Park;*
- (ii) *any new street/front wall, fence and gate within the Palmerston Street setback area, including along the side boundaries within this street setback area, shall comply with the Town's Policy provisions relating to Street Walls and Fences;*
- (iii) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
- (iv) *first obtaining the consent of the owners of No. 75 Palmerston Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 75 Palmerston Street, in a good and clean condition;*
- (v) *a right of way widening of minimum 5.5 metres at the intersection of Palmerston Street and the right of way to facilitate a double entry for a length of 6 metres at the subject property shall be provided at the Applicant's full expense;*
- (vi) *any proposed rear fence facing Robertson Park shall be of open style fence to a maximum height of 1.8 metres above the natural ground level. The maximum height of solid portion of wall/fence to be 1.2 metres above the natural ground level and of open style above 1.2 metres;*
- (vii) **PRIOR TO THE ISSUE OF A BUILDING LICENCE, the following shall be submitted to and approved by the Town:**

(a) **Construction Management Plan**

A Construction Management Plan shall be submitted to and approved by the Town, addressing the following issues:

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

(b) Landscape and Reticulation Plan

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

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

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

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

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

(c) Screening

- (1) the terrace (Lot 3-ground floor) on the southern elevation;*
- (2) the rear balconies (Lots 1 and 3-first floor) on the northern and southern elevations;*
- (3) the rear balcony (Lot 3-first floor) on the western elevation;*
- (4) the balconies adjacent to kitchen/dining (Lots 1 and 3-first floor) on the eastern and western elevations;*
- (5) the window to the dining room (Lot 3-first floor) on the southern elevation;*
- (6) the window to the lounge/bar room (Lot 3-first floor) on the eastern elevation;*
- (7) the rear balconies (Lots 1 and 3-second floor) on the northern, western and southern elevations; and*
- (8) the window to the study room (Lot 3-second floor) on the southern elevation;*

within the cone of vision of 7.5 metres (balcony/terrace), 4.5 metres (study room) respectively to the lot boundaries, being screened with a permanent obscure glazing and be non-openable to a minimum of 1.6 metres above the respective finished floor levels; OR alternatively, the provision of on-site effective permanent horizontal screening or equivalent preventing direct sight within the cone of vision to ground level of adjoining properties. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2008. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the affected owners of properties along southern and northern sides, respectively, stating no objections to the respective proposed privacy encroachment;

All screens provided shall comply with the definition of the Residential Design Codes 2008.

The screen to the balcony adjacent to the dining room (Lot 1-first floor) on the northern elevation shall have a minimum height of 1.6 metres above the finished floor level.

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

(d) *Store*

A store with a minimum dimension of 1.5 metres and a minimum area of 4 square metres is to be provided for the existing house;

(e) *Schedule of External Finishes*

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;

(f) *Design Features*

Additional design features using colour and/or relief being incorporated on the visible portions of the north and south faces of the building walls facing the Right of Way and No. 75 Palmerston Street, to reduce the visual impact of the boundary walls;

(g) *Site Management-Archaeological Information*

As the proposed development is located immediately adjacent to Robertson Park and respective Archaeological Sites, which is significant for potential archaeology showing evidence of pre-historic use as well as early colonial use and Chinese Market Gardens, an archaeologist shall be engaged to provide advice prior to any ground disturbance work occurring; and

(h) *Engineer Certification*

A Certified Practising Consulting Engineer's certification as to the capability of the subject site and adequacy of the proposed foundations for the development, taking into account the geotechnical composition and history of the site, shall be submitted and approved.

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

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

The full length and width of the Right of Way from Palmerston Street to the entry of the development on the north-east boundary abutting the subject land shall be:

- (a) *illuminated by underground power; and*
- (b) *sealed, paved and drained,*

to the specifications and satisfaction of the Town, at the applicant's full expense.

ADVICE NOTE:

As per advice from the Department of Indigenous Affairs, the subject property is located within the site 17849 Robertson Park. Therefore, the Town recommends that the landowner liaises with the Department of Indigenous Affairs prior to the commencement of works on site to ensure compliance with the provisions of the Aboriginal Heritage Act 1972.

FURTHER REPORT:

The Council considered the subject application at its Ordinary Meeting held on 8 June 2010, and resolved as follows:

“That the item be DEFERRED to allow the applicant to reconsider the building height and finished floor levels.”

The applicant submitted amended plans showing that the ground floor level has changed from 9.53 metres to 9.23 metres. The overall height of the building has also changed from a maximum height of 9.579 metres- 10.338 metres to 8.843 metres-9.738 metres.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	6 grouped dwellings-R 60 (R60 applies as there is no provision for grouped dwellings in R80)	4 grouped dwellings R 32	Noted- no variation.
Plot Ratio	Not applicable	Not applicable	Noted.
Minimum Site Area	160 square metres	Applicant submitted amended plans dated 16 April 2010. Lot 1= 200.37 square metres Lot 2= 190.84 square metres Lot 3= 193.94 square metres	Noted- no variation.
Building Setbacks North Ground Floor	4.6 <u>1.5</u> metres	Nil	Supported- The wall will face the right of way. Given other buildings in the area have nil setbacks, the proposal is not out of character with the surrounding area.
First Floor	3.65 <u>3.1</u> metres	Nil	Supported- As above. In addition, there is articulation of the building with stepping of the wall and inclusion of balconies.

Second Floor South	4.75 metres	Nil to 2.5 metres	Supported- As above.
Ground floor	4.6 <u>1.5</u> metres	Nil	Supported- The wall will face vacant land and the proposal complies with overshadowing requirements. Given other buildings in the area have nil setbacks, the proposal is not out of character with the surrounding area.
First Floor	3.65 <u>4.9</u> metres	Nil	Supported- As above. In addition, there is articulation of the building with stepping of the wall and inclusion of balconies.
Second Floor West	4.75 6.6 <u>6.1</u> metres	Nil to 2.5 metres	Supported- As above.
Ground Floor	4.7 <u>1.5</u> metres	Nil	Supported- The building will face Robertson Park and it is considered there will be no undue impact on Robertson Park.
First Floor	5.7 <u>5.2</u> metres	2.75 metres	Supported- As above.
Second Floor	7.2 <u>6.9</u> metres	2.8 metres	Supported- As above.
Boundary Walls	Maximum Height= 3.5 metres Average Height = 3 metres	North boundary Average Height= 8.4 <u>7.6</u> <u>7.5</u> metres Maximum Height= 10.85 <u>9.688</u> <u>9.571</u> metres South boundary Average Height= 8.4 <u>7.6</u> <u>8.35</u> metres Maximum Height= 10.7 <u>9.6</u> <u>9.3</u> metres	Supported-The boundary wall will face the right of way and is articulated with staggered walls and the inclusion of balconies. It is considered the walls will not impact on the character of the surrounding area. Supported- The boundary wall face vacant land and is articulated with staggered walls and the inclusion of balconies. It is considered the walls will not impact on the character of the surrounding area.

Number of Storeys	2 storeys	3 storeys	Supported- Refer to "Comments" below.
Building Height	7 metres	11 9.579 to 10.338 metres 8.843 metres- 9.738 metres	Supported- Refer to "Comments" below.
Privacy	Terraces/Balconies= 7.5 metres Study Room= 4.5 metres	Terrace on the ground floor North= 3.66 metres. South= Nil. Balconies on first floor Rear Balconies North= 4 metres. South= 0.2 metre. Balcony adjacent to kitchen= 6 metres from northern boundary Balcony adjacent to kitchen= 0.8 metre from southern boundary Study Room on first floor South= 3 metres. Balconies on second floor Rear Balconies North= 5.86 metres. South= 2.1 metres. Study Room on second floor= 3 metres from southern boundary.	Not supported- The terrace is required to be screened. Not supported- As above. Not supported- The balcony is required to be screened. Not supported- As above. Not supported- As above. Not supported- The window to the study room is required to be screened. Not supported- The balcony is required to be screened. Not supported- As above. Not supported- The window to the study room is required to be screened.

Store	Minimum dimension of 1.5 metres and an internal area of 4 square metres.	Existing house- no store provided Applicant has confirmed that the existing house has a store at the rear of the building.	Not supported- Given the store is not shown on the plan, a condition is imposed for the store to comply with the requirements.
Consultation Submissions			
Support	Nil.		Noted.
Objections (9)	<p>Building setbacks and boundary walls</p> <p>The variation to the building setbacks and boundary walls will have an undue impact on the adjoining northern and southern properties. The boundary walls are twice the height allowed and they will set a precedent for this section of Palmerston Street.</p> <p>Number of Storeys and Height</p> <p><i>“The proposal is non-compliant with the Development Standard in all three categories of privacy, scale and bulk. Homes in this area are all of character style in keeping with the district, with a maximum of two storeys and consideration given to privacy and amenity of the residents.”</i></p> <p>The proposed building will overshadow the adjoining northern and southern properties.</p> <p><i>“The proposed height also sets a precedent for this section of Palmerston Street and Maltings’ style development will be seen to be creeping up towards Hyde Park, eliminating the smaller character and heritage properties in its path.”</i></p> <p>Privacy</p> <p>The privacy of the adjoining properties will be impacted by overlooking from the proposed building.</p> <p>Right of Way and Traffic</p> <p>Clarification is required on the ownership and rights of passage to the right of way.</p>		<p>Not supported- Refer to “Comments” in the Assessment Table.</p> <p>Not supported- Refer to “Comments” below.</p> <p>Supported- Refer to Assessment Table.</p> <p>Noted- The applicant submitted a copy of the Certificate of Title (attached) which indicates that the subject property consists of Lot 2 and portion of the ROW (half immediately adjacent to the primary lot), with a right of carriageway over the portion (half) immediately adjacent to No. 101 Palmerston.</p>

	<p>The new development will generate 8 vehicles which will create a safety hazard of the adjoining residents who also use the right of way. Moreover, the residents of No. 101 Palmerston require to use the right of way for taking out bins.</p> <p>The widening of the right of way will cause removal of fence, trees and plantings. The driveway would need to be strengthened to accommodate additional vehicular traffic.</p> <p>Clarification is required around cost of maintenance and the ownership of the right of way.</p> <p>Materials and environment</p> <p>There is no mention of materials and finishes on the plans especially the boundary walls.</p>	<p>Not Supported-The applicant is required to provide 8 car bays for the development as per the requirements of the R-Codes. The developer will be required to provide a right of way widening for the first 6 metres to ensure safe entry off the street. The widening will be provided on the subject lot. The proposal will not affect discontinuance of the adjoining property owners' use of the right of way.</p> <p>Not supported- The Town cannot prevent removal of fence and trees for the widening of a right of way. Any upgrading of the right of way will need to meet the Town's specifications.</p> <p>Noted- The cost of maintenance of the right of way is the owner's responsibility; the ownership of the right of way is outlined above.</p> <p>Supported- The applicant will be required to provide the types of materials and finishes prior to the issue of a Building Licence. In addition, there will be a requirement for additional design features to the boundary walls to be detailed with a view to minimising their impact on the adjoining properties.</p>
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	<p>There is no mention the proposal is energy efficient design.</p> <p>Consultation Process</p> <p>The applicant did not contact the adjacent neighbours to discuss this proposal.</p> <p>Title</p> <p>The title on the plan shows “6 apartments.”</p>	<p>Not supported- The applicant is required to comply with energy efficiency under the Building Code of Australia at the Building Licence stage.</p> <p>Not supported- There is no requirement for an applicant to contact adjoining neighbours before submitting a planning application.</p> <p>Supported- The applicant has amended the plans to indicate ‘town houses’.</p>
Other Implications		
Legal/Policy	TPS 1 and associated Policies, and Residential Design Codes (R Codes).	
Strategic Implications	Nil	
Sustainability Implications	Nil	
Financial/Budget Implications	Nil	

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

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

COMMENTS:

Number of Storeys and Building Height

With regard to the amended height, the Officers comments outlined in the Agenda Report to the Council at its Ordinary Meeting held on 27 April 2010, remain the same. Therefore, the variations to the number of storeys and reduced height are further supported.

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

A verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 8 June 2010 is shown in Attachment 002.

9.1.2 Reconsideration of Conditions - Nos. 440 and 444 (Lot 6, D/P 613; Lot 5, D/P 613) William Street, Perth - Proposed Four-Storey Commercial Building Comprising Four (4) Shops, Ten (10) Offices and Associated Car Parking

Ward:	South	Date:	5 July 2010
Precinct:	Beaufort, P13	File Ref:	PRO0893; 5.2010.70.1
Attachments:	001		
Reporting Officer:	H Au, Heritage Officer		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

- (i) *RESCINDS condition (f) relating to “Site Management – Archaeological Information” of the Planning Approval for Proposed Four-Storey Commercial Building Comprising Four (4) Shops, Ten (10) Offices and Associated Car Parking issued on 19 May 2010; and*
- (ii) *DOES NOT SUPPORT the deletion of condition (g) relating to Heritage Management of the Planning Approval for Proposed Four-Storey Commercial Building Comprising Four (4) Shops, Ten (10) Offices and Associated Car Parking issued on 19 May 2010.*

Moved Cr Maier, Seconded Cr Lake

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Maier, Seconded Cr Harvey

That clause (ii) be deleted and new clauses (ii) and (iii) be inserted as follows:

- ~~“(i) *DOES NOT SUPPORT the reconsideration of condition (g) relating to Heritage Management of the Planning Approval for Proposed Four-Storey Commercial Building Comprising Four (4) Shops, Ten (10) Offices and Associated Car Parking issued on 19 May 2010.*~~
- “(ii) *SUPPORTS the reconsideration of condition (g) relating to Heritage Management of the Planning Approval for Proposed Four-Storey Commercial Building Comprising Four (4) Shops, Ten (10) Offices and Associated Car Parking issued on 19 May 2010; and*
- “(iii) *REQUESTS that an interpretation proposal which recognises the history of the buildings which formerly occupied the site be considered by the applicant and notes that Policy 3.6.4 (Heritage Management - Interpretive Signage) allows for the provision of interpretive material to be integrated as part of the Percent for Public Art requirement.*”

Debate ensued.

Cr Buckels suggested deleted the words "SUPPORTS the reconsideration" in the proposed new clause (ii) and replacing it with either "DELETION" or "REMOVAL", as this removed any ambiguity.

Debate ensued.

The Mover, Cr Maier agreed and advised that he wished to change his amendment and to delete the words "SUPPORTS the reconsideration" in the proposed new clause (ii) and replace it with "RESCINDS". The Seconder, Cr Harvey agreed.

Debate ensued.

AMENDMENT (as changed) PUT AND CARRIED (5-3)

For: Mayor Catania, Cr Buckels, Cr Harvey, Cr Farrell, Cr Maier

Against: Cr Burns, Cr Lake, Cr McGrath

(Cr Topelberg was on approved leave of absence.)

MOTION AS AMENDED PUT AND CARRIED (7-1)

For: Mayor Catania, Cr Buckels, Cr Burns, Cr Harvey, Cr Farrell, Cr McGrath,
Cr Maier

Against: Cr Lake

(Cr Topelberg was on approved leave of absence.)

COUNCIL DECISION ITEM 9.1.2

That the Council;

(i) **RESCINDS:**

(a) *condition (f) relating to "Site Management – Archaeological Information" of the Planning Approval for Proposed Four-Storey Commercial Building Comprising Four (4) Shops, Ten (10) Offices and Associated Car Parking issued on 19 May 2010; and*

(b) *condition (g) relating to Heritage Management of the Planning Approval for Proposed Four-Storey Commercial Building Comprising Four (4) Shops, Ten (10) Offices and Associated Car Parking issued on 19 May 2010; and*

(ii) **REQUESTS** *that an interpretation proposal which recognises the history of the buildings which formerly occupied the site be considered by the applicant and notes that Policy 3.6.4 (Heritage Management - Interpretive Signage) allows for the provision of interpretive material to be integrated as part of the Percent for Public Art requirement.*

BACKGROUND:

26 February 2008 The Council at its Ordinary Meeting conditionally approved the Proposed Demolition of Two Existing Institutional Buildings and Construction of Four-Storey Development Comprising Six (6) Offices and Two (2) Shops at Nos. 440-444 (Lot 6, D/P 613; Lot 5, D/P 613) William Street, Perth.

- 12 June 2008 The Demolition Licence for the Planning Approval, which was conditionally approved by the Council on 26 February 2008, for Proposed Demolition of Two Existing Institutional Buildings and Construction of Four-Storey Development Comprising Six (6) Offices and Two (2) Shops at Nos. 440-444 (Lot 6, D/P 613; Lot 5, D/P 613) William Street, Perth, was issued.
- 18 February 2010 A development application was received by the Town for Proposed Four-Storey Commercial Building Comprising Four (4) Shops, Ten (10) Offices and Associated Car Parking at Nos. 440-444 (Lot 6, D/P 613; Lot 5, D/P 613) William Street, Perth, which was a vacant block as indicated in the MRS Form 1.
- 11 May 2010 The Council at its Ordinary Meeting conditionally approved the Proposed Four-Storey Commercial Building Comprising Four (4) Shops, Ten (10) Offices and Associated Car Parking at Nos. 440-444 (Lot 6, D/P 613; Lot 5, D/P 613) William Street, Perth.
- 10 June 2010 Domination Homes, the current applicant of the subject development, requested in writing the reconsideration of condition (f), relating to Site Management – Archaeological Information, and condition (g), relating to Heritage Management, that were approved by the Council at its Ordinary Meeting held on 11 May 2010. A copy of the correspondence forms an attachment to this report.

DETAILS:

The request from the applicant involves a reconsideration of two conditions to a Planning Approval which was issued on 11 May 2010 for Proposed Four-Storey Commercial Building Comprising Four (4) Shops, Ten (10) Offices and Associated Car Parking at Nos. 440-444 (Lot 6, D/P 613; Lot 5, D/P 613) William Street, Perth.

The conditions which are subject to the reconsideration are stated below:

Condition (f) Site Management – Archaeological Information

1. *A statement regarding the management of the site in the event that any archaeological information is found shall be submitted; and*
2. *The applicant shall consult a qualified archaeologist regarding the potential of the site to yield information regarding the early residential development of this area prior to any new site works.*

Condition (g) Heritage Management

Details of an interpretation proposal, which incorporates explicit recognition of the heritage values of the places at Nos. 440 and 444 William Street, Perth, shall be submitted. The approved interpretation proposal shall be installed prior to the first occupation of the new development.

COMMENTS:

Condition (f) Site Management – Archaeological Information

With respect to Condition (f), the Town's Heritage Services have reviewed this condition and acknowledge that the two dwellings constructed circa 1897, previously extant on the subject lots, were demolished prior to the receipt of the subject Development Application on 18 February 2010. It is understood that all sewer, septic and storm water pipe work have been removed from the subject lots during the demolition works and no significant archaeological findings were reported.

Given this, the possibility that evidence of past activity be found in the subject lots is considered to be negligible. Therefore, the applicant's request is considered reasonable for reconsideration of condition (f) of the Planning Approval issued on 19 May 2010, given the circumstances.

Condition (g) Heritage Management

In regard to Condition (g) however, whilst the Heritage Assessments undertaken for the dwellings previously extant on the lots, dated 13 November 2007, indicated that the dwellings had little heritage significance and did not meet the threshold for inclusion on the Town's Municipal Heritage Inventory, the Heritage Assessments also illustrated that the dwellings were the first residences constructed along William Street between Brisbane Street and Robinson Avenue. It is therefore recommended that interpretative signage is used as a simple means of providing a tangible reminder of the dwellings and that it shall be prepared in accordance with the Town's Policy No. 3.6.4 relating to Interpretive Signage, to address condition (g) of the Planning Approval that was conditionally approved by the Council on 11 May 2010.

In light of the above, it is recommended that the Council supports the Officer Recommendation.

**ORIGINAL ITEM WITHDRAWN AT THE REQUEST
OF THE CHIEF EXECUTIVE OFFICER AND THE
FOLLOWING REVISED ITEM WAS CONSIDERED**

9.1.4 No. 459 (Lot 8; D/P: 1647) Fitzgerald Street, Corner Angove Street, North Perth - Proposed Increase in Patronage of Existing Hotel from Eight Hundred and Fifty-Three (853) Persons to Nine Hundred and Seventy-Nine (979) Persons

Ward:	North	Date:	13 July 2010
Precinct:	North Perth Centre, P9	File Ref:	PRO0315; 5.2010.176.1
Attachments:	001		
Reporting Officers:	R Boardman, Director Development Services; John Giorgi, Chief Executive Officer		
Responsible Officers:	R Boardman, Director Development Services; John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, REFUSES the application submitted by B Jones on behalf of the owner Tegra Pty Ltd & Argyle Holdings Pty Ltd & others for proposed Increase in Patronage of Existing Hotel from Eight Hundred and Fifty-Three (853) Persons to Nine Hundred and Seventy-Nine (979) Persons, at No. 459 (Lot: 8; D/P: 1647) Fitzgerald Street corner of Angove Street, North Perth, and as shown on plans stamp-dated 18 June 2010, for to the following reasons:

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) the increase in the number of patrons from 853 Persons to 979 Persons will exacerbate the significant parking shortfall on site;*
- (iii) consideration of the Council Decision made at the Ordinary Meeting of Council held on 19 December 2006 whereby it stated:*
 - “(i) the current approved maximum accommodation numbers of 853 patrons shall not be increased as a result of this approval;” and*
- (iv) consideration of the objections received.*

COUNCIL DECISION ITEM 9.1.4

Moved Cr McGrath, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

Cr McGrath stated that he was of the view that the Applicant should be advised of the new Recommendation.

PROCEDURAL MOTION

Moved Cr McGrath, Seconded Cr Lake

That the item be DEFERRED to advise the applicant of the new recommendation and report.

PROCEDURAL MOTION PUT AND CARRIED (7-1)

For: Cr Buckels, Cr Burns, Cr Farrell, Cr Harvey, Cr Lake, Cr McGrath, Cr Maier

Against: Mayor Catania

(Cr Topelberg was on approved leave of absence.)

Landowner:	Tegra Pty Ltd & Argyle Holdings Pty Ltd & others
Applicant:	B Jones
Zoning:	Metropolitan Region Scheme: Urban and Other Regional Roads Town Planning Scheme No. 1: Commercial and District Centre
Existing Land Use:	Hotel
Use Class:	Hotel
Use Classification:	"SA"
Lot Area:	3212 square metres
Access to Right of Way	South side, 5 metres wide, sealed and privately owned

BACKGROUND:

- 4 October 1991 The Perth City Council at its Ordinary Meeting conditionally approved the establishment of a café/restaurant within an existing building.
- 22 August 2003 The Town under Delegated Authority approved alterations and additions to the existing hotel.
- 19 December 2006 The Council at its Ordinary Meeting conditionally approved alterations and additions to the existing hotel.
- 4 February 2008 The Town under Delegated Authority refused an application for removal of existing signage and signage additions (signs 2 and 7) to the existing hotel (Rosemount Hotel) (application for retrospective approval).
- 4 February 2008 The Town under Delegated Authority approved an application for removal of existing signage additions (signs 1,3,4,5,6,8 and 9) to the existing hotel (Rosemount Hotel) (application for retrospective approval).
- 10 June 2010 The Town received an application for signage which is being processed.

DETAILS:

The proposal involves an increase in the patronage of the existing hotel from eight hundred and fifty-three persons to nine hundred and seventy-nine persons.

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

The applicant has provided the following justification:

“The planning application arises from an increase in the approved maximum accommodation number for the Hotel which has been calculated in accordance with an amendment made to Section 7 of the Health (Public Building) Regulations 1992 which changed the methodology that must now be used to calculate the maximum accommodation number for all licensed premises in Western Australia.

In 2005 the Senior Member of the State Administrative Tribunal held (Randall and Town of Vincent [2005] WASAT 129) held, in respect of the Paddington Ale House, that “the proposed increase in patron numbers... constitutes a ‘use’ and thus a ‘development’ which requires prior development approval...”. With respect, we believe that the Senior Member erred in his decision but, nevertheless (on the basis that his decision may be upheld by a higher authority), we hereby submit the enclosed application for planning approval to increase the “maximum patron number” for the Rosemount Hotel to 979.

Condition (i) of the development approval which was granted to the Hotel by Council at its Ordinary Meeting held on 19 December 2006, states that “the current approved maximum accommodation numbers of 853 patrons shall not be increased as a result of this approval”. In fact, it was a condition of the development approval that neither “the current approved public floor area” nor “the current approved maximum accommodation numbers” be increased “as a result of” that approval- and neither was increased as a result of the 2006 approval. Accordingly, this application is unrelated to the 2006 development approval.”

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	N/A	N/A	Noted.
Plot Ratio	N/A	N/A	Noted.
Consultation Submissions			
Support (3)	No comments.		Noted.
Objection (2)	Anti-social behaviour Increase in patronage will contribute to more anti-social behaviour in the area.		Supported-The Rosemount Hotel is part of the Vincent Accord. Key Strategy Area 5 of the Vincent Accord Strategic Document 2009-2011 lists a number of strategies relating to anti-social behaviour and security. It is therefore expected that the venue management will ensure compliance with this document at all times. Anti-social behaviour incidents are generally monitored by police.

	<p>Rubbish</p> <p>With the increase in the number of patrons there will be more littering in the area.</p>	<p>Supported-The Town's Licensed Premises Complaints Register does not contain any complaints regarding litter associated with the Rosemount Hotel. The Town's Officers are therefore unable to validate these concerns. Key Strategy Area 6 of the 'Vincent Accord Strategic Document 2009-2011' states that 'Licensed Premises will be responsible for the control and disposal of litter generated by, or attributable to, patrons of their venue'. It is therefore expected that the venue management will ensure compliance with this document at all times.</p>
Department of Planning	The Department has no objection to the proposal on regional transport planning ground.	Noted.
Other Implications		
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications		Nil
Sustainability Implications		Nil
Financial/Budget Implications		Nil

COMMENTS:

Heritage

The subject place at No. 459 Fitzgerald Street, North Perth (The Rosemount Hotel) is listed on the Town's Municipal Heritage Inventory as Management Category B – Conservation Recommended. The place has some *historical value* as a hotel, which was constructed in 1902 at the time of the Gold Boom, a significant cultural and development phase in the history of Western Australia. The place has some *social value* as a continuously licensed and operating hotel, providing a social venue and meeting place for the local community.

The proposal involves the increase in patronage from 853 persons to 979 persons.

Based on the plans previously approved at an Ordinary Meeting of the Council held on 19 December 2006, for Proposed Alterations and Additions to Existing Hotel, and the plans accompanied with the subject application dated 24 May 2010, it is noted that no alterations and additions, which involve structural changes, are proposed in the subject application.

Given that the proposal does not involve any alteration to the significant fabric, there are no known detrimental impacts on the heritage significance of the place. In light of the above, the Heritage Officers have no objection to the subject application.

Health Services

Prior to this development application, the applicant submitted an 'Application to Construct, Extend or Alter a Public Building (Form One)' to the Town's Health Services on 23 March 2010. Following consultation with the Town's Health Services, the applicant decided to apply for an increase in exit width by doubling the size of the western facing exit door and by including a new exit door at the north-west wall of the garden bar area. This alteration was considered essential in order for the applicant to be able to maximise numbers in accordance with the requirements of the *Health (Public Building) Regulations 1992*. The applicant was advised in correspondence dated 13 April 2010 that the proposed increase in exit width was permitted under the provisions of the *Health (Public Building) Regulations 1992* and that a Development Approval would be required in order to increase maximum accommodation numbers above 853 people. The following table details the current break-down of numbers that are approved for the venue and the maximum allowable numbers that can be allowed based on floor area:

	Current Approval	Maximum Allowable Numbers
Corner Bar	307	331 (+24)
Garden Bar	440	542 (+102)
Four 5 Nine Bar	56	56
Function Room	50	50
Entire Venue	853	979

Only two complaints regarding the Rosemount Hotel have been received by Health Services since the 'Licensed Premises Complaint Register' was implemented on 1 December 2007. One complaint was regarding amplified music noise, whilst the other was made in relation to overcrowding of the footpath outside of the premises. The noise complaint was actioned by the Rosemount management swiftly. The complaint regarding overcrowding of the footpath was found to be justified. Overcrowding of the footpath resulted from venue underestimating the popularity of participation in a radio competition. This matter was addressed appropriately at the time, with venue management learning from the experience so as to prevent any future occurrence. Neither of the above complaints relate to the number of people that are permitted in the venue. For larger licensed premises, the Rosemount Hotel has a better than average track record with regard to complaints received from the community.

Parking

Historically, the car parking requirement for the subject site is based on the total gross public assembly area and floor area of the bottle shop. There are no changes to the parking requirements in this instance as the proposal does not involve an increase in the existing public assembly floor area or floor area of the bottle shop.

The parking calculation for development approved by Perth City Council at its Ordinary Meeting on 4 October 1991 was as follows:

	Area (square metres)	No. of Bays
Public Bar	106	53
Public Lounge	153	51
Beer Garden	345	77
Existing Dining Room	42	11
Bottleshop-retail	45	3
-storage	57	1
Proposed Restaurant	55	14
Total Car Parking Required		210

A total of 60 bays are provided on site, therefore resulting in a total shortfall of 150 bays which was approved by Perth City Council.

The parking calculation for the new application under the Town's Parking and Access Policy No. 3.7.1 is as follows:

Car parking requirement (nearest whole number) <ul style="list-style-type: none"> • Tavern (858 square metres gross public assembly area)- 1 space per 4.5 square metres of gross public assembly area)= 190.67 • Bottleshop (102 square metres gross floor area)- 1 space per 15 square metres of floor area= 6.8 Total car bays required= 197.47=198	= 198 car bays
Apply the adjustment factors. <ul style="list-style-type: none"> • 0.85 (within 400 metres of a bus stop) • 0.85 (within 400 metres of a public car park in excess of 75 car bays) • 0.90 (within a District Centre) = 0.6502 (Adjustment Factor)	0.65025 x 198 = 128.75 car bays
Minus the car parking provided on-site = 60 car bays	68.75 car bays
Minus the most recently approved on-site car parking shortfall (after taking into account relevant adjustment factors)= 150 x 0.6502 = 97.53 car bays	97.53 car bays
<u>The shortfall of 150 car bays was derived from information contained in the Minutes from the City of Perth Council Meeting held on 4 October 1991.</u>	
Resultant Surplus	28.78 car bays

It is noted that Council at its Ordinary Meeting on 19 December 2006 conditionally approved alterations and additions to existing hotel at No.459 Fitzgerald Street, North Perth. One of the conditions of the approval reads as follows:

“(i) the current approved maximum accommodation numbers of 853 patrons shall not be increased as a result of this approval;”

Considering the car parking requirement for the site is 198 car bays (128.75 car bays after adjustment factors) and that only 60 car bays are provided on-site, the resultant shortfall of 68.75 car bays is significant. Though the proposal technically complies with the Town's Policy relating to Parking and Access, it is considered that the increase in the number of patrons will significantly contribute to an increase in vehicles coming to the hotel which will exacerbate the car parking shortfall for this site.

In WASAT 129 [2005] between David Neil Randall (Applicant for Paddington Alehouse) and Town of Vincent (Respondent), whereby an application for a 50% increase in the maximum number of patrons from 400 to 600 patrons for the Paddington Alehouse, the Senior Member concluded that *“the fundamental issue in relation to the merits of the proposed development is the lack of any on-site parking to cater for the traffic likely to be generated by the approval of the proposed development. Given, in particular, that the current use of the site generates a need for up to 60 car parking spaces which are not able to be accommodated on-site and that there is evidence that patrons attending the site do park in the residential area which is a short distance to the south, it is likely that the development will give rise to adverse amenity impacts in consequence of the taking up of on-street parking spaces which are not presently subject to resident-only restrictions, noise and disturbance.”*

The Senior Member further noted that the *“Approval of the application would, therefore, be contrary to the orderly and proper planning of the locality and the conservation of the amenities of the locality (TPS 1 cl 38(5)(g) and cl 38(5)(h))... ”*

It is noted that the Tribunal in its determination of the above matter concluded that *“on the evidence, development approval should be refused, because of the likely impacts of additional car parking on the surrounding residential area and the application’s inadequate response to this critical issue”*.

Clearly, the increase in patron numbers from 853 to 979 will result in a greater intensity of use and place additional pressure on the on-site car parking. In addition, given the on-site parking is not provided in strict accordance with the Town’s requirements, the increase in patrons will result in a greater reliance on on-street parking within adjoining residential areas and the Town Centre generally.

In the pursuit of orderly and proper planning, it is important that the Town manage the future land uses in a manner that ensures the amenity of the nearby area are not unduly impacted upon by car parking spill over and also to ensure that visitors to the area are not inconvenienced by reduced levels of available parking.

In light of the above, it is recommended that the application be refused as per the Chief Executive Officer Recommendation.

9.1.6 No. 87 (Lot 70; D/P 54740) Walcott Street, Mount Lawley - Proposed Change of Use from Single House to Consulting Rooms and Associated Alterations and Additions

Ward:	South	Date:	5 July 2010
Precinct:	Norfolk; P10	File Ref:	PRO4166; 5.2010.201.1
Attachments:	001		
Reporting Officer:	D Pirone, Statutory Planning Officer		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, REFUSES the application submitted by the owner P Zuppar for proposed Change of Use from Single House to Consulting Rooms (Medical Practitioners) and Associated Alterations and Additions, at No. 87 (Lot 70; D/P 54740) Walcott Street, Mount Lawley, and as shown on plans stamp-dated ~~11 January 2008~~ 10 May 2010, for the following reasons:

- (i) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) *the non-compliance with the Town's Policies relating to Consulting Rooms and Non-Residential/Residential Interface, and the objectives of the Town's Town Planning Scheme No. 1; and*
- (iii) *approval of the proposed development would create an undesirable precedent for other similar commercial use developments encroaching into established residential areas.*

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

Moved Cr Buckels, Seconded Cr Lake

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND LOST (2-6)

For: Cr Burns, Cr Maier

Against: Mayor Catania, Cr Buckels, Cr Farrell, Cr Harvey, Cr Lake, Cr McGrath

(Cr Topelberg was on approved leave of absence.)

Reasons:

1. **The Town conditionally approved the application on 27 May 2008.**
2. **The property is immediately adjacent to the Town Centre.**

ALTERNATIVE RECOMMENDATION - COUNCIL DECISION ITEM 9.1.6

Moved Cr Buckels, Seconded Cr McGrath

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by the owner P Zuppar for proposed Change of Use from Single House to Consulting Rooms (Medical Practitioners) and Associated Alterations and Additions, at No. 87 (Lot 70; D/P 54740) Walcott Street, Mount Lawley, and as shown on plans stamp-dated 10 May 2010, subject to the following conditions:

- (i) **Medical Consulting Rooms (Medical Practitioners):**
 - (a) *any change of use from Medical Consulting Rooms (Medical Practitioners) shall require Planning Approval to be applied for and obtained from the Town prior to the commencement of such use;*
 - (b) *shall be limited to a maximum of two (2) consulting rooms/consultants operating at any one time. Any increase in the number of consulting rooms/consultants shall require Planning Approval to be applied for and obtained from the Town;*
 - (c) *the hours of operation shall be limited to the following times: 8.00am to 6:00pm Monday to Friday, and 9:00am to 1:00pm Saturday, and closed on Sundays and Public Holidays; and*
 - (d) *shall not be used for massage activity of a sexual nature, prostitution, as a brothel business, as an agency business associated with prostitution, as an escort agency business, or the like;*
- (ii) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Walcott Street;*
- (iii) *all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (iv) *any new street/front wall, fence and gate within the Walcott Street setback area, including along the side boundaries within this street setback area, shall comply with the Town's Policy provisions relating to Street Walls and Fences;*
- (v) **PRIOR TO THE ISSUE OF A BUILDING LICENCE, the following shall be submitted to and approved by the Town:**
 - (a) **Refuse and Recycling Management**

A Refuse and Recycling Management Plan shall be submitted and approved by the Town prior to commencement of any works. The Plan shall include details of refuse bin location, number of rubbish and recycling receptacles, vehicle access and manoeuvring, and disposal of sharps.

Revised plans and details shall be submitted demonstrating a bin compound being provided in accordance with the Town's Health Services Specifications, Commercial:

*1 x mobile garbage bin per unit; and
1 x paper recycle bin per unit, or per 200 square metres of floor space; and*

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

(a) **Bicycle Parking Facilities**

One (1) class three bicycle facility shall be provided at a location convenient to the entrances and within the approved development. Details of the design and layout of the bicycle parking facilities shall be submitted to and approved by the Town prior to installation of such facility; and

(b) **Car Parking**

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.

ALTERNATIVE MOTION PUT AND CARRIED (6-2)

For: Mayor Catania, Cr Buckels, Cr Farrell, Cr Harvey, Cr Lake, Cr McGrath

Against: Cr Burns, Cr Maier

(Cr Topelberg was on approved leave of absence.)

Landowner:	P Zuppar
Applicant:	P Zuppar
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R60
Existing Land Use:	Single House
Use Class:	Consulting Rooms
Use Classification:	"SA"
Lot Area:	435 square metres
Access to Right of Way	West side, 4 metres wide, sealed, Town owned

BACKGROUND:

27 May 2008 The Council at its Ordinary Meeting resolved to conditionally approve an application for change of use from single house to consulting rooms and associated alterations and additions. The Town's Officers recommended refusal of the application.

DETAILS:

The proposal involves the change of use from Single House to Consulting Rooms (Medical Practitioner) and Associated Alterations and Additions. The approval granted by the Council above was not taken up by the applicant and has since expired.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	Noted – no variation.
Consulting Rooms Policy	Applications for Consulting Rooms in a Residential zone where the lot is within 200 metres of a Local Centre or District Centre zone is not favourable. A minimum of 80 per cent of the total building area is to be dedicated for a residential use.	The subject lot is abutting a District Centre zone. The use of the building is for the sole purpose of consulting rooms.	Not supported – see ‘Comments’ below.
Objective of Town Planning Scheme No. 1	<i>‘To promote and safeguard the economic well-being and functions of the Town’</i>	Non-residential use encroaching into a residential area.	Not supported – see ‘Comments’ below.
Town of Vincent Economic Development Strategy	No requirement to add new commercial precincts or nodes as all the Town of Vincent’s residents live within 1 kilometre of a commercial centre.	Commercial use in a residential zone.	Not supported – see ‘Comments’ below.
Non-Residential/ Residential Development Interface Policy	Non-residential developments shall be restricted to District and Local Centre zones.	Commercial use in a residential zone.	Not supported – see ‘Comments’ below.
Car Parking			
Car parking requirement (nearest whole number) - Consulting Rooms – 3 bays per Consulting Rooms – requires 6 bays			= 6 car bays
Apply the adjustment factors. <ul style="list-style-type: none"> ▪ 0.85 (within 800 metres of a train station) ▪ 0.85 (within 400 metres of a bus stop) ▪ 0.80 (within 50 metres of a public car parking place with in excess of 50 car parking spaces) 			(0.578) = 3.468 car bays
Minus the car parking provided on-site			5 car bays
Minus the most recently approved on-site car parking shortfall.			Nil
Resultant surplus			1.532 car bays

Bicycle Parking		
Consulting Room – 2 practitioners Class 1 or 2 – 1 space per 8 practitioners = 0.25 spaces Class 3 – 1 space per 4 practitioners = 0.5 spaces = 1 x Class 3 space required		
Consultation Submissions		
Support (1)	No comments provided.	Noted.
Objection	Nil.	Noted.
Other Implications		
Legal/Policy	TPS 1 and associated Policies, and Residential Design Codes (R Codes).	
Strategic Implications	Nil	
Sustainability 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 current use of the building is a residential use and is therefore a permitted use. Due to the nature of the proposed activities, the proposed consulting rooms use (“SA” use) is not considered to be a part of the general fabric of the residential area, regardless of the scale and intensity of its operations and that it abuts a District Centre zone. Approval of the proposed development would create an undesirable precedent for the encroachment of commercial uses into residential areas. The proposed consulting rooms use is not considered to serve the day-to-day needs of local residents and is considered more appropriate in areas which have been appropriately zoned and developed for such uses, namely the Town’s commercial centres. Furthermore, the proposal is inconsistent with the objectives of the Town’s Economic Development Strategy, which aims to condense commercial type activities within Local Centres, District Centres or Commercial zoned areas in order to capitalise upon co-locational benefits and increase the viability of the Town’s commercial centres.

The proposal is therefore considered unacceptable and is not supported by the Town’s Officers.

9.1.9 Amendment No. 69 to Planning and Building Policies – Rescinding and Amending of Policies

Ward:	Both Wards	Date:	5 July 2010
Precinct:	All Precincts	File Ref:	PLA0219; PLA0161
Attachments:	001 ; 002		
Reporting Officer:	S Kendall, Senior Strategic Planning Officer		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report relating to Amendment No. 69 to Planning and Building Policies – Rescinding and Amending of Policies, which takes into consideration the written submissions received during the formal advertising period, which was undertaken in accordance with Clause 47(3), (4) and (5)(a) of the Town of Vincent Town Planning Scheme No. 1;*
- (ii) *ADOPTS the final amended versions of the following Policies and AUTHORISES the Chief Executive Officer to advertise the final amended versions of these policies:*
 - (a) *Policy No. 3.6.5 - Adding/Deleting/Amending Places listed on the Municipal Heritage Inventory;*
 - (b) *Policy No. 3.6.1 - Heritage Management - Development Guidelines for Heritage and Adjacent Properties; and*
 - (c) *Policy No. 3.6.8 - Heritage Management - Dealing with Enquiries Regarding the Heritage Status of Properties;*

in accordance with Clause 47(5)(b) and Clause 47(6) of Town Planning Scheme No. 1;
- (iii) *FORMALLY RESCINDS the following Policies and AUTHORISES the Chief Executive Officer to advertise the final rescission of these Policies:*
 - (a) *Policy No. 3.5.10 - Shading Co-efficient for Translucent Materials in Buildings;*
 - (b) *Policy No. 3.5.11 - Energy Conservation and Universal Design of the Town of Vincent; and*
 - (c) *Policy No. 3.5.12 - Protection and Preservation of Old Growth Forests, Native Forests and Rainforests;*

in accordance with Clause 47(5)(b) and Clause 47(6) of the Town’s Town Planning Scheme No. 1; and
- (iv) *DOES NOT RESCIND Policy No. 3.5.9 - Stormwater Disposal from Premises in light of the written submissions received during the formal advertising period, which was undertaken in accordance with Clause 47(3), (4) and (5)(a) of the Town of Vincent Town Planning Scheme No. 1.*

Moved Cr Lake, Seconded Cr Harvey

That the recommendation, together with the following changes, be adopted:

“(ii)(b) Policy No. 3.6.1 - Heritage Management - Development Guidelines for Heritage and Adjacent Properties, subject to the Policy being further amended as follows:

(1) that clause (6) be added to read as follows:

“(6) SOLAR PANELS TO HERITAGE LISTED BUILDINGS

Heritage buildings have always been capable of adaptation to include new and upgraded services and technologies and, in most cases, it can be done without major compromises. Solar technology is no different.

In general, the principal aim with heritage properties is to conceal any solar unit to reduce any negative visual impact on the streetscape, or historic or architectural qualities of the place.

Therefore, planning approval is not required for the installation of solar collectors on properties listed on the Municipal Heritage Inventory in the following instances:

- i) the solar collector is not visible from the street; and**
- ii) if the solar collector is located on the main frontal roof plane it is fitted flush to the roof; is not raised on a frame and does not project beyond the edge of the roof.**

These provisions do not apply to places on the State Register of Heritage Places; and

Debate ensued.

MOTION PUT AND CARRIED (8-0)

(Cr Topelberg was on approved leave of absence.)

COUNCIL DECISION ITEM 9.1.9

That the Council;

- (i) RECEIVES the report relating to Amendment No. 69 to Planning and Building Policies – Rescinding and Amending of Policies, which takes into consideration the written submissions received during the formal advertising period, which was undertaken in accordance with Clause 47(3), (4) and (5)(a) of the Town of Vincent Town Planning Scheme No. 1;*
- (ii) ADOPTS the final amended versions of the following Policies and AUTHORISES the Chief Executive Officer to advertise the final amended versions of these policies:*
 - (a) Policy No. 3.6.5 - Adding/Deleting/Amending Places listed on the Municipal Heritage Inventory;*

- (b) *Policy No. 3.6.1 - Heritage Management - Development Guidelines for Heritage and Adjacent Properties, subject to the Policy being further amended as follows:*

- (1) *that clause (6) be added to read as follows:*

“6) SOLAR PANELS TO HERITAGE LISTED BUILDINGS

Heritage buildings have always been capable of adaptation to include new and upgraded services and technologies and, in most cases, it can be done without major compromises. Solar technology is no different.

In general, the principal aim with heritage properties is to conceal any solar unit to reduce any negative visual impact on the streetscape, or historic or architectural qualities of the place.

Therefore, planning approval is not required for the installation of solar collectors on properties listed on the Municipal Heritage Inventory in the following instances:

- i) the solar collector is not visible from the street; and*
ii) if the solar collector is located on the main frontal roof plane it is fitted flush to the roof; is not raised on a frame and does not project beyond the edge of the roof.

These provisions do not apply to places on the State Register of Heritage Places; and

- (c) *Policy No. 3.6.8 - Heritage Management - Dealing with Enquiries Regarding the Heritage Status of Properties;*

in accordance with Clause 47(5)(b) and Clause 47(6) of Town Planning Scheme No. 1;

- (iii) ***FORMALLY RESCINDS the following Policies and AUTHORISES the Chief Executive Officer to advertise the final rescission of these Policies:***

- (a) *Policy No. 3.5.10 - Shading Co-efficient for Translucent Materials in Buildings;*

- (b) *Policy No. 3.5.11 - Energy Conservation and Universal Design of the Town of Vincent; and*

- (c) *Policy No. 3.5.12 - Protection and Preservation of Old Growth Forests, Native Forests and Rainforests;*

in accordance with Clause 47(5)(b) and Clause 47(6) of the Town’s Town Planning Scheme No. 1; and

- (iv) ***DOES NOT RESCIND Policy No. 3.5.9 - Stormwater Disposal from Premises in light of the written submissions received during the formal advertising period, which was undertaken in accordance with Clause 47 (3), (4) and (5)(a) of the Town of Vincent Town Planning Scheme No. 1.***

PURPOSE OF REPORT:

The purpose of this report is to provide the Council with an overview of the outcomes of the formal advertising period for Amendment No. 69 to Planning and Building Policies – Rescinding and Amending of Policies and to present to the Council a recommendation to progress the matter.

Amendment No. 69 to Planning and Building Policies – Rescinding and Amending of Policies proposes the deletion (rescission) of the following policies:

- Policy No. 3.5.9 - Stormwater Disposal from Premises;
- Policy No. 3.5.10 - Shading Co-efficient for Translucent Materials in Buildings;
- Policy No. 3.5.11 - Energy Conservation and Universal Design of the Town of Vincent;
- Policy No. 3.5.12 - Protection and Preservation of Old Growth Forests, Native Forests and Rainforests;
- Policy No. 3.6.8 - Heritage Management - Dealing with Enquiries Regarding the Heritage Status of Properties.

The amendment also proposes modification to the following policies:

- Policy No. 3.6.5 - Adding/Deleting/Amending Places listed on the Municipal Heritage Inventory; and
- Policy No. 3.6.1 - Heritage Management - Development Guidelines.

BACKGROUND:

At its Ordinary Meeting held on 23 March 2010, the Council considered a report on the review of the Town's Planning and Building Policy Manual, as part of Item No. 9.1.5 relating to Amendment No. 69 to Planning and Building Policies – Rescinding and Amending of Policies. At this meeting, the Council endorsed in part, the Officer Recommendation to commence formal advertising of the proposed amendment.

At this meeting, the Council resolved to amend the Town's Policy No. 3.6.8 relating to Heritage Management - Dealing with Enquiries Regarding the Heritage Status of Properties, as opposed to rescinding the policy, as proposed by the initial Officer Recommendation. Amendments were also made to the title of the Town's Policy No. 3.6.1 relating to Heritage Management - Development Guidelines.

DETAILS:

In 2004, the Town commenced a review of its Town Planning Scheme No. 1. One component of the review, involves updating and reviewing the Town's Planning and Building Policy Manual. The following objectives are guiding this review:

- Update Policies to reflect Local Planning Strategy;
- Remove redundant policies;
- Ensure existing and proposed policies have a clear planning purpose;
- Distinguish between a policy and a procedure;
- Minimise replication of requirements, especially where a requirement may be subject to separate and adequate legalisation; and
- Address issues identified by the Town's Officers.

Amendment No. 69 identifies a number of Policies that are considered redundant or require amendment, and is considered the first step of updating and streamlining the Planning and Building Policy Manual.

CONSULTATION/ADVERTISING:

The Draft Amended Policy was advertised for a period of 28 days, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1. The formal advertising period, commenced on 27 April 2010 and closed on 25 May 2010.

In total, six (6) submissions were received. The break down of submissions received is as follows:

- Support: 1
- Object: 1
- General Comment: 4

A summary of the comments received in the submissions can be found in Attachment 001. A summary of the proposed key amendments to the Policies following the advertising period are outlined below and depicted using strikethrough and underline:

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

The Heritage Council of Western Australia (HCWA) advised that Section 2 of this Policy should not apply to places on the State Register of Heritage Places, as section 163 of the *Planning and Development Act 2005* requires that any development to such places requires an application for approval.

The HCWA advised that some of the given examples are not generally understood to be development (for example, cleaning gutters), though others (for example, re-roofing) may involve significant intervention in the building. Accordingly, Section 2 of the Policy has been amended to address these comments as follows:

“2) *Adhering to the principles of the Burra Charter, planning approval is not required for development ~~on a Heritage Place~~ to a place on the Town’s Municipal Heritage Inventory in the following instances:*

- repairs or routine maintenance and minor works which demonstrate replacing material with like for like that do not change the appearance of a heritage place, such as ~~cleaning gutters and down pipes~~, general repainting, ~~and~~ re-decoration, ~~and~~ re-roofing and repair of existing roof coverings; and*
- internal works which do not compromise the heritage significance of the place including refurbishment of bathrooms and kitchens and replacement of floor and wall coverings and window treatments.*

A planning application may be required to be submitted and approved by the Town and the Heritage Council of Western Australia for the above works if the place is on the State Register of Heritage Places.”

2. Policy No. 3.6.8 - Heritage Management - Dealing with Enquiries Regarding the Heritage Status of Properties

The HCWA questioned the appropriateness of this Policy within the planning framework, as it deals with internal processes. The HCWA considered alternatively it should be an ‘operational policy’. This view is consistent with the Officer Recommendation made in relation to the Amendment at the Ordinary Meeting of Council held on 23 March 2010.

Notwithstanding this, the HCWA suggested the Policy should include provisions to refer an enquirer to the published copy of the Municipal Heritage Inventory (MHI) or any other online database. This suggestion of the Heritage Council has been included in section 2) (ii) (a) of the Policy:

- *“That reference can be made to the Town of Vincent dedicated heritage website, where the published copy of the Municipal Heritage Inventory and associated policies are located.”*

The HCWA also noted that an owner may have a reasonable complaint if they had previously been told that their property was not on the MHI, regardless of any disclaimer given. The HCWA recommend that the Policy should include provisions which offer the owner the opportunity of a heritage assessment to be undertaken to provide confirmation that the property is not considered to be of cultural heritage significance to be listed in the MHI at this time.

The Town’s Heritage Services already offer such a service. When an enquirer contacts the Town they are advised that the Town’s Officers can carry out a ‘Preliminary Heritage Check’ or a ‘Full Heritage Assessment’ for a fee in line with the Town’s Fees and Charges Schedule. However, it is advised that this ‘Preliminary Heritage Check’ does not constitute approval and only provides indicative advice. The enquirer is advised that a finite decision on an application for demolition is informed by a full heritage assessment (if only a ‘Preliminary Heritage Check’ is requested) and comments received from the mandatory 14 day period of community consultation. Section (2) (ii) (a) of the Policy has been amended to include reference to this approach, whereby the general public can request a ‘Preliminary Heritage Check’:

- *“Upon request and by the payment of a fee, in accordance with the Town’s Fees and Charges Schedule, the Town’s Officers can undertake a ‘Preliminary Heritage Check’ or a ‘Full Heritage Assessment’ of a property. The documentation is to be used as a guide only and should not be relied on for legal, financial or other significant information or decision.”*

3. Policy No. 3.5.9 - Stormwater Disposal from Premises

Further advice from the Director Technical Services suggests that the rescission of the Town’s Policy No. 3.5.9 relating to Stormwater Disposal from Premises may not be appropriate at this time as it adds another tier of protection against a property owners ‘ignorance’ defence, particularly in respect of developments as it forms part of Planning Policy and therefore any approval.

STRATEGIC IMPLICATIONS:

This matter is in accordance with the Town’s Strategic Plan 2009-2014 – Action 4.1.2 *“Manage the organisation in a responsible, efficient and accountable manner;”* and Action 1.1.2 *“Develop and implement a Town Planning Scheme and associated policies, guidelines and initiatives that deliver the community vision.”*

FINANCIAL/BUDGET IMPLICATIONS:

The current 2010/2011 Budget allocates \$52,272 for Town Planning Scheme Amendments and Policies.

LEGAL/POLICY:

Town Planning Scheme No. 1 and associated Policies.

COMMENTS:

The above Policies within the Town's Planning and Building Policy Manual have been reviewed as part of the Town's Town Planning Scheme No. 1 review. The removal of, and amendment of the subject policies, will streamline the Manual to ensure its content is relevant and user-friendly for both internal and external users.

The adoption of the Officer Recommendation to progress the Town's Planning and Building Policy Manual review, which has been informed by submissions received from the formal community consultation period, is therefore recommended.

The Chief Executive Officer advised that Cr Buckels declared a financial interest in Item 9.1.12. He departed the Chamber at 7.08pm and did not speak or vote on this matter.

9.1.12 Nos. 317-321 (Lots 13, 14 and Y12 D/P: 880) Vincent Street, Dual Frontage to The Avenue, Leederville - Proposed Demolition of Existing Service Station and Construction of Service Station with Associated Signage - State Administrative Tribunal (SAT) Review Matter No. DR 361 of 2009

Ward:	South	Date:	5 July 2010
Precinct:	Oxford Centre; P04	File Ref:	PRO0464; 5.2008.389.1
Attachments:	001		
Reporting Officer(s):	R Rasiah, Coordinator Statutory Planning		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report relating to Nos. 317-321 (Lots 13, 14 and Y12 D/P: 880) Vincent Street, Dual Frontage to The Avenue, Leederville - Proposed Demolition of Existing Service Station and Construction of Service Station with Associated Signage - State Administrative Tribunal (SAT) Review Matter No. DR 361 of 2009; and*
- (ii) *INVITES COUNCILLOR(S)..... to submit a written submission (witness statement) and attend as a witness on behalf of the Council on the Review (appeal), which is to be lodged with the SAT no later than 13 August 2010, and determined by way of a "Final Hearing".*

Moved Cr Lake, Seconded Cr Maier

That the recommendation be adopted.

The Presiding Member, Mayor Catania called for nominations for clause (ii).

No nominations were received.

Debate ensued.

MOTION PUT AND CARRIED (7-0)

(Cr Buckels was absent from the Chamber and did not vote on this matter. Cr Topelberg was on approved leave of absence.)

Cr Buckels returned to the Chamber at 7.11pm. Presiding Member, Mayor Catania advised that the item was carried without any nomination.

COUNCIL DECISION ITEM 9.1.12

That the Council RECEIVES the report relating to Nos. 317-321 (Lots 13, 14 and Y12 D/P: 880) Vincent Street, Dual Frontage to The Avenue, Leederville - Proposed Demolition of Existing Service Station and Construction of Service Station with Associated Signage - State Administrative Tribunal (SAT) Review Matter No. DR 361 of 2009.

PURPOSE OF REPORT:

- To update the Council on the above review application.
- To comply with the requirements of the Town's Policy/Procedure for the State Administrative Tribunal (SAT).
- To consider a Council Member (s) to submit a written submission (witness statement) on behalf of the Council.

Landowner:	Caltex Oil Aust Pty Ltd
Applicant:	L Calvetti
Zoning:	Metropolitan Region Scheme: Urban and Other Regional Road Town Planning Scheme No. 1 (TPS 1): District Centre and Other Regional Road
Existing Land Use:	Service Station
Use Class:	Service Station
Use Classification:	"AA"
Lot Area:	1445 square metres
Access to Right of Way	Not Applicable

BACKGROUND:

25 August 2009 The Council at its Ordinary Meeting refused the application for the proposed demolition of existing service station and construction of service station with associated signage at the above site, for the following reasons:

- "(a) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality; and*
- (b) the non-compliance with the Metropolitan Region Scheme Other Regional Road reservation as the proposed development is proposed to be constructed within the Other Regional Road reservation; and*
- (c) the proposed layout of the service station is not consistent with future planning of the adjoining land comprising 'The Avenue' and Town owned car park, which will severely compromise access for tanker/s accessing the site via 'The Avenue' and exiting the site via Vincent Street, as proposed, due to the proposed future planned changes to 'The Avenue' and adjoining Town owned land; and*
- (ii) the Council ADVISES the applicant and owners that the subject proposal is considered to be an underdevelopment of the site and not consistent with the overall vision for the area of Leederville."*

3 June 2010 In relation to the preliminary issue of jurisdiction, the SAT determined that the Town had the jurisdiction in determining and refusing the above application. The Town was represented by Lawyers Kott Gunning. The applicant was represented by Solicitors Solomon Brothers.

8 July 2010 Mediation to be held at the SAT. A Full Hearing of the matter is scheduled for 15 September 2010.

DETAILS:

The proposal involves the demolition of the existing service station and the construction of a new service station.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

Planning and Development Act 2005 (WA), State Administrative Tribunal Act 2004 (WA) and Town's Policy No. 4.1.23 - State Administrative Tribunal Policies and Procedures.

STRATEGIC IMPLICATIONS:

Strategic Planning comments as per verbatim from the Minutes of the Ordinary Meeting of the Council, held on 25 August 2009, Item 9.1.7 are as follows:

"Leederville Masterplan

The subject site is zoned Commercial; a service station is an "AA" use within this zone. The site is also located within Precinct 4 - Oxford Markets Precinct (Vincent Street) of the Leederville Masterplan area. The Masterplan vision for the Vincent Street part of the Precinct is:

*To increase the density of mixed use buildings along Vincent Street; and
To create a new icon building on the south west corner of Vincent and Oxford Street and create a new western gateway.*

The concept plan outlined in the Built Form Guidelines indicates that the subject site could facilitate a maximum development of three storeys accommodating a mix of uses, and reasonably including a service station at the ground floor level.

It is noted that development of the subject site has been discussed at meetings with the owners and applicant, in terms of how landmark sites such as theirs can significantly contribute to the progressing of the required streetscape and urban design improvements in the Town Centre, along with facilitating developer confidence in the Masterplan and encouraging associated development.

Accordingly, the Town's Officers are of the view that construction of a service station only on such an iconic and prime site is underdevelopment of the site and inconsistent with the Leederville Masterplan and the vision for the area. In light of the reasons outlined in this report relating to, the non-compliance with the Metropolitan Region Scheme Other Regional Road reservation, the proposed layout of the service station is not consistent with future planning of the adjoining land comprising 'The Avenue' and Town owned car park, non-compliance with the Built Form Guidelines for the Leederville Masterplan and associated underdevelopment of the site, it is recommended that the Council refuse the application."

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

The cost of Lawyers Kott Gunning defending the Town in relation to the preliminary issue as to whether the Town had jurisdiction in determining and refusing the planning application under delegation from the Western Australian Planning Commission (WAPC) was \$8,851.56. The SAT ruled in favour of the Town and determined that the Town under delegation from the WAPC was the decision making authority in refusing the planning application, the subject of this review.

The Town is currently seeking the services of a Planning Consultant and an Expert Witness from JCY, the consultants commissioned to prepare the Leederville Masterplan to represent the Town in relation to the review of the refusal decision. The matter is scheduled for a "Full Hearing" on 15 September 2010.

The applicants are being represented by Solomon Brothers Solicitors.

COMMENTS:

On the above basis, it is recommended that the Council receives the report, and nominates a Council Member(s) to submit a Written Submission (witness statement) and also attend as a witness in the review process.

9.1.13 Proposed Introduction of Resident Parking – Verge Information Signage Scheme and Associated Policy

Ward:	Both	Date:	5 July 2010
Precinct:	All	File Ref:	PKG0107
Attachments:	001 , 002		
Reporting Officer:	J MacLean, Manager Ranger and Community Safety Services		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

OFFICER RECOMMENDATION:

That the Council;

- (i) **RECEIVES** the further report concerning a *Proposed Introduction of Resident Parking – Verge Information Signage Scheme and Associated Policy and “Registered Lawns” in the Town of Vincent;*
- (ii) **DOES NOT SUPPORT** the introduction of a *“Registered Lawn Scheme” within the Town of Vincent for the following reasons:*
 - (a) *parking on verges is adequately covered in the Town's Parking and Parking Facilities Local Law, clause 4.11(1);*
 - (b) *this practice has been progressively discontinued by most Metropolitan local governments; and*
 - (c) *the introduction of such a scheme would have the potential to place substantial and unnecessary burden on the resources of the Town's Ranger Services with little apparent benefit to the Town; and*
- (iii) **APPROVES** of the introduction of a standardised *“Resident Parking – Information Signage” Scheme, whereby a resident can place an approved sign on the verge immediately adjacent to their property as detailed in new Policy No. 3.9.16 – “Resident Parking – Verge Information Signage” as shown Appendix 9.1.13A;*
- (iv) **AUTHORISES** the Chief Executive Officer to:
 - (a) *advertise the new policy in clause (iii) above for a period of twenty-one (21) days, seeking public comment;*
 - (b) *report back to Council with any submissions received; and*
 - (c) *include the above policies in the Town's Policy Manual if no public submissions are received; and*
- (v) **subject to clauses (iii) and (iv) above being approved, APPROVES BY AN ABSOLUTE MAJORITY** to amend its *Budget 2010/11 as follows:*
 - (a) *Purchase of Resident Parking Verge signs - \$3,500; and*

(b) *Fees and Charges Schedule page 8.1 as follows:*

<i>Item</i>	<i>2010/2011 Price</i>	<i>GST Incl.</i>
<i>Resident Parking – Verge Information Sign</i>	<i>\$66</i>	<i>Yes</i>
<i>Replacement Resident Parking – Verge Information Sign</i>	<i>\$32</i>	<i>Yes</i>
<i>Administrative fee to withdraw an Infringement Notice associated with Resident Parking – Verge Information Sign Scheme</i>	<i>\$15</i>	<i>No</i>
<i><u>Revenue</u></i>	<i><u>Income</u></i>	
<i><u>Resident Parking – Verge Information Signs</u></i>	<i><u>\$3,500</u></i>	

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

Moved Cr Maier, Seconded Cr Farrell

That the recommendation be adopted.

Debate ensued.

AMENDMENT NO 1

Moved Cr Maier, Seconded Cr Burns

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

“(iii) APPROVES of the introduction of a standardised “Resident Parking – Information Signage” Scheme, whereby a resident can place an approved sign on the verge immediately adjacent to their property as detailed in new Policy No. 3.9.16 – “Resident Parking – Verge Information Signage” as shown Appendix 9.1.13A, subject to:

(a) subclause 3(e) be amended to read as follows:

“(e) In the event of a driver/vehicle owner contesting the issuing of an infringement notice, the complainant (i.e. resident/occupier) may be required to:”; ”

AMENDMENT NO 1 PUT AND CARRIED (8-0)

(Cr Topelberg was on approved leave of absence.)

Debate ensued.

AMENDMENT NO 2

Moved Cr Maier, Seconded Cr Harvey

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

“(iii) APPROVES of the introduction of a standardised “Resident Parking – Information Signage” Scheme, whereby a resident can place an approved sign on the verge immediately adjacent to their property as detailed in new Policy No. 3.9.16 – “Resident Parking – Verge Information Signage” as shown Appendix 9.1.13A, subject to:

(b) subclause 3(a) be deleted.”

Debate ensued.

AMENDMENT NO 2 PUT AND LOST (3-5)

For: Cr Lake, Cr McGrath, Cr Maier

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

(Cr Topelberg was on approved leave of absence.)

AMENDMENT NO 3

Moved Cr Maier, Seconded Cr Lake

That clause (iii) be amended as follows:

“(iii) APPROVES of the introduction of a standardised “Resident Parking – Information Signage” Scheme, whereby a resident can place an approved sign on the verge immediately adjacent to their property as detailed in new Policy No. 3.9.16 – “Resident Parking – Verge Information Signage” as shown Appendix 9.1.13A, subject to:

(b) Subclauses 2(a) and (f) being amended to read as follows:

“2(a) The Town will make available signage approved by the Chief Executive Officer, which complies with this policy, to residents/occupiers wishing to place a sign on the verge immediately adjacent to the premises, at a cost prescribed in the Council’s Annual Budget.

This is a “once-off” fee and extensively damaged or stolen signs are replaced free of cost. Where a replacement sign is requested, on the basis of being stolen, the resident/occupier shall report the matter to the Police and provide the Town with the “Stolen Property Item Reference Number”.

A maximum of one (1) free replacement sign shall be provided.”

“2(f) It is the resident’s/occupier’s responsibility to pay the costs associated with the provision ~~and/or replacement~~ of any signage.”

Debate ensued.

AMENDMENT NO 3 PUT AND CARRIED (5-3)

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

Against: Mayor Catania, Cr Farrell, Cr Harvey

(Cr Topelberg was on approved leave of absence.)

Debate ensued.

**MOTION AS AMENDED PUT AND CARRIED
BY AN ABSOLUTE MAJORITY (5-3)**

For: Cr Burns, Cr Harvey, Cr Lake, Cr McGrath, Cr Maier

Against: Mayor Catania, Cr Buckels, Cr Farrell

(Cr Topelberg was on approved leave of absence.)

COUNCIL DECISION ITEM 9.1.13

That the Council;

- (i) ***RECEIVES*** the further report concerning a ***Proposed Introduction of Resident Parking – Verge Information Signage Scheme and Associated Policy and “Registered Lawns” in the Town of Vincent;***
- (ii) ***DOES NOT SUPPORT*** the introduction of a ***“Registered Lawn Scheme”*** within the Town of Vincent for the following reasons:
- (a) ***parking on verges is adequately covered in the Town's Parking and Parking Facilities Local Law, clause 4.11(1);***
- (b) ***this practice has been progressively discontinued by most Metropolitan local governments; and***
- (c) ***the introduction of such a scheme would have the potential to place substantial and unnecessary burden on the resources of the Town's Ranger Services with little apparent benefit to the Town; and***
- (iii) ***APPROVES*** of the introduction of a standardised ***“Resident Parking – Information Signage”*** Scheme, whereby a resident can place an approved sign on the verge immediately adjacent to their property as detailed in new Policy No. 3.9.16 – ***“Resident Parking – Verge Information Signage”*** as shown Appendix 9.1.13A, subject to;
- (a) ***subclause 3(e) be amended to read as follows:***
- “(e) In the event of a driver/vehicle owner contesting the issuing of an infringement notice, the complainant (i.e. resident/occupier) may be required to:”***; and
- (b) ***Subclauses 2(a) and (f) being amended to read as follows:***
- “2(a) The Town will make available signage approved by the Chief Executive Officer, which complies with this policy, to residents/occupiers wishing to place a sign on the verge immediately adjacent to the premises, at a cost prescribed in the Council's Annual Budget.***
- This is a “once-off” fee and extensively damaged or stolen signs are replaced free of cost. Where a replacement sign is requested, on the basis of being stolen, the resident/occupier shall report the matter to the Police and provide the Town with the “Stolen Property Item Reference Number”.***
- A maximum of one (1) free replacement sign shall be provided.”***
- “2(f) It is the resident's/occupier's responsibility to pay the costs associated with the provision ~~and/or replacement~~ of any signage.”***”
- (iv) ***AUTHORISES*** the Chief Executive Officer to:
- (a) ***advertise the new policy in clause (iii) above for a period of twenty-one (21) days, seeking public comment;***

- (b) *report back to Council with any submissions received; and*
- (c) *include the above policies in the Town's Policy Manual if no public submissions are received; and*
- (v) *subject to clauses (iii) and (iv) above being approved, APPROVES BY AN ABSOLUTE MAJORITY to amend its Budget 2010/11 as follows:*
 - (a) *Purchase of Resident Parking Verge signs - \$3,500; and*
 - (b) *Fees and Charges Schedule page 8.1 as follows:*

<i>Item</i>	<i>2010/2011 Price</i>	<i>GST Incl.</i>
<i>Resident Parking – Verge Information Sign</i>	<i>\$66</i>	<i>Yes</i>
<i>Replacement Resident Parking – Verge Information Sign</i>	<i>\$32</i>	<i>Yes</i>
<i>Administrative fee to withdraw an Infringement Notice associated with Resident Parking – Verge Information Sign Scheme</i>	<i>\$15</i>	<i>No</i>
<i>Revenue Resident Parking – Verge Information Signs</i>	<i>Income \$3,500</i>	

OFFICER'S COMMENT:

The Town's administration is of the opinion that this scheme should be on a "user pay" basis and not be subsidised by the ratepayers.

Where a sign is reported to be stolen, it is appropriate that the matter be reported to the Police for their action and also, to obtain the Stolen Property Item Reference Number – this will minimise misuse of this procedure.

The free replacement of damaged signs is not supported on the basis of significant cost to the Town in the future. It could be assumed that when the signs deteriorate due to aging or excessive weather etc. the Town may be liable for a significant cost in replacement of such signs.

PURPOSE OF REPORT:

The purpose of the report is to inform the Council concerning a "Registered Lawn" Scheme and obtain the Council's approval to introduce a Residential Parking Verge Information Sign Scheme and Policy.

BACKGROUND:

At the Ordinary Meeting of Council held on 11 August 2009, a report was presented to the Council relating to the deferment of a previous report which had been presented to the Council on 14 July 2009, outlining matters that were raised at the Annual General Meeting of Electors held on 8 December 2008. The resolution by the Council was as follows:

"COUNCIL DECISION ITEM 9.1.23

That the Council;

- (i) *RECEIVES the report concerning Registered Lawns; and*

- (ii) *NOT SUPPORT the introduction of a "Registered Lawn Scheme" within the Town of Vincent for the following reasons:*
- (a) *the control of parking on verges is already adequately covered in the Town's Parking and Parking Facilities Local Law;*
 - (b) *the current Parking and Parking Facilities Local Law operates in an efficient and effective manner;*
 - (c) *the introduction of such a scheme would cause confusion as to what legislation is applicable;*
 - (d) *the practice of "Registered Lawns" has been progressively discontinued by many local governments; and*
 - (e) *the introduction of such a scheme would have the potential to place substantial and unnecessary burden on the Town's Ranger Services with significant resource implications for little apparent benefit to the property owner and/or the Town; and*
- (iii) *REQUESTS the Chief Executive Officer to investigate further options and provide a further report to the Council."*

ADDITIONAL INFORMATION:

As a result of the decision of the Council at its Ordinary Meeting held on 11 August 2009, investigations were undertaken to establish the processes in place in adjoining local government areas. It has been established that, with the exception of the City of Stirling, all of the local governments that were contacted, will only erect enforceable "No Parking on Verge" signage to whole sections of the road and not for individual properties and they have a similar procedure to that of the Town of Vincent. The following information has been established:

Town of Vincent

The Town of Vincent does not have a "Registered Lawn" scheme, but will consider the introduction of "No Parking on Verge" restrictions, in some circumstances. The Town does not currently introduce such restrictions for only one property, but will undertake a survey of residents in that part of the street (usually between cross streets) and, if a majority agrees to the restrictions, they will be introduced. Rangers can issue infringement notices on complaint from local residents, but where "No Parking of Verge" signage has been erected, they can issue infringement notices if an offence is observed.

This system has been in place and has operated well since the Town commenced in February 1995.

City of Subiaco

The City of Subiaco does not have a "Registered Lawn" scheme, but will consider the introduction of "No Verge Parking" restrictions, in some circumstances. They do not introduce such restrictions for only one property, but will undertake a survey of residents in a whole street and, if a majority agrees to the restrictions, they will introduce them. Rangers can issue infringement notices on complaint from local residents, but where "No Parking of Verge" signage has been erected, they can issue infringement notices if an offence is observed.

The City of Subiaco uses the same process that the Town of Vincent has in place.

Town of Victoria Park

The Town of Victoria Park does not have a "Registered Lawn" scheme, but will introduce "No Verge Parking" restrictions, if requested to do so, by a number of residents in a street. They do not introduce such restrictions for only one property, but will survey a portion of a street, between cross streets and, if a majority agrees to the restrictions, they will introduce them. Rangers can issue infringement notices on complaint, for vehicles parked on a verge without authority and can issue infringement notices, if they observe vehicles parked on verges, in contravention of standard signage.

The Town of Victoria Park uses the same process that the Town of Vincent has in place.

City of Stirling

Individual residential or commercial properties can apply in writing to have "No Parking on Nature Strip" signs erected and, generally, most requests are approved. The property occupier is charged a fee of (currently) \$66.00 per standard "No Parking on Nature Strip" sign and usually two (2) signs are required. However, for properties that are situated close to schools, residents can request "No Parking on Nature Strip" signs and there is no charge for this signage.

Rangers do not specifically patrol the area to locate such offences, but they will issue infringement notices to vehicles that are observed parking in contravention of the signs. They will also attend and deal with vehicles that are illegally parked, when a complaint is received.

In the case of the City of Stirling, their officers will erect appropriate signage, to Australian Standards, to individual properties, at a cost of \$66.00 (currently) and, if an authorised officer sees an offence, he/she will issue an infringement notice. However, anecdotally, City of Stirling Rangers "observe" very few offences of this nature and predominantly rely on a complaint from an adjacent occupier, before taking action.

City of Nedlands

While the City does not operate a "Registered Lawn" system, residents can buy signs, for \$25, from the City of Nedlands, which state "No Parking on Verge". These signs, which are not compliant with Australian Standards are treated as "Information Signs", need to be erected by the resident, but they are purely treated as a deterrent, rather than an enforcement tool. In order for an infringement notice to be issued, a formal complaint needs to be made by the adjacent resident, who must identify the offending vehicle to the attending Ranger.

The City of Nedlands will erect "No Parking on Verge" signage for part-streets, but not for individual properties and their Rangers will issue infringement notices if they observe a contravention. However, it is more common for Rangers to be contacted by a resident to make them aware of a problem and they attend and deal with the offence.

In essence, the City of Nedlands allow residents to erect "Information Signage" to prohibit verge parking, but does not use these signs to enable an infringement notice to be issued. In effect, they use the same process that the Town of Vincent has in place, except that they allow non-standard signage to be displayed.

City of Perth

The City of Perth does not allow verge parking anywhere within its boundaries. However, it should be noted that the City does not have residential areas where verges are prevalent, so this prohibition is not particularly relevant and does not have any substantial impact on the local residents.

The City of Perth does not allow parking on a verge, anywhere, so it is not considered appropriate to use this local government as a comparison.

City of Bayswater

At the City of Bayswater, residents must reach a written agreement with the City at a cost of \$205. The City will install signage indicating that verge parking is not permitted; however, the signs are "Information Signs" and, since they are not usable for enforcement purposes, they do not restrict the residents themselves, or their visitors, from parking on the verge.

Where a vehicle is parked on a verge without authorisation, the resident must sign a complaint form to indicate that the vehicle is parked without consent. However, an Infringement Notice will only be issued on street verges where the adjoining occupier has entered into a formal agreement with the City and he/she signs a complaint form.

In essence, the City of Bayswater's process is similar to the outdated "Registered Lawn" process, but with the same requirements, for the resident to identify the offending vehicle, that the Town of Vincent has in place, for enforcement purposes. The City will erect "Information Signage" to prohibit verge parking, but does not use these signs to enable an infringement notice to be issued. In effect, they use the same process that the Town of Vincent has in place, except that they allow non-standard signage to be displayed.

Appraisal of Local Government Survey

From the information gathered from the adjoining local governments, with the exception of the City of Stirling, none allow "enforceable signage", to Australian Standards to be erected for single properties and all rely on the adjacent occupier identifying the offending vehicle, before the Rangers take action.

It should be noted that, even although the City of Stirling officers are empowered to issue an infringement notice, if they observe a vehicle parked in contravention of the signs, in practice they rely on a complaint from the adjacent household before they take any action. This avoids an infringement notice being issued on the householders family member or visitor's vehicle.

In essence, all local governments use a similar procedure for prohibiting verge parking and all rely on complaints from local residents. Also, since the Town of Vincent only receives approximately 3 or 4 verge parking complaints per month, it is suggested that the practice is either not widespread, or does not present any difficulties for the residents.

Consideration has been given to the practicality of having a small standardised sign, similar to that provided by the Cities of Bayswater and Stirling, which could be placed on a verge by the resident. The sign could have the Town's title Logo and have wording, such as "Resident Verge Parking Only" (or other approved wording), printed on it and, if the Town purchases a quantity of these signs, the cost could be kept low. Residents could then buy the sign from the Town at a price that would enable cost recovery and, while the sign would not be legally enforceable on its own, it would inform prospective offenders that parking on the verge is not permitted.

The respective adjacent resident/occupant would still need to contact a Ranger and identify the offending vehicle, to enable an infringement notice to be issued. However, the sign would provide a driver with visual information that parking on the verge is not permitted and this may deter problem parking.

In fact, if the Town requires a resident to purchase and display the "Resident Verge Parking Only" signage before enforcement can take place, it will ensure that only the problem areas will require attention. An appropriate form will also need to be completed, detailing the relevant details.

It is envisaged that the sign will be affixed to a small upright of approximately 300mm and not a street pole (refer to **Appendix 9.1.13B** for indicative sign samples and wording).

CONSULTATION/ADVERTISING:

It is the Council's standard practice to advertise polices for 21 days.

LEGAL/POLICY:

While there is no legal impediment to the introduction of "Registered Lawns", it is recommended that this not be introduced and the Resident Parking – Verge Information Sign Scheme be introduced, in preference.

It would be appropriate for the proposed signage to comply with the relevant Australian Standard.

STRATEGIC IMPLICATIONS:

The above is in keeping with the Town of Vincent Strategic Plan 2009 - 2014, at Item 3.1.3(a) "*Determine the requirements of the community and ensure that the services provided meet those needs.*"

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

The Budget 2010/11 was adopted on 6 July 2010 and as such, if the Council approves the proposed Scheme, an Absolute Majority decision will be required to amend the Budget to:

- (a) allow for the purchase of a small quantity of signs and also the Fees and Charges Schedule. An amount of \$3,500 will allow for the purchase of 53 signs at an indicative cost of \$66 each. (This is subject to further investigation); and
- (b) prescribed Administrative Fee to withdraw an infringement notice, where it is associated with the Resident Parking – Information Signage Scheme.

Indicative Costs

Item	Amount
Pre-administration – acceptance	\$2
Application form processing/site inspection	\$30
Post-inspection administration/postage	\$4
Cost of sign	\$30
TOTAL	\$66

COMMENTS:

It is therefore recommended that the Council approval of the Officer Recommendation.

9.1.14 LATE ITEM - Nos. 208-212 (Lot 123; D/P 9320) Beaufort Street corner of Parry Street, Perth - Proposed Construction of a Drive-In Fast Food Outlet and Associated Signage (McDonalds) - State Administrative Tribunal (SAT) Review Matter No. DR 187 of 2010

Ward:	South	Date:	9 July 2010
Precinct:	Beaufort; P13	File Ref:	PRO3329; 5.2009.583.2
Attachments:	-		
Reporting Officer:	R Rasiah, Coordinator Statutory Planning		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report relating to Nos. 208-212 (Lot: 123 D/P: 9320) Beaufort Street corner of Parry Street, Perth - for proposed Construction of a Drive-In Fast Food Outlet and Associated Signage (McDonalds) - State Administrative Tribunal (SAT) Review Matter No. DR 187 of 2010; and*
- (ii) *INVITES COUNCILLOR(S)..... to attend the Compulsory Mediation on behalf of the Council on the Review (appeal) at 10AM on 13 August 2010, in relation to the above review matter.*

Moved Cr Buckels, Seconded Cr Lake

That the recommendation be adopted.

The Presiding Member, Mayor Catania called for nominations for clause (ii).

Cr Harvey departed the Chamber at 7.42pm.

No nominations were received.

MOTION PUT AND CARRIED (7-0)

(Cr Harvey was absent from the Chamber and did not vote. Cr Topelberg was on approved leave of absence.)

Cr Burns departed the Chamber at 7.43pm.

COUNCIL DECISION ITEM 9.1.14

That the Council RECEIVES the report relating to Nos. 208-212 (Lot: 123 D/P: 9320) Beaufort Street corner of Parry Street, Perth - for proposed Construction of a Drive-In Fast Food Outlet and Associated Signage (McDonalds) - State Administrative Tribunal (SAT) Review Matter No. DR 187 of 2010.

PURPOSE OF REPORT:

- To update the Council on the above review application.
- To comply with the requirements of the Town's Policy/Procedure for the State Administrative Tribunal (SAT).
- To consider a Council Member (s) to attend the "*Compulsory Conference*" on behalf of the Council, as per Order No. 4 of the SAT dated 6 July 2010. The SAT Officers have advised the Town's Officers via telephone that the scheduled 12 August 2010 date has now been changed to 13 August 2010.

Landowner:	Major Holdings Pty Ltd & McDonalds Australia Ltd
Applicant:	TPG Town Planning and Design
Zoning:	Metropolitan Region Scheme: (MRS) Town Planning Scheme No. 1 (TPS 1): Commercial
Existing Land Use:	Vacant Site
Use Class:	Drive-In Fast Food Outlet
Use Classification:	"AA"
Lot Area:	3048 square metres
Access to Right of Way	N/A

BACKGROUND:

8 June 2010 The Council at its Ordinary Meeting refused the application for the proposed Construction of a Drive-In Fast Food Outlet and Associated Signage (McDonalds) at Nos. 208-212 (Lot: 123 D/P: 9320) Beaufort Street, Perth, for the following reasons:

- "(i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) the development is considered an under utilisation of the site in accordance with the Town of Vincent Policy 3.1.13 relating to the Beaufort Precinct;*
- (iii) the non compliance with the Town's Policy 3.5.2 Relating to Signs and Advertising;*
- (iv) the development will result in an undesirable precedent for the area and the Beaufort Precinct; and*
- (v) consideration of the objections received."*

13 August 2010 Compulsory Mediation to be held at the SAT at 10AM, for duration of three hours. The SAT Order No. 4 also requests the following: "*The Mayor or President of the respondent is invited to attend and/or nominate one or more councillors and/or the chief executive officer of the respondent to attend the compulsory conference*".

DETAILS:

The proposal is as per verbatim from the Minutes of the Ordinary Meeting of Council held on 8 June 2010, Item 9.1.1, which is as follows:

"The proposal involves the development of the vacant site on the corner of Beaufort and Parry Streets, Perth for a "McDonalds" take-away restaurant and associated drive-thru. The development of the site includes the main restaurant building, terrace and playground fronting Beaufort Street, with a drive-thru area and car park fronting Parry Street, at the rear of the site. The restaurant provides seating for 98 persons and is proposed to open 24 hours a day, 7 days per week."

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

Planning and Development Act 2005 (WA), State Administrative Tribunal Act 2004 (WA) and Town's Policy No. 4.1.23 - State Administrative Tribunal Policies and Procedures.

STRATEGIC IMPLICATIONS:

Strategic Planning comments as per verbatim from the Minutes of the Ordinary Meeting of Council held on 8 June 2010, Item 9.1.1 are as follows:

"The Beaufort Precinct (P13) Commercial area is seen as an extension to the Northbridge area and is characterised by its mix of shops, restaurants and other interactive uses continuing to be the predominant uses creating a link to Northbridge.

The Beaufort Precinct Policy indicates that the subject site could facilitate a maximum development of the site of three storeys accommodating a mix of uses. Accordingly, the proposed single storey development of the site as a Fast Food Take Away Outlet is considered to be an underdevelopment of the site. It is not discounted however, that when considering the surge in development and the urban design improvements in the East Perth Redevelopment Authority Area, to the south and west of the subject site, the proposed development could be considered to not detrimentally affect developer confidence or the holistic vision for the area.".....

"Overall, it is noted that the proposed development at one storey, covering less than half of the site with built area is considered an underutilisation of the site in this precinct, and the intended development potential under the Beaufort Precinct Policy.

Site Issues

Given the site's proximity to Weld Square, it is important to note that any future use of the subject property provides an active surveillance role, and does not add to, or promote, undesirable elements in the area.

The presence of an open car park area and the nature of the fast food premises being open 24 hours a day, 7 days per week will also likely promote a reduction to the amenity of the area and the Residential/Commercial mix being pursued by the Town.

In general, the proposal is not supportable, as the development of a single storey fast food restaurant and drive-thru, is an under development of the site and does not meet the development potential of the area. In addition, the presence of nine (9) objections to the development indicates community opposition to a development of this nature. In view of the above, it is recommended that the application be refused."

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

The Town's Senior Officers will also be attending the "*Compulsory Conference*" on 13 August 2010. No decision has yet been made at the time this agenda report was prepared, as to whether a Planning Consultant or a Solicitor would be engaged on behalf of the Town.

The applicants are being represented by lawyers Norton Rose Australia.

COMMENTS:

On the above basis, it is recommended that the Council receives the report, and nominates a Council Member(s) to participate in the "*Compulsory Conference*" review process.

Cr Harvey returned to the Chamber at 7.44pm.

The Chief Executive Officer advised that Cr Lake and Cr Maier declared a proximity interest in Item 9.2.2. They departed the Chamber at 7.44pm. They did not speak or vote on this matter.

9.2.2 Proposed 2010/2011 Footpath Upgrade Program

Ward:	Both	Date:	5 July 2010
Precinct:	All	File Ref:	TES0174
Attachments:	001		
Reporting Officers:	R Lotznicker, Director Technical Services C Economo, Manager Engineering Operations		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

- (i) *ADOPTS the first year, 2010/2011, of the four (4) year Footpath Upgrade Program as outlined in Attachment 9.2.2; and*
- (ii) *NOTES that the remaining three (3) years (2010/2011 to 2013/2014) of the above program is “preliminary only” and will be subject to change.*

COUNCIL DECISION ITEM 9.2.2

Moved Cr Farrell, Seconded Cr McGrath

That the recommendation be adopted.

MOTION PUT AND CARRIED (5-0)

(Cr Burns, Cr Lake and Cr Maier were absent from the Chamber and did not vote on this matter. Cr Topelberg was on approved leave of absence.)

Cr Lake and Cr Maier returned to the Chamber at 7.45pm. The Presiding Member, Mayor Catania advised that the item was carried.

PURPOSE OF REPORT:

The purpose of this report is to obtain the Council’s approval for the allocation of funds allowed for in the 2010/2011 budget to specific projects and adoption of the “first year” of the 2010/2011 Footpath Upgrade Program.

BACKGROUND:

The Council, in 1996, resolved to adopt a long term Program to ensure the Town’s footpath infrastructure is maintained at an acceptable level of service and safety.

To ensure that the program was dynamic in reflecting changing circumstances, including development activity, other capital improvement projects, residents’ requests and changing conditions, it was considered appropriate to review and update the program annually and request that only the first year of the program be adopted by the Council annually.

DETAILS:

The first year of the program, as outlined in this report, relates to the 2010/2011 financial year.

As outlined in detail in the report presented to Council on 12 August 1996, this program was initially developed by assessing the condition and locality of all existing paths in the Town and by prioritising paths to be upgraded accordingly.

The program is continually revised and updated, based on the changing condition of some paths, requests received, footpaths listed in the current program either brought forward or deferred, and footpaths on the current program being already upgraded by either service authorities or developers.

The four (4) Year Footpath Replacement Program is outlined in Attachment 9.2.2.

CONSULTATION/ADVERTISING:

Residents will be advised by means of an information bulletin prior to works proceeding in their street.

LEGAL/POLICY

The Town is responsible for the care, control and management of approximately 300kms of footpaths.

SUSTAINABILITY IMPLICATIONS:

To maintain the Town's Infrastructure Asset to an acceptable level of service.

FINANCIAL/BUDGET IMPLICATIONS:

Since 1997 the Council has expended just under \$5.0 million on the footpath program.

In 1996 the rate per square metre for the laying of cast insitu concrete footpaths was around \$20/m². The rate today is over \$40/m². While the annual allocation has increased from \$250,000 per annum in 1996 to \$450,000 in 2007 (average expenditure \$333,000 per annum), with the cost of the works doubling during this period, the quantity of works undertaken has remained more or less constant per annum.

The 2010/2011 Capital Works Budget includes funds of \$350,000 for year 14 of the program. At the current contract price with an allocation of \$350,000 per annum, it is estimated that it may take another nine (9) years to fully complete the program.

STRATEGIC IMPLICATIONS:

In accordance with the objective of Strategic Plan 2009-2014 – 1.1.6 Enhance and maintain the Town's infrastructure to provide a safe, healthy, sustainable and functional environment. *“(a) implement adopted annual infrastructure upgrade programs, including streetscape enhancements, footpaths, rights of way, car parking and roads.”*

COMMENTS:

The purpose of this report is to obtain Council's approval for the allocation of funds allowed for in the 2010/2011 budget to specific projects in the 2010/2011 Footpath Replacement Program. It is requested that the officer recommendation be adopted.

Cr Burns returned to the Chamber at 7.40pm.

The Chief Executive Officer advised that Mayor Catania declared a proximity interest in Item 9.2.3. He departed the Chamber at 7.40pm. He did not speak or vote on this matter.

Deputy Mayor, Cr Sally Lake assumed the Chair at 7.40pm.

9.2.3 Traffic Safety Improvements in the Vicinity of the Intersection of Fitzgerald and Forrest Streets, North Perth

Ward:	North	Date:	19 April 2010
Precinct:	Leederville P3	File Ref:	TES0021
Attachments:	001		
Reporting Officer:	R Lotznicker, Director Technical Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

- (i) *NOTES that;*
- (a) *the Local Area Traffic Management Advisory Group initially considered Possible Traffic Safety Improvements at the Intersection of Fitzgerald and Forrest Streets, North Perth, at their meeting held on 8 April 2010;*
 - (b) *a site meeting attended by a community representative and members of the Local Area Traffic Management Advisory Group was subsequently held at the intersection of Forrest Street and Fitzgerald Street during the evening peak hour period on 14 June 2010, to observe traffic and pedestrian movements and identify any obvious issues;*
 - (c) *the Local Area Traffic Management Advisory Group formally met again on 17 June 2010 to reconsider Possible Traffic Safety Improvements at the Intersection of Fitzgerald and Forrest Streets, North Perth;*
 - (d) *from observation and given the extremely low number and severity of recorded accidents at the intersection of Forrest/Fitzgerald Street over the last five years, a closure or part closure of the intersection can not be justified as this would have an adverse affect on access to the residential area (east of Fitzgerald Street) and possibly create issues at other roads intersecting with Fitzgerald Street;*
 - (e) *there are no benefits to be gained by moving the actuated pedestrian crossing or relocating the bus stop as had been suggested;*
- (ii) *APPROVES BY AN ABSOLUTE MAJORITY expending the funds totalling \$100,000, carried forward from the 2009/2010 financial year Traffic Management Budget allocated for Fitzgerald Street, as shown on attached Plan No. 2725-CP-01, as follows;*
- (a) *improve the existing Fitzgerald Street actuated pedestrian crossing including fitting larger LED signals;*

- (b) *construct a 'slightly raised' red asphalt crossing at actuated pedestrian crossing to replace the existing painted section of crossing;*
 - (c) *install fencing at the intersection of Forrest Street with Fitzgerald Street to improve pedestrian safety; and*
 - (d) *install two red asphalt entry statement raised 'red speed humps' at either side of the existing pedestrian refuge island in Forrest Street to slow vehicles as they enter and exit Forrest Street;*
- (iii) *REDEPLOY vehicle Classifiers in Forrest Street to determine whether there is a requirement for additional traffic calming in the street; and*
- (iv) *RECEIVES a further report with a proposed 'way forward' should the outcome of clause (iii) indentify that there is a speed problem in the street.*

Moved Cr Farrell, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Farrell, Seconded Cr McGrath

That a new clause (iv) be inserted and the remaining clause (iv) be renumbered clause (v) and amended as follow:

- “(iv) *CONSULTS with the residents of Forrest Street with a view to extending the existing IP parking restrictions in Forrest Street, from the Wasley Street Car Park to Norfolk Street, to discourage all day commuter parking to improve the safety and amenity of residents, with the restrictions to apply Monday to Friday from 8.00 am to 5.30 pm and Saturday 8.00 am to 12 noon; and*
- (i-v) *RECEIVES a further report with a proposed 'way forward' should the traffic data indicate a speed problem as an outcome of clause (iii) and with the results of the public consultation as per clause (iv). ~~indentify that there is a speed problem in the street.~~”*

Debate ensued.

AMENDMENT PUT AND CARRIED (7-0)

(Cr Topelberg was on approved leave of absence.)

**MOTION AS AMENDED PUT AND CARRIED
BY AN ABSOLUTE MAJORITY (7-0)**

(Mayor Catania was absent from the Chamber and did not vote on this matter. Cr Topelberg was on approved leave of absence.)

Mayor Catania and Cr Burns returned to the Chamber at 7.47pm. The Chief Executive Officer advised that the item was carried.

Mayor Catania, assumed the Chair.

COUNCIL DECISION ITEM 9.2.3

That the Council;

- (i) *NOTES that;*
- (a) *the Local Area Traffic Management Advisory Group initially considered Possible Traffic Safety Improvements at the Intersection of Fitzgerald and Forrest Streets, North Perth, at their meeting held on 8 April 2010;*
 - (b) *a site meeting attended by a community representative and members of the Local Area Traffic Management Advisory Group was subsequently held at the intersection of Forrest Street and Fitzgerald Street during the evening peak hour period on 14 June 2010, to observe traffic and pedestrian movements and identify any obvious issues;*
 - (c) *the Local Area Traffic Management Advisory Group formally met again on 17 June 2010 to reconsider Possible Traffic Safety Improvements at the Intersection of Fitzgerald and Forrest Streets, North Perth;*
 - (d) *from observation and given the extremely low number and severity of recorded accidents at the intersection of Forrest/Fitzgerald Street over the last five years, a closure or part closure of the intersection can not be justified as this would have an adverse affect on access to the residential area (east of Fitzgerald Street) and possibly create issues at other roads intersecting with Fitzgerald Street;*
 - (e) *there are no benefits to be gained by moving the actuated pedestrian crossing or relocating the bus stop as had been suggested;*
- (ii) *APPROVES BY AN ABSOLUTE MAJORITY expending the funds totalling \$100,000, carried forward from the 2009/2010 financial year Traffic Management Budget allocated for Fitzgerald Street, as shown on attached Plan No. 2725-CP-01, as follows;*
- (a) *improve the existing Fitzgerald Street actuated pedestrian crossing including fitting larger LED signals;*
 - (b) *construct a 'slightly raised' red asphalt crossing at actuated pedestrian crossing to replace the existing painted section of crossing;*
 - (c) *install fencing at the intersection of Forrest Street with Fitzgerald Street to improve pedestrian safety; and*
 - (d) *install two red asphalt entry statement raised 'red speed humps' at either side of the existing pedestrian refuge island in Forrest Street to slow vehicles as they enter and exit Forrest Street;*
- (iii) *REDEPLOY vehicle Classifiers in Forrest Street to determine whether there is a requirement for additional traffic calming in the street;*
- (iv) *CONSULTS with the residents of Forrest Street with a view to extending the existing IP parking restrictions in Forrest Street, from the Wasley Street Car Park to Norfolk Street, to discourage all day commuter parking to improve the safety and amenity of residents, with the restrictions to apply Monday to Friday from 8.00 am to 5.30 pm and Saturday 8.00 am to 12 noon; and*
- (v) *RECEIVES a further report with a proposed 'way forward' should the traffic data indicate a speed problem as an outcome of clause (iii) and with the results of the public consultation as per clause (iv).*

PURPOSE OF REPORT:

The purpose of this report is to advise Council of the outcome of several Local Area Traffic Management (LATM) Advisory Group meetings held to discuss possible traffic safety improvements at the intersection of Fitzgerald and Forrest Streets, North Perth.

BACKGROUND:

At its Ordinary Meeting held on 9 March 2010, the Council considered an item on possible traffic safety improvement at the intersection of Fitzgerald and Forrest Streets, North Perth, where the following decision was made.

"That the Council:

- (i) AUTHORISES the Chief Executive Officer to investigate possible traffic safety improvement at the intersection of Fitzgerald and Forrest Streets, North Perth, including but not limited to, providing;*
 - (a) recommendations to improve safety at the intersection including footpaths, median strips/traffic islands, signage and traffic calming measures; and*
 - (b) indicative estimated costs to implement improvements identified in clause (a) above;*
- (ii) REFERS the matter to the Town's Local Area Traffic Management Advisory Group as a matter of priority to enable a report to be prepared and considered by no later than 27 April 2010; and*
- (iii) LISTS any identified improvements to the intersection for consideration in the draft 2010/2011 Budget."*

DETAILS:

In accordance with the Council's decision, the matter was discussed by the LATM Group at its meeting held on 8 April 2010, at a site meeting held on 14 June and at a further meeting of the Group held on 17 June 2010

Forrest Street/Fitzgerald Street - Accident Statistics:

The Group was advised that of a total of 106 intersections in the Town, which have had five (5) or more accidents over a five (5) year period, the intersection of Fitzgerald and Forrest Street ranks No. 68 (No. 1 being the highest priority).

For the five (5) years up to 31 December 2008, there were only nine (9) recorded accidents at this location as follows:

- 2 x straight through accidents (Fitzgerald Street)
- 1 x right in, lost control (Fitzgerald into Forrest)
- 2 x right in side swipe (Fitzgerald into Forrest)
- 1 x right out (Forrest into Fitzgerald)
- 1 x left out (Forrest into Fitzgerald)
- 2 x not specified.

From the accident statistics, it can be seen that only one (1) accident occurred when a vehicle was turning 'right out' of Forrest Street into Fitzgerald Street with only three (3) 'right in' Fitzgerald into Forrest. All accidents resulted in vehicle damage only.

An observation of the intersection revealed that it is relatively easy to undertake the 'right out' (Forrest into Fitzgerald) manoeuvre when the actuated pedestrian crossing is in use. This may be a reason why this accident type is so low over the five (5) year period.

Wasley Street/Fitzgerald Street - Accident Statistics:

The Group was further advised that of a total of 106 intersections in the Town, which have had five (5) or more accidents over a five (5) year period, this intersection ranks No. 60 with twelve (12) recorded accidents over the five (5) year period, three (3) more than Forrest Street.

While statistically speaking this is extremely low given the volume of traffic on Fitzgerald Street, it is noted that there were 4 x 'right out' accidents at this location (3 more than Forrest Street). This could be because this intersection is located closer to a crest in the road in Fitzgerald Street near Angove Street.

Black Spot Treatments:

There was a suggestion from the community to restrict Forrest Street to "left in left out", however, with Alma Road, the immediate intersection to the south being a cul-de-sac, more traffic would use Wasley Street and/or Raglan Road as a consequence, thus compromising the safety of these intersections and redistributing traffic in the local area.

Note: Forrest Street was previously classified as a local distributor until the Council decided to change its classification to access road.

This intersection has not previously been submitted for Black Spot funding as the number and severity of the accidents, and subsequently the dollar value, were at the lower end of the scale, i.e. mainly property damage rather than death or serious injury (as reported by the Police).

Relocating the Actuated Crossing:

There was also a suggestion that the existing Fitzgerald Street actuated pedestrian crossing could be relocated closer to Forrest Street.

Actuated pedestrian crossings (and/or pelican crossings) are most effective when located mid-block and do not work as well when located too close to an intersection. When mid-block the driver and/or pedestrian are only confronted with a predictable single straight through movement. Where located closer to an intersection, this introduces additional and potentially conflicting movements (as it is controlling only one leg of the 'T' junction and therefore does not function as a signalised intersection).

If the Forrest/Fitzgerald intersection were signalised, this would have a dramatic impact upon Forrest Street. Further, Main Roads WA current policy is to install "parallel walks" with the five second head start and therefore pedestrians would experience a reduction in the level of service to that of the existing crossing. Given that Forest Street is now classified as an access road, a signalised intersection would not be supported.

Relocating the existing Bus Stop:

There was a suggestion to relocate the existing bus stop currently located on the east side of Fitzgerald Street north of Forrest Street to another location (south of Forrest Street).

The advantages and disadvantages of relocating the bus stop were discussed. The advantages of the bus stop remaining in its current location are:

- Close to the actuated pedestrian crossing
- Opposite the North Perth Plaza shopping centre
- With the bus only being there for short periods of time, there is more often than not a clear unobstructed view for vehicles exiting from Forrest Street
- Currently located under an awning
- Fewer roads to cross

The disadvantages of moving the bus stop are:

- Further away from the actuated pedestrian crossing.
- Pedestrians would cross Fitzgerald Street near the bus stop creating safety issues
- Would create traffic congestion on Fitzgerald Street when vehicles turn into Alma Road
- Would not be located under an awning
- More roads to cross
- Further away from existing bus stop on the west side of the street

Discussion:

Some possible treatments at Forrest/Fitzgerald discussed were as follows:

- Continuous median: Would address 4 of the 7 recorded accident types but would create access issues for the wider area given that there is no access via Alma Rd (cul-de-sac) and Burt Street being a "left in left out" only intersection
- Half seagull: Would only address 1 of the 7 recorded accident types and would be difficult to justify given the low number of accidents (right turn out).

The Group noted that there have been more recorded accidents at the Wasley/Fitzgerald Street intersection, i.e. 12 compared with 9 at Forrest/Fitzgerald Street, and therefore any closure or part closure at Forrest Street would place more pressure on the Wasley/Fitzgerald intersection.

Also, with the type of closure suggested, given that there has already been a greater number of "right turn out" accidents at the Wasley/Fitzgerald Street intersection; any restriction of this manoeuvre at Forrest Street would undoubtedly increase the number of accidents at Wasley/Fitzgerald.

Conclusion:

The Group considered that given the low number of recorded accidents at the Forrest/Fitzgerald Street intersection, any closure or part closure (as has been suggested) would adversely affect access to the residential area and possibly 'shift' the problem elsewhere (Wasley/Fitzgerald).

The Group further considered that there is no benefit to be gained by moving the actuated pedestrian crossing or relocating the bus stop.

Following the site meeting, the Group did consider that pedestrian safety improvements at the intersection of Forrest/Fitzgerald should be implemented.

Proposal:

Funds were allocated in the 2009/2010 Traffic Management budget for improvements in this section of Fitzgerald Street (now carried forward to 2010/2011). Following consideration by the LATM Group it is considered that these funds be utilised as follows: (refer Plan No. 2725-CP-01).

Actuated pedestrian crossing:

Improvements to the existing actuated pedestrian crossing will include:

- Resurfacing the actual crossing in raised red asphalt (currently faded painted red)
- Installing high visibility LED lighting to the traffic signals
- Crossing times (previously increased and operating effectively)

Fitzgerald/Forrest

Install fencing at the intersection of Forrest Street and Fitzgerald Street to improve pedestrian safety and install two red asphalt entry statement raised 'red speed humps' at either side of the existing pedestrian refuge island in Forrest Street to slow vehicles as they enter and exit Forrest Street.

Forrest Street

Redeploy vehicle classifiers in Forrest Street to determine whether there is a requirement for additional traffic calming in the street and receives a further report with a proposed 'way forward' should it be identified that there is a speed problem in the street.

CONSULTATION/ADVERTISING:

Given that the proposed improvements will have little negative impact on adjoining businesses, it is considered that affected persons will be advised of the works via an Information Bulletin.

LEGAL/POLICY:

N/A

STRATEGIC IMPLICATIONS:

In accordance with the objective of the Plan for the Future - Strategic Plan 2009-2014 – Key Result Area One: 1.1.6 “(d) *Implement Local Area Traffic Management matters referred to the Local Area Traffic Management Advisory Group by Council*”.

SUSTAINABILITY IMPLICATIONS:

The Council adopted a long term program to ensure its road infrastructure is maintained to an acceptable level of service. Funds are allocated annually to ensure this program is sustainable.

FINANCIAL/BUDGET IMPLICATIONS:

Funds have been allocated in the 2009/2010 Traffic Management Budget for improvements in this section of Fitzgerald Street. It is proposed that these funds be expended on improvements to the existing actuated pedestrian crossing and pedestrian safety improvement along Fitzgerald Street where identified.

COMMENTS:

Concerns have previously been expressed regarding traffic safety at the Forrest/Fitzgerald Street intersection and closure/part closures suggested. The matter was subsequently referred to the LATM Advisory Group for consideration.

The LATM Advisory Group considered the matter and deduced that given the low number of recorded accidents at the Forrest/Fitzgerald Street intersection, any closure or part closure would have an adverse affect on access to the residential area (east of Fitzgerald Street) and possibly 'shift' the problem elsewhere. The Group further considered that there is no benefit to be gained by moving the actuated pedestrian crossing or relocating the bus stop, however, improvements to the actuated pedestrian crossing and pedestrian safety improvements at the intersection of Forrest/Fitzgerald should be implemented.

9.2.5 Woodville Reserve – Further Report – Petition Requesting Additional Fencing

Ward:	North	Date:	6 July 2010
Precinct:	North Perth P8	File Ref:	RES0010
Attachments:	001		
Reporting Officer:	J van den Bok, Manager Parks & Property Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

- (i) *NOTES that;*
- (a) *officers have further investigated the option of providing some additional fencing along the Namur and Farmer Street frontages of Woodville Reserve;*
 - (b) *the area of the reserve which will now be enclosed is located at the Eastern end of Woodville Reserve closest to Fitzgerald Street and is NOT well illuminated from the existing “Dog Lights” located on the amenities building;*
 - (c) *in accordance with the Dog Act 1976 and the Town’s Dogs Local Law 2007, when dogs are being exercised off-leash in any of the gazetted dog exercise areas, they must always be under the "effective control of the person responsible for them";*
- (ii) *APPROVES BY AN ABSOLUTE MAJORITY the installation of approximately 50 metres of chainmesh fencing along the Namur and Farmer Street frontages of Woodville Reserve at an estimated cost of \$8,500, as shown on the attached plan, to be funded from any budget savings identified in the mid-year Budget review; and*
- (iii) *ADVISES the petitioners of the Council’s resolution.*

COUNCIL DECISION ITEM 9.2.5

Moved Cr Harvey, Seconded Cr Farrell

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED
BY AN ABSOLUTE MAJORITY (7-1)

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

(Cr Topelberg was on approved leave of absence.)

FURTHER REPORT:

At the Ordinary Meeting of Council held on 22 June 2010, a report was presented in relation to the request for additional fencing at Woodville Reserve. At the meeting the Council resolved that:

"That the item be DEFERRED to allow the Officers to further investigate the matter, including providing some limited fencing."

Additional Fencing

Officers have further inspected the site and as a compromise have recommended to provide limited fencing (approximately 50 metres) along both the Farmer Street and Namur Street frontages of Woodville Reserve (as shown on the attached plan).

The new fencing will connect with the existing chainmesh fence located along the Fitzgerald Street frontage and a gate provided at each corner of the reserve for easy access/egress.

While officers have now recommended to provide additional fencing to enclose a small section at the eastern end of Woodville Reserve, it should be noted that the "Dog Lights" are located at the western end of the reserve and were not installed to illuminate the entire reserve.

As previously reported to the Council, the Town's Dogs Local Laws state that when dogs are exercised "off-leash", they must always be under the effective control of the responsible person. If there is any chance that a dog could run onto a public road, the dog should be kept on a leash.

Financial/Budget implications:

The cost of the removal of the existing sections of bollard fencing and replacement chainmesh fence (100 metres) is estimated at \$8,500.00.

Previous report to Ordinary Meeting of Council 22 June 2010:

The following is a verbatim copy of the report presented to the Council at this Ordinary Council meeting.

OFFICER RECOMMENDATION:

That the Council;

- (i) DOES NOT APPROVE the installation of additional chainmesh fencing along the Namur Street and Farmer Street frontages of Woodville Reserve for the reasons outlined in the report; and*
- (ii) ADVISES the petitioners of its decision.*

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of a request via a petition to install additional fencing at Woodville Reserve in an effort to control dogs using the dog exercise area at approved times.

BACKGROUND:

A petition signed by seventeen (17) signatories was recently received by the Town requesting that additional chainmesh fencing and gates be installed along the Farmer Street and Namur Street frontages of Woodville Reserve to partially enclose the park and restrict dogs from running out onto adjacent roads.

DETAILS:

Reserve Use & Classification

Woodville Reserve is an "active" sporting reserve, one (1) hectare in area and utilised predominantly for soccer matchplay during winter. The reserve is generally not used for training and is hired out to other sporting organisations for other casual activities.

"Dog lights" were installed on the amenities building approximately two (2) years ago, which has allowed dog owners to exercise their dogs before and after working hours with the additional light provided.

Fencing of Reserves

The Town has tried to maintain a fairly unobtrusive fence-line around the majority of parks, particularly sportsgrounds so that there remains an impression of "open space", as opposed to a "fortress style" enclosure.

A chainmesh fence was installed along the Fitzgerald Street frontage of Woodville Reserve by the former City of Perth around 1980 and this has since been raised in height to prevent soccer balls from running out over Fitzgerald Street.

An existing pine bollard fence runs along the Namur Street and Farmer Street sides of the park which serves the purpose for which it was installed (prevention of vehicular entry).

Dog Exercise Areas

Woodville Reserve is gazetted as a Dog Exercise area (off-leash) unless being used for an approved activity.

In accordance with the Dog Act 1976 and the Town's Dogs Local Law 2007; when dogs are being exercised off-leash in any of the gazetted dog exercise areas, they must always be under the "effective control of the person responsible for them". If there is any chance that a dog could run onto a public road, the dog should be kept on a leash.

Therefore, replacing this with a chainmesh fence to keep dogs within the confines of the park is not supported.

CONSULTATION/ADVERTISING:

The petitioners will be advised of the Council's resolution.

LEGAL/POLICY:

Nil.

STRATEGIC IMPLICATIONS:

In accordance with the objective of Strategic Plan 2009-2014 – Key Result Area One: 1.1.6 Enhance and maintain the Town's infrastructure to provide a safe, healthy, sustainable and functional environment.

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Based on costs from the Rawlinson's Construction Handbook, it is estimated that to remove the existing pine bollard fencing and replace with a 1200mm high chainmesh fence with gates, this proposal, if approved, would amount to \$22,000.

There are no funds on the Draft 2010/11 Budget, as the petition was received after the Council approved the Draft Budget for consultation.

COMMENTS:

As mentioned above, the Town's Dogs Local Laws state that when dogs are exercised "off-leash", they must always be under the effective control of the responsible person. If there is any chance that a dog could run onto a public road, the dog should be kept on a leash.

In view of the above information, it is not recommended that the existing pine log fencing located along the Namur and Farmer Street frontages of Woodville Reserve be replaced and the be petitioners advised of the reasons for the Council's decision.

The Chief Executive Officer advised that the Acting Director Technical Services declared a Proximity interest in Item 9.2.6. Mr Wilson departed the Chamber at 7.50pm. He did not speak on this matter.

9.2.6 Smith's Lake Reserve – Petition concerning Lighting

Ward:	North Perth	Date:	7 July 2010
Precinct:	Smith's Lake P6	File Ref:	RES0035
Attachments:	-		
Reporting Officers:	K Godfrey, Parks Services Technical Officer J van den Bok, Manager Parks & Property Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

- (i) *NOTES that in response to the resident's petition, a survey has recently been undertaken of all properties surrounding Smith's Lake Reserve to ascertain what is the preferred time to switch off the pathway lighting within the park and this resulted in eleven (11) of the twenty (20) respondents requesting that the lights remain on until 2.00am in lieu of 10.00pm;*
- (ii) *APPROVES the lighting within Smith's Lake Reserve remaining illuminated until 2.00am each morning; and*
- (iii) *ADVISES the petitioners and respondents of the Council's decision.*

COUNCIL DECISION ITEM 9.2.6

Moved Cr Farrell, Seconded Cr Lake

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED (6-2)

For: Mayor Catania, Cr Buckels, Cr Burns, Cr Farrell, Cr Harvey, Cr Maier

Against: Cr Lake, Cr McGrath

(Cr Topelberg was on approved leave of absence.)

The Acting Director Technical Services returned to the Chamber at 7.54pm. The Presiding Member, Mayor Catania advised that the item was carried.

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of the recent survey undertaken and seek the Council's approval to have the park lighting along the Wetlands Heritage Trail pathway remain on until 2.00am each night.

BACKGROUND:

A petition signed by twenty four (24) signatories was received by the Council on 25 May 2010, requesting that the lights along the pathway within Smith's Lake Reserve remain on until 2.00am each morning and not be turned off at 10.00am each night as currently occurs.

DETAILS:

Wetlands Heritage Trail – Smith's Lake:

The Wetlands Heritage Trail/Greenway (the Trail) established within the Town, takes in recreational, cultural and ecological features and facilities linking seven (7) suburbs from the Town's East to West.

As part of the new pathway comprising a section of 'the trail' recently constructed within Smith's Lake, a number of 70 watt metal Halide "Urbi" lights were installed spaced every 30 metres. The lights operated on a photoelectric cell which activated the light at night fall and shut them down at sunrise.

Prior to the commencement of the construction of the pathway and the installation of the park lighting, the Town distributed sixty five (65) copies of the Town of Vincent *Information Bulletin* advising residents of the works involved and the estimated timeframe for completion.

The new lighting installed along the Smith's Lake pathway has provided ample light and safety for pedestrian traffic utilising the pathway after hours. The lighting conforms with Australian Standards in respect to pathways for pedestrians and cyclists in terms of luminance and spacing.

Following completion of the works in January 2010, a resident from Elven Street, North Perth contacted the Town to register a complaint regarding light pollution/nuisance created by the new park lights.

The Town's Officers discussed the matter of light pollution with the complainant and advised that four (4) additional trees would be strategically planted on the western side of Smith's Lake to minimise any light spillage from the park lights. The trees were planted, however, it was subsequently decided to place the park lights on a timer.

The timing device was installed in late February/March 2010 and has been in operation since this period and lighting currently 'turns off' at 10.00 pm each night.

Community Consultation:

Following receipt of the petition requesting that the park lighting remains on until 2.00am, it was decided that a survey of residents around Smith's Lake would be undertaken.

Sixty (60) letters/surveys were distributed to properties around Smith's Lake, on 14 June 2010, requesting owner/occupiers to indicate their preference for the lights at Smith's Lake to be switched off either at 10.00pm each night (current scenario) or at 2.00am each morning.

At the close of the consultation period, twenty (20) responses (which is a 33% response) were received as outlined below.

- In favour of lights being switched off at 2.00am 11
- In favour of lights being switched off at 10.00pm 4
- In favour of lights remaining on all night 5

Comments (2am switch off)

- Deterrent against illegal behaviour
- Required for security reasons
- Could the lights be shaded to direct the light downwards?
- Important for the area, the park looks fabulous
- Lights keep young nuisance people in their houses
- 6 x in favour of this option with no comment provided

Comments (10pm switch off)

- If later will encourages noise and dog walkers.
- Lighting attracts unwanted persons to the park
- 2 x in favour of this option with no comment provided

Comments (all night)

- Would prefer lights be left on all night.
- In favour of lights being left on as late as possible
- Wish to have lights on all night for security.
- Would prefer to keep lights on all night like street lights
- Would prefer all night

Officers Comments:

As indicated above, the majority of building, park security light installations within the Town are operated on a photoelectric cell. These are a cheap easy to install simple system that provides operation of the lights during the dark hours and does not require ongoing adjusting due to seasonal changes as does a timer system.

However, in view of the issues around Smith's Lake and the results of the community consultation, it is recommended that the lights at Smith's Lake Reserve now remain operating on the timer system to be switched off at 2.00am rather than 10.00pm as is currently the case.

CONSULTATION/ADVERTISING:

The petitioners and owner/occupiers surrounding Smith's Lake Reserve will be advised of the Council's decision.

LEGAL/POLICY:

Nil.

STRATEGIC IMPLICATIONS:

In accordance with the objective of Strategic Plan 2009-2014 – Key Result Area One: - 1.1.5 *Enhance and maintain parks, landscaping and community facilities.*

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Generally path lighting within the Town operates on a photoelectric cell which switches lights on when it gets dark and off again when daylight breaks. Having the lights remain on an additional four (4) hours will have minimal budgetary implications in terms of power usage/cost.

COMMENTS:

It should be noted that this style of park/pathway lighting has been utilised throughout the Town's parks and reserves. They have been a great success in terms of illuminating pathways and recreational areas, thus creating a safe environment for residents and the general public.

9.2.8 2010 Pride Parade - Temporary Closure of Brisbane Street between Beaufort and William Streets and William Street between Bulwer and Newcastle Streets, Perth

Ward:	South	Date:	5 July 2010
Precinct:	Forrest P14, Beaufort P13 & Hyde Park P12	File Ref:	TES0027 & CMS0040
Attachments:	001		
Reporting Officer:	J Greenwood, Executive Secretary Technical Services		
Responsible Officer:	R Lotznicker – Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

(i) **APPROVES:**

- (a) *the closure of Brisbane Street, between Beaufort and William Streets, and William Street, between Bulwer and Brisbane Streets, between 6.00pm and 9.30pm, and William Street, between Brisbane and Newcastle Streets from 7.30pm to 9.30pm on Saturday, 30 October 2010, to facilitate the 2010 Pride Parade;*
- (b) *a Main Roads WA accredited Traffic Management contractor to carry out the required road closures within the Town at the locations shown on attachment 9.2.8;*
- (c) *funding the proposed road closures from the 2010/2011 Parades and Festivals budget allocation, to a maximum of \$4,500, conditional upon the applicant acknowledging the Town of Vincent as a sponsor in all publicity for the parade; and*
- (d) *a temporary “No Parking” restriction in the same area from 2.00 pm on Saturday, 30 October 2010; and*

(ii) **REQUESTS that the applicant:**

- (a) *contacts the Public Events section of the WA Police and completes an application for an Order for a Road Closure in accordance with the Road Traffic Act 1974;*
- (b) *liaises with the City of Perth regarding the placement of a notice of road closure in "The West Australian" and reimburses the City of Perth for the cost of the advertisement; and*
- (c) *letter drops all affected residents and businesses along the parade route at least one (1) week prior to the event, advising of the road closures and parking restrictions and providing the event coordinators' and the Town's after hours contact details.*

COUNCIL DECISION ITEM 9.2.8

Moved Cr McGrath, Seconded Cr Farrell

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED (8-0)

(Cr Topelberg was on approved leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to seek Council's approval to close Brisbane and William Streets, Perth, and sections of the surrounding road network, between the hours of 6.00pm and 9.30pm on Saturday, 30 October 2010, to facilitate the 2010 Pride Parade.

BACKGROUND:

Pride WA has successfully held their annual Pride Parade through the streets of Northbridge for the past 20 years. Last year the parade drew a crowd in excess of 60,000 people, making it one of the largest public events in metropolitan Perth.

To safely accommodate both the participants and spectators alike, a series of co-ordinated road closures are placed in Brisbane, William and surrounding streets progressively from 6.00pm to 7.45pm* and withdrawn from about 9.30pm, once the procession has passed into the City of Perth's area south of Newcastle Street.

Note*: The last road closure is Newcastle Street at 7.45pm, 15 minutes prior to the start of the parade.

Since 2000 the Town has engaged the services of a Main Roads WA accredited Traffic Management Contractor to ensure that the road closures are undertaken in accordance with the Australian Standards and Main Roads WA *Traffic Management of Events Code of Practice*.

The City of Perth is responsible for all road closures south of, and including, Newcastle Street.

DETAILS:

As in 2009, the area to be temporarily closed to facilitate the 2010 parade is bounded by Lake, Bulwer, Beaufort and Newcastle Streets and includes some 17 intersections and 27 full and part road closures as shown on attachment 9.2.8.

If the road closures were to be undertaken by the Town's staff, it would be necessary to allocate significant staff resources and either acquire or hire a substantial number of new traffic signs and barricades to implement the closures in accordance with the Australian Standards, and Main Roads WA *Traffic Management of Events Code of Practice*. The direct cost to the Town would far exceed that of the cost of engaging a Traffic Management Contractor.

The Town's Rangers are responsible for setting up and enforcing the temporary *No Parking* restrictions.

In acknowledgement of the Town's continuing support for the parade, Pride WA will again confer *Gold Partnership* status on the Town which includes:

- Half page advertisement in the Pride Festival Guide (circulation 10,000+).
- Banner advertisement on the Pride WA website.
- The Town's logo on the Pride WA street banners(s).
- The Town's logo on Pride Festival posters, flyers and newspaper advertisements.

CONSULTATION/ADVERTISING:

As per clause (v)(b) of the Officer Recommendation, Pride will be requested to liaise with the City of Perth to ensure that the proposed road closures are advertised in accordance with the requirements of the Road Traffic Act 1974. Further, Pride WA has provided an undertaking to letter drop all the affected residents and businesses along the parade route in accordance with clause (v)(c).

LEGAL/POLICY

The Town is responsible to ensure that all road closures undertaken within its boundaries are in accordance with the relevant Australian Standards and Main Roads WA *Traffic Management of Events Code of Practice* and therefore a suitably qualified and Main Roads WA accredited Traffic Management Contractor will be engaged.

STRATEGIC IMPLICATIONS:

In accordance with the objective of Strategic Plan 2009-2014 Key Result Area Two – 3.1.1 Celebrate and acknowledge the Town's cultural and social diversity. “(a) *Organise and promote community events and initiatives that engage the community and celebrate cultural and social diversity of the Town*”.

SUSTAINABILITY IMPLICATIONS:

N/A.

FINANCIAL/BUDGET IMPLICATIONS:

While an accredited Traffic Management contractor is yet to be engaged, it is expected that the supply and installation of all signage and traffic control devices for the 27 road closures, provision of sufficient staff (accredited traffic controllers) for a period of eight hours (including mobilisation and demobilisation, set up and dismantling), will cost in the order of \$4,200.

COMMENTS:

Traffic Management for large public events has over the past decade become a specialised field. An accredited Traffic Management contractor is more cost effective and better able to provide the level of service required to comply with relevant Australian and Main Roads WA standards than tying up Council resources. Hence most government agencies (including Main Roads WA) and Local Government Authorities, no longer undertake large-scale road closures and traffic management. The Traffic Management Contractor will be required to provide a comprehensive traffic management plan, all signage and barricades and traffic control personnel.

It is therefore recommended that the Council approve the temporary closure of streets as outlined in the main body of the report to accommodate the 2010 Pride Parade on 30 October 2010.

9.2.13 Tender for the Hire of Temporary Labour - Tender No. 417/10

Ward:	Both	Date:	1 July 2010
Precinct:	All	File Ref:	TEN0425
Attachments:	-		
Reporting Officers:	C Economo, Manager Engineering Operations G Dennison, Depot Purchasing Officer J van den Bok, Manager Parks & Property Services		
Responsible Officer:	R Lotznicker, Director Technical Services M Rootsey, Director Corporate Services		

OFFICER RECOMMENDATION:

That the Council ACCEPTS the Tenders submitted by Ross Human Direction, Hays, Integrated and Flexi Staff for the Hire of Temporary Labour in accordance with the terms and conditions of Tender No. 417/10.

COUNCIL DECISION ITEM 9.2.13

Moved Cr Maier, Seconded Cr Lake

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Maier, Seconded Cr Burns

That the Officer Recommendation be amended as follows:

That the Council ACCEPTS the Tenders submitted by Ross Human Direction, Hays, and Integrated ~~and Flexi~~ Staff for the Hire of Temporary Labour in accordance with the terms and conditions of Tender No. 417/10.

Debate ensued.

The Director Corporate Services and the Chief Executive Officer provided additional information. The Presiding Member, Mayor Catania requested this be recorded in the Minutes.

AMENDMENT PUT AND LOST (2-6)

For: Cr Buckels, Cr Maier

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

(Cr Topelberg was on approved leave of absence.)

Debate ensued.

MOTION PUT AND CARRIED (8-0)

(Cr Topelberg was on approved leave of absence.)

ADDITIONAL INFORMATION:

The Chief Executive Officer and Director Corporate Services advised as follows:

Flexi Staff have been recommended to be included in the panel, as in the current economic climate it is difficult to attract and retain workers in the Local Government sector due to the attraction of the higher paid positions in the mining sector.

Flexi Staff have retained their percentage mark up charges at the same level as their previous tender, which may account for their higher contract price in the tender, while other suppliers have significantly reduced this mark up component.

Flexi Staff's past performance for the Town has been very good, and they have resolved issues in a quick and efficient manner, which minimises the time required by the Town's employees to organise matters. This has considerable benefit to the Town by ensuring that a high level of customer service is maintained – particularly in the critical area of rubbish collection and also outside construction work. This also has cost savings to the Town.

The inclusion of Flexi Staff as a fourth member on the panel will provide the Town with flexibility of choice of labour hire agencies in what is anticipated to be a volatile labour market, as the economic climate continues to improve.

PURPOSE OF REPORT:

The purpose of this report is to obtain the Council's approval to award Tender 417/10 for the Hire of Temporary Labour.

BACKGROUND:

Tenders for the supply of the Hire of Temporary Labour for a three (3) year period closed at 2.00 pm on 16 June 2010 and fourteen (14) tenders were received.

The prices submitted are to be fixed for a twelve (12) month period. Beyond this, price adjustments for CPI and material increases/decreases may be negotiated.

DETAILS:

Details of all submissions received for Tender No. 417/10 are "Laid on the Table".

Tender Evaluation:

The tender evaluation was undertaken by Director Technical Services, Manager Engineering Operations, Manager Parks & Property Services and the Depot Purchasing Officer in accordance with the selection criteria as outlined in the tender documentation as follows:

EVALUATION CRITERIA	WEIGHTING	ROSS	HAYS	INTEGRATED	FLEXISTAFF	GLOBAL	WORKPAC
Contract Price	40%	32.63	31.51	30.69	25.83	40	31.63
Past Experience	20%	19	20	20	20	12	16

Adequate resources	30%	30	30	30	30	24	27
References	5%	5	5	5	5	5	5
Overall compliance	5%	5	5	5	5	4	5
TOTAL	100	91.63	91.51	90.69	85.83	85.00	84.63
		1	2	3	4	5	6

Tenders (Continued)

EVALUATION CRITERIA	LOGO	STAFF LINK	INTEGRITY	ATS	GREEN SKILLS	PRIME	RANDSTAD	RECRUIT WEST
Contract Price	27.56	27.47	26.58	31.00	20.13	14.99	0	9.12
Past Experience	20	20	16	14	16	10	16	10
Adequate resources	27	27	27	24	27	24	27	24
References	5	5	5	2.5	5	4	5	0
Overall compliance	5	5	5%	4	5	5	2	3.5
TOTAL	84.56	84.47	79.58	75.5	73.13	57.99	50	46.62
	7	8	9	10	11	12	13	14

Officers' comments:

The Town has utilised the services of numerous Temporary Labour Hire companies over the years and normally engages a panel of tenderers to provide this service.

Over the past three (3) years Logo Appointments, Flexi Staff and IPA were engaged, with the majority of quality temporary labour hire personnel being provided by Flexi Staff. IPA have not tendered for this contract for the next three (3) year period.

Following the evaluation of this tender, three (3) new companies are recommended to be engaged - Ross, Hays and Integrated. Flexi Staff have also been included on the panel for the reasons outlined above and for the fact they have previously sorted out any issues that have arisen with their staff quickly and efficiently.

There has been a significant increase in the number of companies submitting for this tender since the Town's inception and, whilst many of the above submissions are worthy of being selected, it is recommended that the Council select a panel of four (4) tenderers to provide this service for the Town over the next three (3) years.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

The Tender was advertised in accordance with the Local Government Act tender regulations.

STRATEGIC IMPLICATIONS:

In accordance with the objective of Strategic Plan 2009-2014 – Key Result Area One: 1.1.6 Enhance and maintain the Town’s infrastructure to provide a safe, healthy, sustainable and functional environment.

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

All costs associated with the Hire of Temporary Labour are charged against the respective Capital project or maintenance accounts as required.

The annual value for this tender is approximately \$680,000.

COMMENTS:

It is therefore recommended that the Council accepts the tenders submitted by Ross Human Direction, Hays, Integrated and Flexi Staff for the Hire of Temporary Labour in accordance with the specifications as detailed in Tender No. 417/10.

9.3.1 Cultural Development Seeding Grant Applications

Ward:	Both	Date:	6 July 2010
Precinct:	All	File Ref:	FIN0155
Attachments:	-		
Reporting Officer:	J Bennett, Senior Community Development Officer		
Responsible Officer:	M Rootsey, Director Corporate Services		

OFFICER RECOMMENDATION:

That the Council;

- (i) **APPROVES** the Cultural Development Seeding Grants applications for \$1,000 for the following events:
 - (a) “Arts on Oxford” by Aranmore Catholic College;
 - (b) Kyilla Primary School Fete, and
 - (c) North Perth Primary School Fete;
- (ii) **APPROVES** further sponsorship funding for the following events:
 - (a) \$2,000 for the “Arts on Oxford” by Aranmore Catholic College;
 - (b) \$4,000 for the Kyilla Primary School Fete; and
 - (c) \$4,000 for North Perth Primary School Fete.

Moved Cr Maier, **Seconded** Cr Farrell

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Maier, **Seconded** Cr Harvey

Insert new a clause (iii) be inserted to read as follows:

“(iii) REQUESTS the Chief Executive Officer to develop a policy for donations to schools within the Town to ensure that support is given in a transparent and equitable manner.”

Debate ensued.

Cr Buckels suggested deleting the words “...to ensure that support is given in a transparent and equitable manner.” from the amendment.

The Mover, Cr Maier and the Seconder, Cr Harvey agreed.

AMENDMENT PUT AND CARRIED (8-0)

MOTION AS AMENDED PUT AND CARRIED (8-0)

(Cr Topelberg was on approved leave of absence.)

COUNCIL DECISION ITEM 9.3.1

That the Council;

- (i) ***APPROVES the Cultural Development Seeding Grants applications for \$1,000 for the following events:***
 - (a) ***“Arts on Oxford” by Aranmore Catholic College;***
 - (b) ***Kyilla Primary School Fete, and***
 - (c) ***North Perth Primary School Fete;***
- (ii) ***APPROVES further sponsorship funding for the following events:***
 - (a) ***\$2,000 for the “Arts on Oxford” by Aranmore Catholic College;***
 - (b) ***\$4,000 for the Kyilla Primary School Fete; and***
 - (c) ***\$4,000 for North Perth Primary School Fete; and***
- (iii) ***REQUESTS the Chief Executive Officer to develop a policy for donations to schools within the Town.***

PURPOSE OF REPORT:

To seek the Council’s approval for Cultural Development Seeding Grant applications.

BACKGROUND:

A range of applications for Cultural Development Seeding Grants have been received from three schools within the Town; Aranmore Catholic College, Kyilla Primary School and North Perth Primary School.

DETAILS:

“Arts on Oxford” – Aranmore Catholic College.

“Arts on Oxford” is a celebration of the music and art of Aranmore Catholic College and its place in the Town of Vincent. The event will run from 27 August to 3 September 2010 and will be based in Oxford Street, Leederville.

The theme is ‘where the wild things are’, celebrating the energy and creativity of Aranmore’s students along the length of Oxford Street. Working in partnership with local businesses, students launch their community art project, showcase their art (including indigenous art) in shops and perform in cafes. Local residents will be invited to walk Oxford Street following the Arts on Oxford trail. Residents will be able to interact with Aranmore students during tours, whilst students work on their art, and at the live performances at venues along the café strip.

Arts on Oxford plans to provide a positive platform for local businesses to interact with young people around Art, it is hoped to attract visitors to the businesses and will create an exciting outing for the local residents as they walk along.

The project has a total budget of \$9,000 and a request has been made for \$3,000 in support. In accordance with the Cultural Development Seeding Grant guidelines the maximum amount of \$1,000 is recommended for approval to go towards promoting the event, with a further \$2,000 for the event being funded from the donations account.

Kyilla Primary School Fete:

In March 2011 the Kyilla Primary School plans to hold a fete in conjunction with a "Great Celebrity Book Auction". The objectives of the fete are as follows:

- To raise the profile and achievements of Kyilla Primary School amongst our local community and beyond;
- To raise funds for the school, with the funds raised from the book auction being used to support literacy at Kyilla; and
- To inspire a life-long love of books and reading.

The fete will be held on a Saturday afternoon from 3pm - 8pm. The timing of the event is planned as a point of difference from other community fetes and will also attract a broader range of people from the community.

In addition to the Celebrity Book Auction the fete will also feature:

- Market day stalls featuring goods handmade by WA artists and craftspeople;
- Community exhibition and displays;
- Curry Hall;
- Children's activity area;
- Entertainment stage featuring professional and amateur performances, including some by students;
- Carnival rides;
- Roving magicians and balloon maker; and
- Traditional fete stalls such as plants, white elephant, second-hand books, lucky dips and sausage sizzle.

The Great Celebrity Book Auction will involve local, national and international celebrities being invited to donate a book that has inspired them. The signed books will be auctioned at the fete. Literacy is a high priority area at Kyilla and it is hoped that the book auction will inspire the children and the local community to celebrate the power of reading and learning.

The project has a total budget of \$13,905 and a request has been made for \$5,000 in support. In accordance with the Cultural Development Seeding Grant guidelines the maximum amount of \$1,000 is recommended for approval to go towards promoting the event, with a further \$4,000 being recommended for approval from the Town's donations account.

North Perth Primary School Fete:

The North Perth Primary School Parents & Citizens will be holding a fete on Sunday 31 October 2010. The fete will showcase a day of entertaining, informational activities orientated to the sustainability theme. Teachers, staff, students and parents are currently planning and preparing a range of activities designed to interact with members of the Vincent community aimed at teaching the younger generation the importance of interdependence and 'giving back'.

The primary objectives of the fete are:

- To celebrate a year long teaching program at the school which has focused on community and sustainability; and
- To raise funds for the school.

The school has indicated that the fete will carry the theme of sustainability and that this will be integrated across the fete through a range of means such as craft made from recycled materials, theatrical presentations on preserving the natural environment, a second hand good stall and an emphasis on the production and sale of home-made goods.

The project has a total budget of \$10,000 and a request has been made for \$5000 in support. In accordance with the Cultural Development Seeding Grant guidelines the maximum amount of \$1,000 is recommended for approval to go towards promoting the event, with a further \$4,000 being recommended for funding from the donation account.

CONSULTATION/ADVERTISING:

Each event will have a range of advertising initiatives including, printed media such as newsletters, flyers and advertisements. It will be requested that the Town of Vincent logo is placed on this material in recognition of the Town's support along with prominent display of signage at the events and verbal acknowledgement on the day.

LEGAL/POLICY:

The applications meet the cultural requirements for a Cultural Development Seeding Grant. It is noted that the Guidelines indicate that "Projects that are mainly for fund raising or making profits will not be funded." Therefore it is proposed that for each of these projects that any funding from the Town is focussed towards direct costs involved in providing the events such as the staging, entertainment or advertising.

STRATEGIC IMPLICATIONS:

The submitted application addresses the following strategic objective of the Town's Strategic Plan 2009 - 2014:

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

SUSTAINABILITY IMPLICATIONS:

The seeding funds are designed to assist cultural programs developing into sustainable local events.

FINANCIAL/BUDGET IMPLICATIONS:

An amount of \$6,000 is allocated for Cultural Seeding Grants within the 2010/11 budget.

An allocation of \$1,000 each for each of the applicants is supported in line with similar applications.

The applicant will be required to complete an acquittal report after the event, detailing how the Cultural Development Seeding Grant was expended.

The additional sponsorship monies are to be funded from the Town's donation account.

COMMENTS:

The application by each of the school groups demonstrates a willingness to engage in building social capital within their local community. Funding through the Cultural Development Seeding Grants will enable the provision of a series of community events that will bring together a broad range of the community. All the applicants have indicated that they will be providing inclusive events that will have a diverse appeal to the residents and visitors to the Town of Vincent.

9.3.2 LATE ITEM: Beaufort Street Festival

Ward:	South	Date:	9 July 2010
Precinct:	Mt Lawley Centre (11)	File Ref:	CMS0110
Attachments:	001		
Reporting Officer:	J Anthony, Manager Community Development		
Responsible Officer:	M Rootsey, Director Corporate Services		

OFFICER RECOMMENDATION:

That the Council:

- (i) *RECEIVES the Proposal from the Beaufort Street Network Inc. – festival project, dated 9 July 2010, from the Beaufort Street Network Inc., 479 Beaufort Street, Highgate WA 6003, to organise, co-ordinate and deliver a festival on Beaufort Street, as shown in Appendix 9.3.2;*
- (ii) *APPROVES BY AN ABSOLUTE MAJORITY to endorse the Beaufort Street Network Inc.’s proposal to organise, co-ordinate and deliver the “Beaufort Street Festival” from 10am to 5pm on 27 November 2010, as detailed in their Proposal, shown in Appendix 9.3.2 and subject to:*
 - (a) *a total sponsorship contribution of \$40,000 from the Town of Vincent to assist with the costs of the festival;*
 - (b) *Event Application Fees of \$12,200 for the festival being waived;*
 - (c) *a bond of \$3,000 being retained by the Town as security for any damage to infrastructure or post-festival clean-up of the Street;*
 - (d) *the Beaufort Street Network Inc. indemnifying the Town from any claims which may arise and being fully responsible for all costs associated with the festival;*
 - (e) *the sponsorship contribution to be paid on a reimbursement basis of expenditure incurred through the provision of tax invoices;*
 - (f) *the funds received from the Town to be acquitted along with a full evaluation report on the festival be provided no later than two (2) months after the event;*
 - (g) *acknowledgement of the Town of Vincent as a major sponsor of the festival on all publications and advertising materials, subject to the conditions listed in the report; and*
 - (h) *the Beaufort Street Network Inc., as event organisers, shall ensure full consultation with businesses along Beaufort Street (in particular those from Walcott Street to the end of St Alban's Avenue) to ensure that the festival is representative of and attuned to the local businesses;*
 - (i) *the activities and programmes offered as part of the festival be accessible, inclusive and targeted to a broad range of residents;*
 - (j) *suitable Traffic, Risk Management and Event Site plans being submitted to the Town at least two (2) months prior to the event at the expense of the organisers;*

(k) *full compliance with the:*

1. *conditions of use and fees being imposed, including Environmental Health and other conditions; and*
2. *Council's Policy 1.1.5 – "Donations, Sponsorship and Waiving of Fees and Charges – Sponsorship" requirements, as detailed in this report;*

to the satisfaction of the Chief Executive Officer; and

(ii) *APPOINTMENTS Councillor and Councillor to the Beaufort Street Festival Committee, along with its Officer representative – Manager Community Development.*

Moved Cr McGrath, Seconded Cr Buckels

That the recommendation be adopted.

Cr Burns declared an interest affecting Impartiality in this Item (see Declarations of Interest on page 5).

The Chief Executive Officer advised that Cr McGrath and Cr Topelberg had both nominated for the Beaufort Street Festival Committee.

Presiding Member, Mayor Catania called for any further nominations however, none were received.

Cr McGrath suggested having Deputy Members for the Committee and Cr Lake and Cr Burns nominated.

NOMINATION

Moved Cr McGrath, Seconded Cr Buckels

That the following nominations be approved:

(ii) *APPOINTMENTS Cr McGrath (deputy Cr Lake) and Cr Topelberg (deputy Cr Burns) to the Beaufort Street Festival Committee, along with its Officer representative – Manager Community Development.*

NOMINATION PUT AND CARRIED (8-0)

(Cr Topelberg was on approved leave of absence.)

Debate ensued.

(Cr Topelberg was on approved leave of absence.)

MOTION PUT AND CARRIED
BY AN ABSOLUTE MAJORITY (8-0)

(Cr Topelberg was on approved leave of absence.)

COUNCIL DECISION ITEM 9.3.2

That the Council:

- (i) *RECEIVES the Proposal from the Beaufort Street Network Inc. – festival project, dated 9 July 2010, from the Beaufort Street Network Inc., 479 Beaufort Street, Highgate WA 6003, to organise, co-ordinate and deliver a festival on Beaufort Street, as shown in Appendix 9.3.2;*
- (ii) *APPROVES BY AN ABSOLUTE MAJORITY to endorse the Beaufort Street Network Inc.’s proposal to organise, co-ordinate and deliver the “Beaufort Street Festival” from 10am to 5pm on 27 November 2010, as detailed in their Proposal, shown in Appendix 9.3.2 and subject to:*
- (a) *a total sponsorship contribution of \$40,000 from the Town of Vincent to assist with the costs of the festival;*
 - (b) *Event Application Fees of \$12,200 for the festival being waived;*
 - (c) *a bond of \$3,000 being retained by the Town as security for any damage to infrastructure or post-festival clean-up of the Street;*
 - (d) *the Beaufort Street Network Inc. indemnifying the Town from any claims which may arise and being fully responsible for all costs associated with the festival;*
 - (e) *the sponsorship contribution to be paid on a reimbursement basis of expenditure incurred through the provision of tax invoices;*
 - (f) *the funds received from the Town to be acquitted along with a full evaluation report on the festival be provided no later than two (2) months after the event;*
 - (g) *acknowledgement of the Town of Vincent as a major sponsor of the festival on all publications and advertising materials, subject to the conditions listed in the report; and*
 - (h) *the Beaufort Street Network Inc., as event organisers, shall ensure full consultation with businesses along Beaufort Street (in particular those from Walcott Street to the end of St Alban’s Avenue) to ensure that the festival is representative of and attuned to the local businesses;*
 - (i) *the activities and programmes offered as part of the festival be accessible, inclusive and targeted to a broad range of residents;*
 - (j) *suitable Traffic, Risk Management and Event Site plans being submitted to the Town at least two (2) months prior to the event at the expense of the organisers;*
 - (k) *full compliance with the:*
 - 1. *conditions of use and fees being imposed, including Environmental Health and other conditions; and*
 - 2. *Council’s Policy 1.1.5 – “Donations, Sponsorship and Waiving of Fees and Charges – Sponsorship” requirements, as detailed in this report;*
- to the satisfaction of the Chief Executive Officer; and*
- (ii) *APPOINTMENTS Cr McGrath (deputy Cr Lake) and Cr Topelberg (deputy Cr Burns) to the Beaufort Street Festival Committee, along with its Officer representative – Manager Community Development.*

PURPOSE OF REPORT:

To obtain the Council's approval for the Beaufort Street Network to take responsibility for organising the Beaufort Street Festival in November 2010.

BACKGROUND:

At the Council held on 9 March 2010 the Council considered this matter and resolved as follows:

"That the Council;

- (i) *APPROVES the following festival events as part of the Festivals programme for 2010/11:*
 - (a) *Beaufort Street – October 2010; and*
 - (b) *William Street – March 2011.*
- (ii) *APPROVES sponsorship funding for the festival organised by the Mezz Shopping Centre, the Mezz Shopping Centre Food Festival in October 2010; and*
- (iii) *LISTS an amount of:*
 - (a) *\$120,000 for consideration on the Draft Budget 2010/11 for the two festivals outlined in the programme and;*
 - (b) *An amount of \$7,500 for sponsorship contribution to the Mezz Shopping Centre Food Festival."*

DETAILS:

Following the above resolution, Town officers have begun preparations for the festivals programme. This involved holding a number of meetings with the Beaufort Street Network Inc committee to obtain their views and suggestions for the proposed event.

It became evident during the course of these meetings that the Network had strong views in the direction that they wished the Town to take for the proposed event.

Town officers have also conducted door-to-door consultations with approximately forty (40) businesses on Beaufort Street, the majority of whom are not members of the network but still keen to be part of the proposed festival in one form or another.

A meeting was held on Monday 5 July 2010 with the Mayor, Crs McGrath and Topelberg, the Chief Executive Officer, Director Corporate Services, Manager Community Development, Community Development Officer and five (5) members of the Beaufort Street Network Inc.

At the meeting, the Network committee submitted a draft proposal for the festival, which outlined contracting a Creative Events Coordinator, who is in tune with current industry contacts, musical and artistic trends which accurately reflect Beaufort Street.

At this meeting it was agreed that the Network committee would submit a more detailed proposal and budget so that a report could be prepared for Council consideration that the Network takes responsibility for organising the festival at Beaufort Street.

The proposal, budget and project plan as prepared by the Network committee is attached for consideration. (Attachment 1-3)

The Town's internal working group for external events that has been dealing with other external events in the Town such as the Hyde Park Fair, shall determine a management plan and coordinate the Fair from the perspective of the Town with the following representatives:

- Manager Community Development (Chairperson)
- Manager Parks Services
- Manager Ranger Services and Community Safety
- Manager Health Services
- WA Police Service
- plus representatives from the organising committee.

As with other externally organised events, the Working Group meets regularly with organisers to discuss the conditions as stipulated plus coordinate a management plan for the smooth running of the event.

The plan will include the following aspects:

1. Parking;
2. Promotion of the Town of Vincent as a sponsor;
3. Suitable location of events and activities in the area;
4. Risk Management Plan;
5. Food stall permits and inspections;
6. Review consultation with local businesses and community to ensure stakeholder involvement;
7. Site inspections;
8. Noise management; and
9. Any other conditions set by Council to ensure that the event is run in accordance with the Town's strategic direction.

The Chair of the Town's internal working group (Manager Community Development) will also attend the meetings of the Beaufort Street Festival Committee as the Town's representative to assist with strategic and logistical advice for the event.

CONSULTATION/ADVERTISING:

The event organisers will be encouraged to engage in a comprehensive promotional strategy for the festival which includes advertising in both community newspapers, street banners, letter drop to residents and flyers/posters and possible use of social networking pages.

LEGAL/POLICY:

Policy 3.8.3 - *"Concerts and Events"*; and
Policy 1.1.5 - *"Donations, Sponsorship & Waiving of Fees and Charges"*.

The standard conditions for sponsorship would apply to this event (notwithstanding those contained in Policy 1.1.5):

1. The events must not promote smoking, alcohol, any use of illicit substances and/or adult "R" rated entertainment;
2. The sponsorship funds should be expended in keeping with ethical conduct and practices;
3. The Town of Vincent must be acknowledged in associated publicity and promotional material with the Town's Logo displayed appropriately;

4. Event organisers must liaise with relevant Council officers before proceeding to use the Town's Logo or material;
5. Event organisers must liaise with relevant Council officers to determine the location and placement of significant infrastructure and stalls to minimise the impact and damage on the park's flora and fauna;
6. Upon completion of the sponsored event, a report outlining the outcomes of the event, publicity/promotion and how the sponsorship monies were expended must be submitted to Council no more than two (2) months after the event;
7. The event organisers must take out and hold current a policy of insurance for Public Liability for an amount of not less than \$10,000,000 (ten million dollars) for any one event. A copy of the current certificate is to be provided to Council at least 10 (ten) days before the commencement of the event; and
8. The event organisers must indemnify the Council against any claims, damages, writs, summonses or other legal proceedings and any associated costs, expenses, losses or other liabilities as a result of loss of life, personal injury or damage to property arising from an occurrence in or connected with the sponsored event, regardless of the cause. In addition, it is recommended that the Council impose similar conditions that were imposed for last year's event.

STRATEGIC IMPLICATIONS:

The Town of Vincent's Plan for the Future, Strategic Plan 2009 – 2014:

“Key Result Area Three – Community Development – Objective 3.1: Enhance and Promote Community Development and Wellbeing:

3.1.1 Celebrate and acknowledge the Town's cultural and social diversity:

- (a) Organise and promote community events, programs and initiatives that engage the community and celebrate cultural and social diversity of the Town, including the development of a program for the holding of an event in each of the Town's main commercial centre;*
- (b) Develop a coordinated Event Plan and issue an Annual Program/Calender of Events to promote celebrate and acknowledge the Town's cultural and social diversity, and*
- (c) Investigate opportunities for an annual “Iconic Event” for the Town and implement events.*

SUSTAINABILITY IMPLICATIONS:

The purpose of the Festival is to provide community events in the Beaufort Street precinct, it would also be an excellent opportunity to promote environmental/sustainability initiatives as part of the programme of events offered, as has been done in the festivals organised by the Town.

FINANCIAL/BUDGET IMPLICATIONS:

An amount of \$130,000 is listed in the Town's Budget 2010/11 for a programme of festival events, with \$7,500 sponsorship towards the Mezz Shopping Centre Food Festival. The Town would anticipate receiving external funding and sponsorship, reducing the net cost of the Town holding the festivals at a minimum of \$80,000.

The external funding and sponsorship received by the Town from sources such as Lotteries and Healthway can only be directed towards events organised by the Town. Additional funding and sponsorship for events run by the Mezz and the Beaufort Street Network would need to be coordinated directly by event organisers.

The Beaufort Street Network submitted the following budget for the festival:

Income		Amount
Town of Vincent		\$40,000
Sponsorship		\$15,000
Sunday Times Sponsorship		\$2,000
Design Sponsorship		\$6,500
Community Paper Sponsorship		\$2,000
Bar Turnover		\$10,000
Grant – Lotterywest		\$5,000
Income Total		\$80,500
Expenses		
Event Management		\$20,000
Art Exhibitions		\$8,000
Road Closures/Barriers		\$3,000
Portaloos		\$2,000
Staging		\$3,000
Sound		\$8,000
Lighting		\$2,000
Bands		\$7,000
DJs		\$400
Design		\$6,500
Promotion	Poster Printing	\$500
	Poster Distro	\$100
	Flyers	\$400
	Street Press	\$2,600
	Radio	\$1,300
	Community Paper	\$1,000
	Sunday Times	\$2,000
Marquee		\$1,700
Bar	Set up	\$200
	Bar Management	\$300
	Bar Marquees/tressles/fencing	\$1,000
	Staffing	\$504
	Cost of goods	\$3,333
	Bar security	\$720
	Freezer truck	\$300
	Bar costs – ice tubs etc	\$200
Public Liability		\$3,000
Expenses Total		\$79,057.30
GROSS PROFIT		\$1,442.67

COMMENTS:

It is proposed that the Beaufort Street Network Inc. be provided with sponsorship to organise the Beaufort Street Festival and that the event, if successful, can continue to be an annual event to celebrate and promote the unique local culture and community of the area.

9.4.2 Review and Adoption of Delegated Authority Register 2010/11

Ward:	Both	Date:	7 July 2010
Precinct:	All	File Ref:	ADM0038
Attachments:	001		
Reporting Officer:	John Giorgi, Chief Executive Officer		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council:

- (i) **ENDORSES** the review of its Delegated Authority Register, in accordance with Section 5.46(2) of the Local Government Act 1995 (“the Act”); and
- (ii) **APPROVES BY AN ABSOLUTE MAJORITY** pursuant to Section 5.42 of the Local Government Act 1995, the delegation of the exercise of its powers and duties to the Chief Executive Officer, as detailed in the Delegated Authority Register 2010/11, as shown in Appendix 9.4.2.

COUNCIL DECISION ITEM 9.4.2

Moved Cr Burns, Seconded Cr Farrell

That the recommendation be adopted.

MOTION PUT AND CARRIED
BY AN ABSOLUTE MAJORITY (8-0)

(Cr Topelberg was on approved leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is for the Council to review and consider its delegations to the Chief Executive Officer and to approve of the Delegated Authority Register for the 2010-2011 year.

BACKGROUND:

The Local Government Act 1995, at Section 5.42, allows for a Council to delegate to the Chief Executive Officer its powers and duties.

The purpose of delegating authority to the Chief Executive Officer is to provide for the efficient and orderly administration of the “day to day” functions of the Town’s Administration. The CEO exercises the delegated authority in accordance with the Delegated Authority Register and Council policies.

The Chief Executive Officer has comprehensively reviewed the current Delegated Authority Register and the following is advised:

1. Delegated Authority Register Content

A comprehensive review of the existing Delegated Authority Register has been carried out, which has resulted in more concise information being provided as follows:

(a) Layout:

The Delegations have been grouped into nine (9) PARTS as follows:

- Part 1: Governance – Chief Executive Officer
- Part 2: Function of Local Government
- Part 3: Financial Management
- Part 4: Local Government (Functions and General) Regulations 1996
- Part 5: Authorisations and Appointments
- Part 6: Town Planning Scheme No. 1
- Part 7: Local Government (Miscellaneous Provisions) Act 1960
- Part 8: Local Government (Uniform Local Provisions) Regulations 1996
- Part 9: Miscellaneous

CEO's Comment:

The grouping of the respective delegations into the various parts will make it easier to understand and use.

(b) Delegation format:

A standard format for each delegation has been created, which is more precise and contains the following:

- Function to be performed – *this reflects the legislation*
- Legislative power or duty delegated – *this refers to a section or clause of the relevant Act or Regulation*
- Delegation to – *the Council can only delegate to the Chief Executive Officer*
- Delegation – *this prescribes the actual function or duty*
- Chief Executive Officer delegates to – *this clearly prescribes who the Chief Executive Officer has delegated the day to day power and duty*
- Conditions and Reporting Requirements – *this prescribes any conditions and reporting requirements. It also refers to Council policies, where appropriate.*

CEO's Comment:

The standard format for each delegation is more precise and will remove ambiguity as to what is the specific delegation. In addition, each delegation is numbered under each Part – which allows the Register to be more easily amended (if required).

(c) The Department of Local Government (DLG) Better Practice Review 2010 of the Town included several recommendations concerning delegations as follows:

DLG Recommendation 9

“It is suggested that the Town include delegations in employee Job Descriptions and implement a process whereby staff would be required to confirm their understanding of the delegation assigned to them. This confirmation could involve the staff member signing that he/she had received a copy of his/her delegation and that they have read and understood the delegation.”

CEO's Comments:

This recommendation is supported. The new format clearly specifies which employee has been provided with the delegation. The administrative component of each staff member signing that he/she has received a copy of his/her delegation and that they have read and understood the delegation already occurs as an administrative practice. The employee's Position Description currently contains a section titled "Extent of Authority" – which specifies the employee's level of authority. In addition, other internal documents specify conditions of approval (e.g. Purchase Order maximum amounts).

DLG Recommendation 11

"It is considered that the Town could review its delegations in relation to the assessment of certain development applications, (i.e. Home Occupations), in an effort to expedite the process and improve efficiency in dealing with applications."

CEO's Comments:

This recommendation has already been completed. At the Ordinary Meeting of Council held on 9 March 2010 the Council approved of this delegation for minor development applications.

(d) New delegations

A new delegation 6.17 – "Authority to Approve Heritage Grants", has been included. This delegation formalises the current practice of the Director Development Services making recommendations for the Town's Heritage Grants, as part of the Town of Vincent Heritage Assistance Fund – which is approved by the Chief Executive Officer.

LEGAL/POLICY:

Section 5.42 of the Local Government Act 1995 gives power to a Council to delegate to the CEO the exercise of its powers and functions; prescribes those functions and powers which cannot be delegated; allows for a CEO to further delegate to an employee of the Town; and states that the CEO is to keep a register of delegations. The delegations are to be reviewed at least once each financial year by the Council and the person exercising a delegated power it to keep appropriate records.

Quarterly reports detailing the administration's use of delegations are reported to the Council as follows:

Period	Report to Council
1 January – 31 March	April
1 April – 30 June	July
1 July – 30 September	October
1 October – 31 December	February

Section 5.46(2) of the Local Government Act 1995 requires the Council is to carry out a review of its delegations at least once every financial year.

The person to whom a power or duty is delegated is to keep records in accordance with the Act and Regulations.

STRATEGIC IMPLICATIONS:

The use of delegations is in keeping with the Council's Strategic Plan 2009-2014 – Leadership, Governance and Management, Objective 4.1.2 – *“Manage the Organisation in a responsible, efficient and accountable manner.”*

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The review of the Delegated Authority Register has resulted in a more concise and clearer document, which is easier to understand and removes ambiguity. As previously stated, the delegations are identical to the 2010/11 delegations, with only one new delegation (No. 6.17).

Accordingly, it is recommended that the Council endorse the review and approve of the Delegated Authority Register 2010/11.

9.4.3 Federal Government – Regional and Local Community Infrastructure Programme (RLCIP) 2010 - 2011

Ward:	All	Date:	6 July 2010
Precinct:	All	File Ref:	FIN0194
Attachments:	-		
Reporting Officers:	M Rootsey, Director Corporate Services; R Lotznicker, Director Technical Services		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council;

- (i) **RECEIVES** the report concerning the Federal Government Regional and Local Community Infrastructure Programme (RLCIP) Round Three 2010-2011;
- (ii) **NOTES** that the Town of Vincent has been advised that it will receive the same amount of funding as received in (RLICP) Round 2 - \$65,000; and
- (iii) **APPROVES BY AN ABSOLUTE MAJORITY:**
 - (a) to amend the Town of Vincent Budget 2010/2011 to include the Federal Government Grant of \$65,000; and
 - (b) the following project to be carried out during the 2010/2011 financial year using the RLCIP Round Three funding:

Priority No. 1 Outdoor Exercise Equipment for Reserves as listed:

- *Forrest Park;*
- *Britannia Road Reserve;*
- *Charles Veryard Reserve;*
- *Les Lillyman Reserve; and*
- *Beatty Park Reserve; or*

Priority No. 2 Charles Veryard Reserve Playground.

Moved Cr Maier, Seconded Cr Burns

That the recommendation be adopted.

Debate ensued.

Cr Farrell departed the Chamber at 8.30pm.

Debate ensued.

Cr Farrell returned to the Chamber at 8.31pm.

Debate ensued.

AMENDMENT

Moved Cr Maier, Seconded Cr Burns

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

“(iii)(b)...~~Priority No. 2—Charles Veryard Reserve Playground.~~”

AMENDMENT PUT AND CARRIED (8-0)

(Cr Topelberg was on approved leave of absence.)

Debate ensued.

**MOTION PUT AND CARRIED
BY AN ABSOLUTE MAJORITY (7-1)**

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

(Cr Topelberg was on approved leave of absence.)

COUNCIL DECISION ITEM 9.4.3

OFFICER RECOMMENDATION:

That the Council;

- (i) ***RECEIVES the report concerning the Federal Government Regional and Local Community Infrastructure Programme (RLCIP) Round Three 2010-2011;***
- (ii) ***NOTES that the Town of Vincent has been advised that it will receive the same amount of funding as received in (RLICP) Round 2 - \$65,000; and***
- (iii) ***APPROVES BY AN ABSOLUTE MAJORITY:***
 - (a) ***to amend the Town of Vincent Budget 2010/2011 to include the Federal Government Grant of \$65,000; and***
 - (b) ***the following project to be carried out during the 2010/2011 financial year using the RLCIP Round Three funding:***

Priority No. 1 Outdoor Exercise Equipment for Reserves as listed:

- ***Forrest Park;***
- ***Britannia Road Reserve;***
- ***Charles Veryard Reserve;***
- ***Les Lillyman Reserve; and***
- ***Beatty Park Reserve.***

PURPOSE OF REPORT:

To inform the Council that the Town of Vincent received \$65,000 in the recent announcement by the Federal Government to commit \$100 million of infrastructure grants to local governments across Australia as part of the Regional and Local Community Infrastructure Programme 2010/2011 and approve a project which meets the guidelines.

BACKGROUND:

On the 18 June 2010 the Australian Government announced additional funding of \$100 million for the Regional and Local Community Infrastructure Programme (RLCIP) in 2010/2011. It will assist councils to build and modernise community libraries, community centres and sports grounds.

This investment is intended to support local jobs and provide long term benefits to communities by assisting councils to build and modernise local infrastructure.

Round Three of the RLCIP provides a non-competitive, direct allocation of \$100 million to be shared amongst all local governments.

DETAILS:

Guidelines

The guidelines for the third round of the RLCIP have been released – these are “*Laid on the Table*”.

Projects to be considered for Approval:

Since the Town received the correspondence of notification of this third round of grants the Chief Executive Officer and Directors have reviewed a number of projects which have met the guidelines.

The projects listed for consideration are as follows:

Project 1: Exercise Equipment for various Reserves – Priority No. 1

Estimated Cost: \$65,000

Description: It is proposed that ten (10) new items of 'Outdoor Exercise Equipment' are to be installed within the Parks/Reserves listed below.

- Forrest Park;
- Britannia Road Reserve;
- Charles Veryard Reserve;
- Les Lillyman Reserve; and
- Beatty Park Reserve.

All of the above parks and reserves listed have previously been identified for the installation of "Outdoor Gym Equipment" following requests from residents, general public or precinct groups.

This range of Outdoor Gym Equipment has been developed to provide a complete exercise work out, thus encouraging physical activity for a wide range of age groups. Each item is accompanied by instructional signage to ensure the equipment is used in a safe and effective manner.

Below is range of Outdoor Gym Equipment that is currently available and will be used at the above locations.

- Ezy Rider;
- Butterfly Press;
- Ab/hip Swinger;

- Rowing Machine;
- Stepper;
- Cross Trainer;
- Leg Press;
- Ab Cruncher; and
- Quad Roll.

With health issues relating to our current lifestyle the installation of this "Outdoor Exercise Equipment" will increase the opportunity for people to develop their physical fitness whilst visiting one of the Town's Parks or Reserves.

Project 2: Charles Veryard Playground – Priority No. 2

Estimated Cost: \$65,000

Description: The playground is located at the eastern corner of Charles Veryard Reserve, currently there is an old combination unit and some other features that are due to be removed and replaced.

This playground is ideally located on the Town's Wetlands Heritage Trail/Greenway link and is surrounded by beautiful shade trees thus eliminating the need to provide any shade sail structure.

The proposed new playground will meet all Australian Safety Standards and consist of a new combination playground unit comprising of a climbing wall, slide, clatter bridge, stairs, ladders, shop front with window, tunnel, serpent challenger, track ride , ropes and landing decks.

The combination unit along with new swings will provide varied and challenging entertainment for all age groups.

An essential element of playground safety is to provide easy access to the playground equipment, also to keep the playground surface free of sharp objects. With this in mind the old sand within the playground pit will be removed and new rubber soft fall will be installed, this surface will achieve all of the objectives required for new playground construction and improve accessibility.

The Town's Chief Executive Officer and Directors have listed two projects, with Priority 1 and 2.

The closing date for the nomination/submission of projects for this round of funding is 31 July 2010.

CONSULTATION/ADVERTISING:

N/A.

LEGAL/POLICY:

The funds are required to be used in accordance with the guidelines.

An Absolute Majority decision of the Council is required to amend the Budget 2010-11.

STRATEGIC IMPLICATIONS:

Plan for the Future – Strategic Plan 2009-2014 – Key Result Area 1 – Natural and Built Environment:

“1.1.5 Enhance and maintain parks and community facilities; and

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

Key Result Area 4 – Leadership, Governance and Management:

“4.2.1 Provide quality services with the best use of resources.”

SUSTAINABILITY IMPLICATIONS:

External funding for a large infrastructure project will increase the Town’s financial capacity to deliver projects within budget and enhance the local economy and social well-being of its residents.

FINANCIAL/BUDGET IMPLICATIONS:

This report relates to potential funding for infrastructure projects at the Town from the Federal Government. As the Town was advised of the details in late June 2010, it was too late to be included in the Draft Budget 2010-11. The Town’s budget will need to be amended to reflect the grants monies which will be received.

COMMENTS:

The Federal Government Grant is most welcomed and will enable the Council to approve of bringing forward projects, which will generate employment, stimulate the economy and also benefit the community.

9.4.4 Sustainability Advisory Group – Revised Terms of Reference

Ward:	Both Wards	Date:	5 July 2010
Precinct:	All Precincts	File Ref:	ORG0079
Attachments:	001		
Reporting Officers:	V Cusack, Sustainability Officer R Boardman, Director Development Services John Giorgi, Chief Executive Officer		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council;

- (i) **APPROVES BY AN ABSOLUTE MAJORITY to amend the Sustainability Advisory Group – Terms of Reference, as shown in Appendix 9.4.4; and**
- (ii) **subject to clause (i) being approved, REQUESTS the Chief Executive Officer in liaison with the Sustainability Advisory Group to:**
 - (a) **prepare a Climate Change Strategy (as a priority), and this be reported to the Council no later than December 2010; and**
 - (b) **review and update the Town’s Sustainable Environment Plan 2007-2012 (as a priority), and this be reported to the Council no later than December 2010.**

COUNCIL DECISION ITEM 9.4.4

Moved Cr McGrath, Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED
BY AN ABSOLUTE MAJORITY (8-0)

(Cr Topelberg was on approved leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to obtain the Council’s approval for an amended version of the Sustainability Advisory Group (SAG) Terms of Reference for approval and to request the Town’s Administration to prepare a Climate Change Strategy (as a priority) and review and update the Town’s Sustainable Environment Plan 2007-2012.

BACKGROUND:

The Town’s Sustainability Advisory Group (SAG) was established as an Advisory Group on 24 June 2003. Since that time, sustainability has evolved into a mainstream issue at a local, national and international level. Social, environmental and economic considerations are now central to the core functions of Local Government throughout Australia.

In recognition of the above, the Town's Administration formed an internal Sustainability Working Group (SWG) that meets when required to ensure sustainability issues are considered and incorporated into the Town's strategies, policies and plans. The SWG is jointly chaired by the Director Technical Services and Director Development Services and comprises most of the Town's other senior officers, including the Director Corporate Services and Managers from the key service areas, to ensure representation and input across the organisation. This guarantees a multi-faceted approach to sustainability beyond the traditional triple bottom line to include the key area of governance.

In late 2009, the SWG conducted an internal evaluation of the Town's progress towards sustainability by applying the *NSW Local Government Sustainability Health Check (SHC)*. The SHC revealed that the Town is practicing sustainability quite well, but could perhaps better articulate and publish more of its achievements.

SAG

The SAG membership changed following the Local Government Election in October 2009 with the appointment of new Council Members and community representatives. The SAG met on 19 April 2010 and indicated a desire to focus more on sustainability initiatives that have clear community benefits. Since 2003, the SAG Terms of Reference (TOR) have essentially remained the same and the group considered it prudent to update and modernise them to reflect the changing times.

DETAILS:

The SAG provided general comment on the groups TOR at the meeting held on 19 April 2010, which included the need to focus on the functions in clause 6.4 first, and that the scope of the terms of reference relating to sustainability was quite broad. The SAG met on 17 May 2010 and discussed a draft TOR and made some suggestions for consideration by the Town's Officers when providing a report to the Council.

The Officers review of the SAG's TOR presented an opportunity to streamline the roles of the internal SWG and the SAG in order to avoid unnecessary duplication and to maximise the efficiency of both groups.

Rationale for Streamlining the Role and Functions of Each Group

The Role of the SWG

As stated above, the SWG comprises Senior Officers and focuses *inter alia* on embedding the social, economic, environment and governance sustainability aspects into the Town's integrated strategic planning and service delivery frameworks, that include the Town's adopted strategies policies and Town Planning Scheme.

The Role of the SAG

When the SAG was formed in 2003, its main objective was to act in an advisory capacity in sustainability matters pertaining to environmental (natural and built), social and economic issues as requested by the Council. However, very few items were referred to the Advisory Group and therefore very few meetings were held.

Strategic Planning Framework

The Town's Plan for the Future Strategic Plan 2009 – 2014 has been structured along the triple bottom line plus one sustainability principles of Environmental, Social, Economic and Governmental themes. The Town's four key result areas in the Strategic Plan are:

1. Natural and Built Environment;
2. Economic Development;
3. Community Development; and
4. Leadership, Governance and Management.

There are therefore numerous strategic objectives within the four key areas requiring ongoing strategic planning, action planning and regular updating.

Comprehensive Environmental Issues

The significance of a range of environmental issues for the various levels of government and the community has become more prominent in recent years. Some of these issues include climate change, energy efficiency, water conservation and waste management to name a few. Climate change for example, is an issue that local governments across Australia have been actively involved in. Since the termination of the International Council for Local Environmental Initiatives (ICLEI)/Cities for Climate, the Town needs to identify the best way to proceed with climate change adaptation and mitigation strategies.

There is also the related issues of energy efficiency, lower rainfall and the need for water conservation, transport and waste management, as well as biodiversity and the natural environment.

Amended Terms of Reference

The main functions of SAG in clause 6.3 of the draft TOR would be to *“Provide comments and recommendations to the Council on sustainability matters. These may include, but are not limited to:*

- (i) *Climate Change;*
- (ii) *Environmental Issues (including Sustainable Environment Plan 2007-2012);*
- (iii) *Sustainable Building Design;*
- (iv) *Energy Efficiency;*
- (v) *Sustainable Transport;*
- (vi) *Biodiversity;*
- (vii) *Waste Management;*
- (viii) *Water Sensitive Urban Design; and*
- (ix) *Strategic Social and Economic Development Matters.*

The SAG suggested other relatively minor word changes to the TOR, which are not considered necessary at this stage. The Town's Officers, therefore, support the list of matters for clause 6.3 of the draft TOR as outlined above.

2010 International Climate Change Adaptation Conference

As the Council is aware, the Chief Executive Officer attended the International Climate Change Adaptation Conference in late June 2010. A report is currently being prepared, as required by Council policy. However, as this report relates to sustainability matters, which includes Climate Change, it is appropriate to recommend to the Council concerning this matter.

The Chief Executive Officer is of the opinion that it is important for the Council to consider Climate Change and also to adopt a Climate Change Strategy.

Sustainable Environment Plan 2007-2012

The Town's Sustainable Environment Plan 2007-2012 is in need of review as there have been a number of changes since its adoption in 2007. These changes include the employment of a Sustainability Officer, within the Town's Planning, Building and Heritage Service Section – Strategic Planning Unit and also the redefining of the role for the Project Officer – Environment located with the Technical Services directory. Whilst both these persons have a strong synergy, the Sustainability Officer's role is to consider matters of a strategic nature whilst the Project Officer – Environment's new role is to focus on environmental issues primarily of a Technical Services nature.

In addition, there have been a number of policy changes which impact on the Sustainable Environment Plan 2007-2012 such as the adoption of the Strategic Waste Minimisation Plan 2008 – 2013 and participation in the ICLEI Water Campaign.

The Chief Executive Officer therefore considers it important to review and update the Sustainable Environment Plan 2007-2012 and this could be referred to the SAG to consider and provide advice.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

Advisory Groups do not have any legal standing under the *Local Government Act 1995* and therefore cannot make decisions. Their role is to provide advice to the Council via the Town's Administration on matters which the Council has referred to the Advisory Group for consideration.

Town of Vincent Local Planning Strategy

The Town of Vincent Local Planning Strategy contains matters relating to sustainability at Part Two. It also refers to the State Sustainability Strategy September 2003 and State Planning Strategy December 1997.

STRATEGIC IMPLICATIONS:

Strategic Plan 2009 –2014 states:

“Natural and Built Environment

Objective 1.1. Improve and maintain the environment and infrastructure,

1.1.4 Minimise negative impacts on the community and the environment,

1.1.5 Enhance and maintain parks, landscaping and community facilities,

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

SUSTAINABILITY IMPLICATIONS:

The recommended list of sustainable environment issues in clause 6.3 of the attached draft TOR will assist with the Town's best endeavours to meet the needs of current and future generations.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

In light of the above, it is recommended that the Council approves the draft amended Terms of Reference.

9.4.5 International Cities, Town Centres and Communities Society Conference

Ward:	-	Date:	5 July 2010
Precinct:	-	File Ref:	ADM0031
Attachments:	001		
Reporting Officer:	R Boardman, Director Development Services		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council APPROVES the Director Development Services, Robert Boardman and up to one (1) Council Member, to attend the “International Cities, Town Centres and Communities Society 2010 Conference” to be held at the Opal Cove Convention Centre, Coffs Harbour, New South Wales from 12 October 2010 to 15 October 2010, at an estimated cost of \$2,529 for speaker registration and \$2,729 for member registration.

Moved Cr Burns, Seconded Cr Farrell

That the recommendation be adopted.

The Presiding Member, Mayor Catania called for nominations.

Debate ensued.

Cr McGrath nominated to attend subject to confirmation as to whether he was available at the time.

No other nominations were received.

MOTION PUT AND CARRIED (8-0)

(Cr Topelberg was on approved leave of absence.)

COUNCIL DECISION ITEM 9.4.5

That the Council APPROVES the Director Development Services, Robert Boardman and Cr McGrath (subject to his availability at the time), to attend the “International Cities, Town Centres and Communities Society 2010 Conference” to be held at the Opal Cove Convention Centre, Coffs Harbour, New South Wales from 12 October 2010 to 15 October 2010, at an estimated cost of \$2,529 for speaker registration and \$2,729 for member registration.

PURPOSE OF REPORT:

The purpose of this report is to obtain the Council's approval for the Director Development Services, Rob Boardman, and up to one (1) Council Member to attend the “International Cities, Town Centres & Communities Society Conference” from Tuesday 12 October to Friday 15 October 2010 to be held in Coffs Harbour.

BACKGROUND:

The ICTCCS primary aims are:

To enhance the quality of life of inhabitants of cities, towns and communities.

To assist cities, towns and communities to be as environmentally, socially and economically sustainable as possible.

To bring together the required visionary professionals to discuss the challenges of replacing sprawl with compact environmentally, socially and economically acceptable environments.

To facilitate world best practices in the planning, development and management of cities, towns and communities and particularly the planning, development and management of public spaces and infrastructure.

The aims of the conference are:

- *To discuss the latest developments in urban design, planning development project management and sustainability on an international and domestic basis.*
- *Mix with professionals from varying backgrounds in a true cross disciplinary event.*
- *Provide access to and hands on experience from domestic and international specialists.*
- *Provide domestic and international case studies for discussion and analysis.*

Following the award presentation by the National Local Government Association for the Town's Vincent Liquor Accord to the Town of Vincent, the Director Development Services has been invited to present a paper to the ICTCCS. Mr. Boardman will present a paper at the Conference on the 'Vincent Liquor Accord – a Community Approach to Socialising with Safety in Bars, Pubs and Clubs'. The presentation will detail the strategies that have been adopted by the Accord and provide insight as to how other local authorities can establish a successful liquor accord.

DETAILS:

A copy of the Conference programme is attached at Appendix 9.4.5.

The model adopted by the Vincent Liquor Accord has received praise from WA Police and the WA Drug and Alcohol Office, as well as resulting in the Accord being presented with a 'Highly Commended' Award from the Injury Control Council of WA.

This presentation will detail the strategies that have been adopted by the Accord and provide insight as to how other local authorities can establish a successful liquor accord.

The conference itinerary is as follows:

Tuesday, 12 October 2010	Optional Special Interest Group (SIG) Sessions
Wednesday, 13 October 2010	Plenary and concurrent sessions
Thursday, 14 October 2010	Plenary and concurrent sessions
Friday, 15 October 2010	Optional Field Trips.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

Council's Policy 4.1.15 – "*Conferences & Training – Attendance, Representation, Travel & Accommodation Expenses and Related Matters*" – Clause 1.1 (i) states;

"(i) *When it is considered desirable that the Council be represented at an interstate conference, up to a maximum of one Council Member and one Officer may attend;*"

The Director, Development Services Contract of Employment entitles him to attend one interstate conference per annum.

STRATEGIC IMPLICATIONS:

In keeping with the Town's Strategic Plan 2006-2011 – Objective 4.2 - "*Provide a positive and desirable workplace*"; in particular, 4.2.4 (b) "*Enhance employee empowerment, professional development and job satisfaction and create a workplace that encourages and rewards innovation, implements best practice, and positions the Town as an Employer of Choice*".

FINANCIAL/BUDGET IMPLICATIONS:

Cost per person

Full Conference registration	\$ 695.00
Economy Airfare (approx)	\$ 700.00
Accommodation and meals	\$1134.00
Total:	\$2529.00 (approx.)

The Director Development Services is presenting a paper at the conference, therefore the registration fee is reduced from \$895.00 to \$695.00. The total estimated costs for a Council Member to attend will be \$2729.00.

COMMENTS:

It is recommended that approval be granted for the Director Development Services to attend the conference being held by the *International Cities, Town Centres & Communities Society* from Tuesday 12 October to Friday 15 October 2010 to be held in Coffs Harbour and to present the 'Vincent Liquor Accord – a Community Approach to Socialising with Safety in Bars, Pubs and Clubs'.

The Presiding Member, Mayor Catania advised that the Chief Executive Officer declared a financial interest in Item 9.4.7. He departed the Chamber at 8.45pm. He did not speak on this matter.

The Director Development Services assumed the Chief Executive Officer's chair at 8.45pm.

9.4.7 Chief Executive Officer's Performance Review 2010 - Appointment of Human Resources Consultant

Ward:	-	Date:	7 July 2010
Precinct:	-	File Ref:	-
Attachments:	-		
Reporting Officer:	John Giorgi, Chief Executive Officer		
Responsible Officer:	John Giorgi, Chief Executive Officer		

Disclosure of Financial Interest:

The Chief Executive Officer, John Giorgi has disclosed a financial interest in this item. The extent of his interest being, that it relates to his Contract of Employment.

OFFICER RECOMMENDATION:

That the Council APPROVES of engaging Human Resource Consultant, Mr John Phillips of WALGA's Business Solutions to assist in conducting the Chief Executive Officer's (CEO's) Performance Review 2010, as detailed in this report, at a maximum cost of \$3,000 (incl. GST).

COUNCIL DECISION ITEM 9.4.7

Moved Cr Lake, Seconded Cr Farrell

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED (8-0)

(Cr Topelberg was on approved leave of absence.)

The Chief Executive Officer returned to the Chamber at 8.46pm. The Presiding Member, Mayor Catania advised that the item was carried.

PURPOSE OF REPORT:

The purpose of the report is to obtain Council approval to engage a consult to assist in conducting the CEO's Performance Review 2010.

BACKGROUND:

At the Ordinary Meeting of Council held on 13 October 2009, the Council resolved (in part) as follows;

"...(ii) APPROVES of:

- (a) revised Performance Criteria and Indicators (Schedule B), as shown in Appendix 1, for the 2009/2010 review period;

- (b) *the Deed of Contract of Employment Clause 5.4.1(a) to be amended to vary the review process to provide for the annual performance review to be measured against the following Key Result Areas:*
- *Governance, Compliance and Organisational Management;*
 - *Customer Service;*
 - *Relationships; and*
 - *Strategic Plan and Major Projects;*
- (c) *a Performance Bonus of \$15,000 to be paid to the Chief Executive Officer for the period 2008/2009, in recognition of the appraisal process outcome, and in accordance with clause 12.3 of the Deed of Contract of Employment;*
- (d) *the Performance Bonus for the period 2009/2010 to be set to a maximum of \$20,000;*
- (iii) *NOTES the next review of the Chief Executive Officer's performance is to be conducted by August 2010."*

REVIEW PROCESS

The Contract of Employment incorporates clauses which require the Council to determine the most suitable method for conducting the annual review and includes the use of an external person to assist in conducting the CEO's Annual Performance Review. The performance review process is similar to previous years and consists of the following:

1. Council to determine the most appropriate method of conducting the CEO's annual review and this process will now include the use of an external consultant in conjunction with the Mayor and Councillors;
2. CEO to prepare annual performance review within twenty (20) working days of the anniversary of the CEO's commencement with the Town (i.e. 8 August 2004) or date to be agreed;
3. CEO and external consultant (Reviewing Person) to meet to discuss the process and timing;
4. CEO to present report to external consultant (Reviewing Person) and Mayor;
5. External consultant (Reviewing Person) to review and assess CEO's review report assessing the performance measured against the position description, performance criteria, key result areas;
6. "External Consultant (Reviewing Person)" will offer each Council Member the opportunity to provide a written response and also the opportunity of an interview concerning the Employee's performance (noting the Council Members need not provide a written response);
7. A summary of the Council Member responses on the Performance Criteria and Indicators and Key Result Areas will be prepared and the results will be jointly discussed between the Reviewing Person, the Mayor and the Employee. If performance in any of the Performance Criteria and Indicators, Key Result Areas and responsibilities prescribed in clause 5.4(a) is considered unsatisfactory by either party, specific examples illustrating the performance gap must be identified, in writing;"

8. A summary of the Council Members' responses will be prepared and discussed jointly between the external consultant (Reviewing Person), Mayor and CEO (and Councillors, if required);
9. CEO is provided with an opportunity to comment on the report;
10. The external consultant (Reviewing Person) and Mayor to jointly prepare a report within fourteen (14) working days of the interview and the report to be signed by all parties to be presented to Council within twenty (20) working days of the interview date.

Indicative Timeline

An indicative timeframe has been prepared as follows:

Item	Indicative Timeline	Indicative hours
1. Report to Council seeking approval to use External Consultant	13 July 2010	-
2. Initial meeting with CEO to discuss timeline and format	14-16 July 2010	1hr approx
3. Consultant to review of CEO's Review Report	26-30 July 2010	2hrs approx
4. Consultant to issue the CEO's questionnaire to Council Members	2-6 August 2010	1hr approx
5. Collation of Council Members' responses and follow-up, if required (*conduct interviews, if any, by 13 August 2010)	9-13 August 2010	3hrs approx
6. Preparation of Council Members' responses Summary Report for discussion with CEO	16-20 August 2010	2hrs approx
7. Meeting with CEO to discuss Council Members' Summary Report	23-27 August 2010	1hr approx
8. Meeting with Mayor (and Councillors, if required) to discuss Council Members' Summary Report	27 August-3 September 2010	2hrs approx
9. Preparation of CEO report to Council and liaison with Mayor	6-10 September 2010	3hrs approx
10. Final meeting with CEO to discuss final Report, any recommendations and areas of interest, etc	13-15 September 2010	1hr approx
11. Report to Council	21 September 2010	-
	Total	16hrs approx

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

The Local Government Act 1995, Section 5.39 requires that Senior Employees are to be governed by a written contract. (The Town's CEO and Executive Managers are designated Senior Employees.)

It is a legal requirement that each Contract of Employment contains sufficient information to enable the Officer to effectively carry out his responsibilities. Under Section 5.38, each employee is to be reviewed at least once in every of their employment.

This matter is to be treated as a Confidential Item as it relates to an employee. Section 5.23 of the Local Government Act 1995 allows for matters relating to employees to be considered on a confidential basis.

STRATEGIC IMPLICATIONS:

This proposal is in keeping with the Town's Strategic Plan 2009-2014, Objective 4 "*Leadership, Governance and Management*", in particular, 4.2.4 "*Attract and retain quality employees and encourage career development.*"

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

A written quotation was obtained from WALGA to conduct the CEO's performance review as detailed in this report. An amount of \$3,000 (incl. GST) has been quoted – this quotation is the same as 2009. Any interviews (in person or telephone) will be an additional cost of \$120 (incl. GST) per hour (which includes any travelling time). Mr Phillips of WALGA has assisted Council in conducting the CEO's Performance Review since 2004.

The actual cost for the 2009 consultancy was \$3,000 (incl. GST).

COMMENTS:

The proposed CEO Review Process is in keeping with the Council decision of 13 October 2009 and the CEO's Contract of Employment.

9.4.8 Motion to Rescind or Change a Council Decision – Amendment No. 72 to Planning and Building Policies – Draft Amended Policy Relating to Multiple Dwellings

Ward:	Both	Date:	7 July 2010
Precinct:	All Precincts	File Ref:	PLA0213
Attachments:	-		
Reporting Officer:	John Giorgi, Chief Executive Officer		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That;

- (i) *the Council, at its Ordinary Meeting held on 22 June 2010 (Item No. 9.1.5, Clause (i)(b)), decided (in part) that:*

“... (i)(b) Page 3 to 5 of 10 be amended to read as follows:

“(10) ...

<u>Major Road</u>	<u>Residential Zoning</u>	<u>Maximum height along major road</u>	<u>Maximum height within the site</u>	<u>Maximum height to adjoining residential</u>
<u>Beaufort Street</u>				
	<u>R80</u>	<u>2 storeys (3 storeys where appropriate)</u> <u>4 storeys</u>	<u>5 storeys</u>	<u>2 storeys (3 storeys where appropriate)</u> <u>4 storeys- 2 storeys (3 storeys where justified)</u>
<u>Charles Street</u>				
	<u>R60</u>	<u>2 storeys (3 storeys where appropriate justified)</u>	<u>3 storeys</u>	<u>2 storeys (3 storeys where appropriate justified)</u>
	<u>R80</u>	<u>2 storeys (3 storeys where appropriate)</u> <u>4 storeys</u>	<u>5 storeys</u>	<u>2 storeys (3 storeys where appropriate)</u> <u>4 storeys- 2 storeys (3 storeys where justified)</u>
<u>Fitzgerald Street</u>				
	<u>R60</u>	<u>2 storeys (3 storeys where appropriate justified)</u>	<u>3 storeys</u>	<u>2 storeys (3 storeys where appropriate justified)</u>
<u>Loftus Street</u>				
	<u>R60</u>	<u>2 storeys (3 storeys where appropriate justified)</u>	<u>3 storeys</u>	<u>2 storeys (3 storeys where appropriate justified)</u>

<u>Newcastle Street</u>				
	<u>R80</u>	<u>2 storeys (3 storeys where appropriate)</u> <u>4 storeys</u>	<u>5 storeys</u>	<u>2 storeys (3 storeys where appropriate)</u> <u>4 storeys</u> <u>2 storeys (3 storeys where justified)</u>
<u>Oxford Street - (north of Richmond Street only)</u>				
	<u>R30</u>	<u>2 storeys</u>	<u>2 storeys</u>	<u>2 storeys</u>
	<u>R60</u>	<u>2 storeys (3 storeys where appropriate justified)</u>	<u>3 storeys</u>	• <u>Adjoining R30 – 2 storeys</u> • <u>Adjoining R40 – 2 storeys (3 storeys where appropriate justified)</u>

- (ii) *in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to in Section 5.25(e) of the Local Government Act 1995, three Council Members, namely Mayor Nick Catania, Councillor Steed Farrell and Councillor Taryn Harvey, being one third of the number of offices of members of the Council, SUPPORT this motion to revoke or change a Council decision;*
- (iii) *Councillor Steed Farrell MOVES a motion to CHANGE the decision by deleting part of Clause (i)(b) (as above) and inserting the following:*

<u>Major Road</u>	<u>Residential Zoning</u>	<u>Maximum height along major road</u>	<u>Maximum height within the site</u>	<u>Maximum height to adjoining residential</u>
<u>Beaufort Street</u>				
	<u>R80</u>	<u>2 storeys (3 storeys where appropriate)</u> <u>4 storeys</u>	<u>5 storeys</u>	<u>2 storeys (3 storeys where appropriate)</u> <u>4 storeys</u> <u>2 storeys (3 4 storeys where justified)</u>
<u>Charles Street</u>				
	<u>R80</u>	<u>2 storeys (3 storeys where appropriate)</u> <u>4 storeys</u>	<u>5 storeys</u>	<u>2 storeys (3 storeys where appropriate)</u> <u>4 storeys</u> <u>2 storeys (3 4 storeys where justified)</u>
<u>Fitzgerald Street (from Newcastle to Bulwer Streets)</u>				
	<u>R60</u>	<u>2 storeys (3 storeys where appropriate justified)</u>	<u>3 5 storeys</u>	<u>2 storeys (3 4 storeys where appropriate justified)</u>

Loftus Street				
	<u>R60</u>	<u>2 storeys (3 storeys where appropriate justified)</u>	<u>3 4 storeys</u>	<u>2 storeys (3 4 storeys where appropriate justified)</u>
Newcastle Street				
	<u>R80</u>	<u>2 storeys (3 storeys where appropriate) 4 storeys</u>	<u>5 storeys</u>	<u>2 storeys (3 storeys where appropriate) 4 storeys 2 storeys (3 4 storeys where justified)</u>
Oxford Street - (Railway Parade to Bourke Street)				
		<u>2 storeys (3 storeys where appropriate justified)</u>	<u>3 5 storeys</u>	<u>2 storeys (3 4 storeys where appropriate justified)</u>

”

- (iv) *in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to Section 5.25(e) of the Local Government Act 1995, the Council RESOLVES BY AN ABSOLUTE MAJORITY to CHANGE part of the resolution adopted by the Council at its Ordinary Meeting held on 22 June 2010 (Item 9.1.5) to that shown in clause (iii) above.*

COUNCIL DECISION ITEM 9.4.8

Moved Cr Farrell, Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

PROCEDURAL MOTION

Moved Cr Burns, Seconded Cr McGrath

That the item be DEFERRED to allow Council Members to liaise with the Director Development Services on this item and subsequently reported to the Ordinary Meeting of Council to be held on 27 July 2010.

PROCEDURAL MOTION PUT AND CARRIED (8-0)

(Cr Topelberg was on approved leave of absence.)

CHIEF EXECUTIVE OFFICER COMMENT:

On 23 June 2010, Mayor Catania, Cr Farrell and Cr Harvey submitted a motion to rescind or change part of a Council Decision for Item 9.1.5 made at the Ordinary Meeting of Council held on 22 June 2010, as detailed in the Officer Recommendation.

In accordance with the Town of Vincent Local Law relating to Standing Orders and the Local Government Act 1995 and Regulations, the motion is to be included in the Agenda of the next Ordinary Meeting of Council (that is 13 July 2010).

10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

10.1 Notice of Motion – Cr Farrell – Investigation of Safety Improvements on roads surrounding Menzies Park, Mount Hawthorn
--

That the Council;

- (i) *REQUESTS the Chief Executive Officer to assess the accident history and analyse traffic data on roads surrounding Menzies Park, Mount Hawthorn and identify and investigate any potential safety improvements; and*
- (ii) *REFERS the report to the Town's Local Area Traffic Management Advisory Group to consider and provide advice on the matter, as soon as practicable.*

COUNCIL DECISION ITEM 10.1

Moved Cr Farrell, Seconded Cr Burns

That the Motion be adopted.

Debate ensued.

MOTION PUT AND CARRIED (8-0)

(Cr Topelberg was on approved leave of absence.)

11. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil.

12. REPRESENTATION ON COMMITTEES AND PUBLIC BODIES

12.1 WALGA Nominations - WA Local Government Superannuation Plan Trustee Board; Swan River Trust; Road Safety Council; Landgate Customer Service Council; Local Health Authorities Analytical Committee; Urban Development Advisory Committee; Municipal Waste Advisory Council

Ward:	-	Date:	1 July 2010
Precinct:	-	File Ref:	ORG0045
Attachments:	001		
Reporting Officer:	M McKahey, Personal Assistant		
Responsible Officer:	John Giorgi, Chief Executive Officer		

That;

- (i) _____ *be nominated as WALGA Member - WA Local Government Superannuation Plan Trustee Board (Elected Member);*
- (ii) _____ *be nominated as WALGA Member - Swan River Trust;*
- (iii) _____ *be nominated as WALGA Member - Road Safety Council (Panel of 3 names) (Approval by Minister);*
- (iv) _____ *be nominated as WALGA Member - Landgate Customer Service Council (Urban Member);*
- (v) _____ *be nominated as WALGA Metropolitan Member - Local Health Authorities Analytical Committee (Ministerial Approval - Panel of 3 Names);*
- (vi) _____ *be nominated as WALGA Member - Urban Development Advisory Committee;*
- (vii) _____ *be nominated as WALGA Deputy Member - Urban Development Advisory Committee; and*
- (viii) _____ *be nominated as WALGA Metropolitan Member - Municipal Waste Advisory Council (Serving Officers Total of 1).*

Debate ensued.

The Presiding Member, Mayor Catania called for nominations:

Cr Maier nominated for:

- (i) WALGA Member - Swan River Trust

No further nominations were received.

Debate ensued.

DETAILS:

Please see Appendix 12.1 for further details.

NB:

NOMINATIONS FOR (i), (ii), (iii), (iv), (v), (vi) and (vii) CLOSE 5PM MONDAY 19 JULY 2010

NOMINATIONS FOR (viii) CLOSE 5PM FRIDAY 23 JULY 2010

13. URGENT BUSINESS

Nil.

14. CONFIDENTIAL ITEMS/MATTERS FOR WHICH THE MEETING MAY BE CLOSED (“BEHIND CLOSED DOORS”)

Nil.

15. CLOSURE

The Presiding Member, Mayor Nick Catania, declared the meeting closed at 9.12pm with the following persons present:

Mayor Nick Catania, JP	Presiding Member
Cr Matt Buckels	North Ward
Cr Anka Burns	South Ward
Cr Taryn Harvey	North Ward
Cr Steed Farrell	North Ward
Cr Sally Lake (<i>Deputy Mayor</i>)	South Ward
Cr Warren McGrath	South Ward
Cr Dudley Maier	North Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Development Services
Craig Wilson	A/Director Technical Services
Mike Rootsey	Director Corporate Services
Anita Radici	Executive Assistant (Minutes Secretary)
David Bell	Journalist – “ <i>The Perth Voice</i> ”

No members of the Public were present.

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 13 July 2010.

Signed:Presiding Member
Mayor Nick Catania

Dated this day of 2010