



TOWN OF VINCENT

"Enhancing and celebrating our diverse community"

MINUTES

<h2>2 DECEMBER 2008</h2>

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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 2 December 2008, 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:

Nil.

(b) Present:

Mayor Nick Catania, JP	Presiding Member
Cr Anka Burns	South Ward
Cr Helen Doran-Wu	North Ward (until approximately 7.50pm)
Cr Steed Farrell (<i>Deputy Mayor</i>)	North Ward
Cr Ian Ker	South Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Izzi Messina	South Ward
Cr Noel Youngman	North Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Development Services
Rick Lotznicker	Director Technical Services
Mike Rootsey	Director Corporate Services
Anita Radici	Executive Assistant (Minutes Secretary)
Phynea Papal	Journalist – “ <i>The Guardian Express</i> ” (until approximately 9.37pm)
Andrei Buters	Journalist – “ <i>The Perth Voice</i> ” (until approximately 9.37pm)

Approximately 44 Members of the Public

(c) Members on Approved Leave of Absence:

Nil.

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

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

1. Bruce Benson of 47 Cross Road Bedfordale – Item 9.1.10 on behalf of Mrs Gorlinski of 3 Gardiner Street, adjacent to the proposed development. Objected to the proposal as it does not comply with planning rules for privacy setbacks, overall height, plot ratio etc. Stated the proposal is large, imposing and will dominate the outlook from the pergola area at the rear of 3 Gardiner Street and the similar area at the rear of 7 Gardiner Street. Stated the proposal will be constructed on an elevated pad which will be higher than the ground level at Nos. 3 and 7, adding to its visibility also there are windows on the east side which will also overlook their backyards. Stated the Town’s website shows a photo of an unacceptable structure at the back of Mrs Gorlinski’s house and believes this should not be considered as a precedent just because it is there and should not set a basis for any additional structures in the area. Advised the existing garage is in violation of a number of

regulations and believes that it should not provide a precedent for construction of this proposal. Stated the retaining wall indicated on the southern boundary does not exist, the footing for a new retaining wall would encroach on 3 Gardiner Street and would need to be constructed with major excavation and access into 3 Gardiner Street and permission will not be given. Advised the proposal will shave Mrs Gorlinski's fruit and vegetable garden which she has had for many years and relies on for fresh supplies. Stated the proposal is capable of housing up to 4 vehicles and presents a significant fire risk. Stated the plans seem to have rather odd features and believes once engineering is carried out there may need to be significant alternations. Advised there are notes on the plans stating there will be a "sanitary sewage" which can only be interpreted as a toilet, however there are no details of that. Stated there are also sky lights in the roof above a ceiling which suggests maybe the intended purpose is something other than a garage. Believes there does not seem to be proper plans for discharging storm water and is concerned storm water may over flow into 3 Gardiner Street. Stated the new garage is located on the boundary and doesn't provide clear vision to the south as vehicles enter the right of way at the rear being a safety hazard.

2. Sondra Ramirez of 176 Palmerston Street, Perth – Petition 5.1. Stated there were 56 signatories and as inner City residents, believe it is absolutely essential for the dog off leash area at Robinson Park, it keeps everyone sane and "happy dogs equal happy neighbours". Stated there are risks to public being located on a main road right next to a children's playground and a pond. Advised they are reasonable and responsible dog owners who have no personal interest in constructing a fence however, they do see risks to the public and would like to proactively manage those with Council and need Council's support for that. Appreciates the goodwill that has been shown so far with the proposed design to construct a small section of fence along Fitzgerald Street however, as they didn't have the opportunity to input into the proposed design they don't feel it is going to fully address their concerns. Their objective is to work together with Council Officers to agree on a new design, a scaled down version of the previous proposal, but one that will keep the dogs way from the children, pond and main road. Asked for Council's guidance on the next practical steps that can be taken to try to achieve that as an outcome.
3. Frank Iemma of 53 Newcome Road, Stirling – Item 9.1.12. Stated he is co-owner of 40 Melrose Street. Stated his disappointment for the recommendation for refusal and appealed to Councillors to look at the proposal and compare the perspectives he has put in as part of the application. Stated the report deals with an existing Development Approval (DA) on the site and he has made a new DA to proposal a different façade treatment for the townhouses. Believes from the perspectives you get the outcome that is a much better solution for the streetscape. Believes the issue of whether the loft is considered a third storey is still debatable. Stated the street currently has a 3 storey building either No. 21 or 23 being a multiple dwelling development. Believes the façade treatments he is proposing are a vast improving on what is currently approved for the site. Requested the recommendation be reconsidered and support a recommendation rather than refusal.
4. Charlie Surace of 79 Auckland Street, North Perth – Item 9.1.14. Stated part of London Street is in the Eaton Locality of which has majority support of the R20 code as has been expressed by the recent submissions with a better than 85% in favour of the R20 code. Believes rezoning this part of London Street will be in conflict with the Eaton Locality Zoning which is with WAPC for final approval of R20 code. Stated if this part of London Street is allowed the higher zoning, the amenity of residents sitting behind London Street will be compromised and he will personally be effected with a proposed 2 storey to the north of his outdoor living area and now the threat of R60 just the other side of his back fence. Believes it is creating a situation where Auckland Street side properties will be their denied privacy and solar

access. Advised over the last 5 years he has been assisting North Perth Precinct Group in retaining R20 status for the whole Eaton Locality inclusive of this small stripe on London Street. Believes at present R60 has a limited height of 3 storey's however page 3 of the Town Building Policy 3.4.8 does not appear to cover this situation – difference of more than 100% in R Codes. Stated it is R20 on one side of the fence and R60 on the other, all the way down Auckland Street. Believes this is inappropriate, especially on the Auckland side as there is no dividing laneway as may be the case on the opposite side of London Street. Believes consideration must be given to more than 85% of the people in the area who want the less density of R20 and a commitment from the Town to preserve the peoples will for Easton Locality. Requested the proposal be rejected and the amenity of Auckland Street be preserved by keeping parity with the rest of the Eaton Locality.

5. David Reid of TPG, 182 St George's Terrace, Perth – Item 9.1. 2. Stated they strongly support the guidelines and amendments proposed to address the maximum cap on density, reiterated concerns raised at 4 November meeting regarding Strategic Development Sites (SDS). Believes the proposal to delete the special height considerations in relation to the SDS is a backwards step in promoting the optical development of these Significant Landmark Sites (SLS). Stated the guidelines still advocate establishing landmark sites in a stated opportunities in part 4, have a stated objective in part 6 to maximise opportunities for redevelopment of undercapitalised and underdeveloped properties and still highlight the significance of the land on corner Bulwer and William Streets, albeit now as a SLS rather than a SDS. Believes the guidelines still fail to acknowledge the other SLS such as land on the corner of Newcastle and William Streets. Stated they reiterate their comments of 4 November and request the guidelines be amended to acknowledge that the land on the corner of William and Newcastle Streets is a SLS which Council may consider greater height where acceptable levels of amenity can be maintained.
6. Rebecca Good of 71 London Street, Mt Hawthorn – Item 9.1.14 on behalf of owners of 69 and 71 London Street. Stated both owners support rezoning of London Street to R60 as it is an extremely busy road and is not conducive to family living, it is ideal for higher density housing. Appreciates concerns raised from fellow residents opposing the developments, however, this is the reason the Town has a Planning Department – who are there to only approve developments in keeping with current streetscape and are within the design codes set up by local council and government. Stated her London Street neighbours and friends, over 10 houses, none have been canvassed by the groups opposing the zoning changes nor were they personally opposed to these changes.
7. Ben Doyle of Planning Solutions, 255 Beaufort Street, Perth – Item 9.1.13 on behalf Miss Mauds owners of 136 Fitzgerald Street. Supportive of objectives of the design guidelines which aim to regenerate an inner urban area however, they consider there are aspects Council ought to reconsider in order to better achieve it's own objectives behind the design guidelines. The first relates to the proportion of residential floor space being imposed as related to the commercial floor space. Stated “on the face of it” applying a proportion sounds logical however, this is only if the commercial realities of development are ignored. Stated, by applying 66/34% residential to commercial floor space, it penalises the provision of smaller dwellings in an area that would benefit from affordable housing therefore, by providing smaller houses a developer is also then only entitled to provide less commercial floor space. Stated in contrast, by providing larger dwellings they can provide more commercial floor space i.e. a 1,000m² lot at R160 which is, the density could provide 16 multiple dwellings and if those 16 dwellings are 60m² affordable units, then it entitles the developer to provide approximately 470m² of commercial floor space however, in contrast if those same 16 dwellings, the same density are 100m² luxury apartments, then the developer can provide 790m² of commercial floor space – a win on both

accounts. Believes there is a strong disincentive to providing smaller affordable housing as the developer effectively takes “two hits”. Believes that can be easily rectified by instead of imposing a proportion, imposing a minimum density. Therefore the Town still gets its minimum residential component but a developer can provide smaller dwellings and increase commercial floor space i.e. 2 storey’s of office, that way still getting a return on the development – it is still commercially viable yet not loose out and the Town gets affordable housing. Believes the height in the area is proposed to be limited to 6 storey’s and Council has recently approved a policy which allows for 5 storey dwellings along most major roads and they believe this area is perfectly located in terms of access to services, it is an area which is likely to be substantially redeveloped in the foreseeable future and offers a good separation from lower density areas and, for that reason, they consider a height limit of 8 storey’s would be more appropriate in the sites where that height can be accommodated without impacting on the streetscape.

8. Ron Whitelaw of 33 Joel Terrace, East Perth. Presented a petition on behalf of 17 residents of Joel Terrace which represents every resident between Bramall and Westralia Street regarding parking in Joel Terrace. Stated terms of petition being, the undersigned ratepayers and residents of Joel Terrace East Perth earnestly petition the Town of Vincent to introduce 2 hour parking in Joel Terrace between Bramall and Westralia Streets. Believes for too long, employees of Western Power at 2 Joel Terrace have been using the street for all day parking and the number of employees at Western Power is also increasing. Stated it has been noticed that drivers park their car there all day and riding bikes or catching the train into the City. Requested local residents being given a 2 hour parking permit which is standard practice in other parts of the Town. Advised there is 2 hour parking already in Bramall Street and 1 hour parking in Summer Street.
9. Richard Edinger of 67 Auckland Street, North Perth – Item 9.1.14. Believes higher density housing down London Street is a very good idea. Concerned about having a 3 storey building right on his back fence and for all residents who live on the western side of Auckland Street. Stated the increase from R20 to R60 is quite extreme and is concerned where the scale and bulk of developments will be controlled. Believes the former Midland Brick site should be redeveloped in a similar way as on the corner of Charles Street and Scarborough Beach Road – commercial mixed use development.
10. Bev Lester of 124 Buxton Street, Mt Hawthorn – Item 9.1.1. Stated she is happy her neighbour is going to develop her site however, has a couple of fears to address Firstly, by the drawings it looks like the property is going to be built right on her wall and when they renovated their place, they took great delight in the wall and would hate anything happening to it. Stated the house will go right along that wall right down to the garage at the back and probably block off any light to their back terrace. Asked while the building is being demolished, if there is any damage to the wall or the area, what can be done as far as compensation? Stated a letter was sent in June or July about keeping everything in the streetscape, it says “*all development proposed within these areas is proposed to be subject to the provisions of the design guidelines*”. Asked whether that is in keeping with the ambiance of Mt Hawthorn.

The Presiding Member, Mayor Nick Catania stated the question regarding the damage due to demolition would be taken on notice, and a written reply will be sent.

11. Zoran Vucic of 17/45 Stuart Street, Perth – Item 9.1.7. Concerned the idea of an 8 storey building is being entertained just behind his back fence. Stated on the plans some balconies and windows are between 1-2m between his fence therefore there is no privacy at all. Stated there are 9 houses that will be facing the building and all 9 houses will loose their privacy as well as a lot of sun. Stated when they were buying the property, on the same block of land there were 14 two storey dwellings approved and now it is going to R160. Strongly requested rejection of the proposal as it will be horrible for the City and everyone living in the houses.

12. Fred Momea of 11 Bruce Street, Leederville – Item 9.1.11. Advised the builder designed and built the wall to the standards of the other houses built by the same builder, it was not done intentionally against Council regulations. Stated the wall was built before the legislation affecting this matter was in force in December 2007. Advised the wall is only on the side border of the property between them and the neighbour and their immediate neighbour is happy with the wall as it is. Stated all other residents he has spoken to in the area have not been in anyway unhappy with the wall. Advised the wall at the front boundary was built after consulting with Planning Officers and therefore meets Council requirements. Stated Council has advertised this issue to residents in the area and nobody has made any negative comments. Believes it would be very difficult to alter the wall as it is because the wall was built as “face brick” on the neighbours’ side in order to minimise disturbance to the neighbour and if it were to be altered, there may be a chance that the neighbours property or gardens may be damaged. Stated he has seen new developments in the Town that have similar walls of similar heights.
13. David Boswell of 7 Elgin Close Ballajura – Item 9.1.10, draftsman. Stated original plans were submitted to Council on 12 May and the application consisted of extending free standing double garage to triple to provide storage space. Advised preliminary discussions were held prior to submission regarding the bulk of the building structures. Stated currently there is a free standing double garage, a 45 degree roof pitch and when plans were originally submitted the bulk of the building was an issue. This was done by reducing the roof pitch and maintaining the existing ridgeline so it didn’t compromise any existing pipe restrictions or overshadowing. Stated the owners have 6 motor vehicles, 2 in the existing garage and 4 parked on the garden street verge, 3 of which are quite valuable cars and there have been past instances where break-ins occurred to the vehicles and the owners believe that a 3 car lockdown garage would provide more security. Stated the owner runs an antique furniture business in Malaga and requires sufficient storage to store various articles overnight for delivery the next day. Stated the existing fence on the boundary of No. 3 is in poor condition and is leaning into the property therefore any work would cause disruption to that. Asked for this Item to be deferred as he has been through his notes and found out that the bulk of the building has always been an issue despite having two meetings with Council in doing so. Stated he will be able to reduce the bulk of the building to comprise the 6m height setback and finds that the other reasons for the refusal can be over come.
14. John Symons representing Hansen Construction Materials of 123 Burswood Road, Victoria Park – Item 14.1. Stated Hansen would like to support the offer made by the Tribunal member to be party to the mediation session at Council Offices at the convenience of Councillors and they are prepared to do whatever they can to resolve the matter and achieve a mutually agreed outcome. Advised they are keen to avoid the cost to the Town and Hansen are proceeding to a Tribunal hearing. Assured Councillors that the additional Silo will not lead to any increased output capacity and any additional trucking movements amount to less than one per week. Stated fly ash itself is a by-product of the burning of coal for the generation of electricity, it is a replacement for cement, the manufacturer which generates a high level of CO₂ emission. Advised the ability to use fly ash in the manufacture of concrete will go some way to reducing the CO₂ production.
15. Brian Bedwell of 45 Stuart Street, Perth – Petition 5.1 and Item 9.1.7. Spoke in favour of the dog fence on Robinson Park. Stated on behalf of all people living around the development in Item 9.1.7. He hopes Council proceeds with the recommendation for refusal.

16. Mrs Vucic of 17/45 Stuart Street, Perth – Item 9.1.7. Reiterates what her husband has said and they are very upset about the proposal. Stated there will be no longer be openings on the side of the terrace houses only on the one side of the house being the backyard and, therefore, the living, kitchen, both bedrooms and bathroom areas look into the backyard, which is only about 5m deep, and then the proposed building.
17. Dorothy McGinley of 4/201 Scarborough Beach Road, Mt Hawthorn – Item 9.1.1. Stated her acknowledgement for the effort that Councillors have put in to examining the building plans of the house in Buxton Street. They are not thrilled however do accept it. Asked to be included on the information regarding any damage or responsibility to the fence.

The Presiding Member, Mayor Nick Catania stated she would be provided with a response, similar to the previous speaker on the matter.

18. Adam Levine of 19 Clieveden Street, North Perth – Item 9.1.5 on behalf of all neighbours of the subject land, namely 34 and 38 Paddington Street and 17, 19 and 21 Clieveden Street. Strongly objects to the development, not because they are anti development in principle but because they of the strong belief that the proposed development will result in a substantial negative impact on the amenity of their properties as well as the character of the neighbourhood. Believes the proposal doesn't comply with a number of the elements of the Town Planning Codes as noted in the Agenda. Stated whilst maybe not material in isolation, the cumulative effect of these non-compliances will result in a detrimental impact to their properties and set extremely bad precedent for the flouting of the Town Planning Codes. Stated there is likely to be serious loss of amenity to neighbouring properties due to the size of the bulk of the development, including loss of sunlight, wind, privacy and resulting feeling of confinement. Advised the proposal is inconsistent with the scale, style and setbacks in the neighbourhood. Stated the Town's Design Elements Policy places "*great value on residential amenity and encourages development that compliments the character of the locality*". Believes the proposal fails this important test and will lead to a density of living inconsistent with the surrounding area. Believes it is an inappropriate development for an odd shaped lot that was clearly not intended to be developed. Stated the lot was already the subject of a subdivision and SAT did previously approve this development however, that was at a time before the amendment to the Town's Codes and Policies and SAT would possibly be unlikely to approve it today. Urged Councillors to reject the application.
19. Wendy Wheatley of 20 Pendale Lane, Northbridge – Item 9.1.7. Advised of her absolute distaste and disgust that the development is even being considered. Stated the height of 8 storey's is untenable to the area, it abuts directly onto Pendal Lane which is virtually single direction laneway. Stated there is massive vehicle and pedestrian access on the laneway and access and egress is compromised on a daily basis. Believes the whole idea of the development is very bad. Understands there is need for developments and affordable housing however, she strongly urges Council to consider not allowing the proposal 8 storey or even 6 storey, 5 storey would be equal to what is currently there. Stated safety is a huge issue as there have been enormous problems down Pendal Lane in the past i.e. undesirables, fires, stabbings and it is an anti social area which needs to be reconsidered. Suggested Council take heed and note and listen to the ratepayers of the Town.
20. Elizabeth Allen Fisher of Dale Alcock Developments – Item 9.1.1. Advised if there was any damage to either the rear fence of the property or the side wall the ladies referred to, they would absolutely in every case fix up those problems and she just wanted to put that on the record. Stated although it is recommended for approval, it was recommended for approval at the last meeting and was past in for further discussion. Believes that in the R Codes they are allowed to have 60% for garage on

a 2 storey development and 50% only applies to a single storey development and they are 55.67% of the frontage therefore they haven't taken up the amount as per the R Codes. Stated her client is happy for any suggestions Council may have however, they have been liaising with Council since November last year back and forwards until it was happy with the design. Stated the ratepayer has lived there for 17 years and would like to continue living there.

21. Gillian Carlin of 21/10 Pandal Lane, Perth – Item 9.1.7. Objected to the proposal. Concerned about 8 storey height, which she believes is outside the guidelines for the Town Planning Code. Believes the height would definitely compromise privacy of the apartments facing Pandal Lane and privacy of their recreation (grassed and swimming pool area). Concerned that the only vehicle and pedestrian access of this proposal is via Pandal Lane and as pointed out tonight there are certain problems in the Lane as if you have traffic proceeding south and north on Pandal Lane, you have to be very patient and very careful and pull right over the side and hope the person coming the other way is as patient and careful as you are. Stated there are many problems in Pandal Lane in regards to the Police having been called out on numerous occasions. Advised when her apartment was bought, there was a development for the townhouses as has been stated tonight and asked what has happened to that proposal and how this has come to be? Stated in the Agenda it states that there is a supermarket on the corner of Pandal Lane and Newcastle Street which the elderly and disabled could make use of. However, that is not a Coles type supermarket – it is an Asian supermarket and although you can get bread and milk there. Anything else you need a Coles supermarket for is down at North Perth Plaza, which seems inconvenient for the disabled or elderly to access. Hopes the proposal is refused.
22. Anthony Rechichi of 218 William Street, Northbridge – Item 9.1.14. Commended the Council on the formation of the great document which puts forward good visions of what the future of some Town precincts could/ought to look like and, would therefore support the recommendation to move forward with it. Believes there are some issues that require further consideration or at least conflicts it may cause as a result of other policies that could contradict the document or not allow the strategy to be implemented in an appropriate manner. For example, in page 154 of the Strategy, the activity corridor, Oxford Street talks about the change of use that is envisaged from residential R160 to residential/commercial R100 in the future and believes by definition entails multiple dwellings. Stated a month ago the Town implemented its Multiple Dwellings Policy and when you view the majority lots along major streets like Oxford, Beaufort etc. the majority are less than 1,000m² and the Policy calls for properties to be developed in a multiple dwellings manner only above 1,000m². Believes there is a conflict there and how will the Town see itself addressing that conflict when applications are put forward? Stated a vision of the Policy/Strategy whereby only properties that a higher than 1,000m² get developed as multiple dwellings – enforcing the amalgamation of lots – which he doesn't believe is a good thing.
23. Michael Mullaney of 132 London Street, North Perth – Item 9.1.14. Stated his support for the proposed R60 rezoning and believes it will enhance the streetscape by improving the undercapitalised and underdeveloped housing stock currently present on London Street. Believes good design and good planning can only enhance the vibrancy and appeal of the Street. Stated he was never letter dropped and or door knocked in relation to the canvassing conducted on London Street residents.

24. Nicky Hunt of Duende, 662 Newcastle Street, Leederville – Item 9.1.8. Advised their purpose and main aim for Duende is to be an eating house and tapas bar restaurant with good food and wine in an ambient area providing the opportunity for patrons to also go in for a drink and enjoy the space. Requested the application be approved.

There being no further speakers, public question time was closed at approx. 6.53pm.

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. APPLICATIONS FOR LEAVE OF ABSENCE

- 4.1 Cr Doran-Wu requested leave of absence from 5 December 2008 to 2 January 2008 inclusive, due to personal commitments.
- 4.2 Cr Farrell requested leave of absence for 8 December 2008 and 15 December 2008, due to family commitments.

Moved Cr Burns, Seconded Cr Ker

That Cr Doran-Wu and Cr Farrell's requests for leave of absence be approved.

CARRIED (9-0)

5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND MEMORIALS

- 5.1 A further petition was received from Ms S. Ramirez of Palmerston Street, Perth together with 28 signatories requesting that a fence/gates be constructed on the perimeter of the "off-leash" area of Robinson Park; which would include Fitzgerald Street, part of Stuart Street and the car park of the Tennis Club – for safety reasons.

Cr Messina departed the Chamber at 6.55pm.

- 5.2 A petition was received from Mr R. Whitelaw of Joel Terrace, East Perth together with 17 signatories requesting that time restrictions for car parking be provided in Joel Terrace between Bramall and Westralia Streets.

The Chief Executive Officer recommended that both petitions be received and a report be prepared.

Moved Cr Burns, Seconded Cr Youngman

That the Petitions be received, as recommended.

CARRIED (8-0)

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

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Minutes of the Ordinary Meeting of Council held on 18 November 2008.

Moved Cr Farrell, Seconded Cr Ker

That the Minutes of the Ordinary Meeting of Council held 18 November 2008 be confirmed as a true and correct record.

CARRIED (8-0)

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

Cr Messina returned the Chamber at 6.56pm.

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

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

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

For DECEMBER 2008, the award is presented jointly to Mary Hopper, Finance Officer - Purchasing / Contracts and Kara Ball, Finance Officer - Accounts Payable in the Town's Corporate Services Section. Mary and Kara were jointly nominated by the Manager Financial Services, Bee Choo Tan for the following reasons.

The On Line Requisition (OLR) was implemented on 4 November 2008 after many months of planning and preparation. This OLR replaced the old manual system of writing out requisitions manually and sending them to Finance to be re-entered again to create a purchase order. The new OLR will expedite the payment process and also ensure that authorisation and quotations are all in compliance.

The new OLR allows cloning of existing purchase orders and therefore, saves time and improves efficiency.

Mary and Kara have both worked very hard to ensure the proper set up and training of all staff in the use of OLR. They have both used their own initiative to provide one-to-one training and testing of the module to ensure all staff are familiar with the product and also ensure a smooth transition into the OLR.

There were many unforeseeable problems with the installation of the new system, however together with IT Services, Mary and Kara worked tirelessly to identify and rectify the problems and have also prepared a manual to provide easy reference.

The Town of Vincent is the first Council in Western Australia to have the OLR of the Authority software successfully implemented and operational.

This is an excellent business improvement process and innovation. Credit must go to both Mary and Kara for a successful implementation of the OLR module. Whilst implementing the new module their current workload is still being maintained.

A lot of positive feedback has been received from the Town's staff, who are now using the OLR, including the Director Corporate Services and the Purchasing Officer at the Town's Depot.

Congratulations Mary and Kara and well done!!

Received with Acclamation!

7.2 Federal Government – Regional and Local Community Infrastructure Program – Funding

As you may recall, at the last Meeting, the Acting Mayor briefly reported on Mayor Catania's attendance at the Prime Minister's inaugural meeting of the Australian Council of Local Government.

I am now pleased to advise that;

1. the Federal Government has provided a grant of \$183,000 to the Town of Vincent.
2. the Prime Minister's Inaugural Forum was most beneficial and I was pleased to be able to meet with a number of Federal Ministers to pursue funding for major projects in the Town.
3. The networking gained with other Local Government Mayors and Presidents was invaluable

On tonight's Agenda there are several items relating to this matter - Item 9.4.7 and a Confidential Report at Item 14.2, concerning Strategic Project funding.

7.3 Town of Vincent Local Government Trading in Public Places Local Law – Amendment No. 2 – 2008

Pursuant to Section 3.12 of the Local Government Act, the Town of Vincent hereby gives notice of its intention to amend its Local Law Relating to Local Government Trading in Public Places - Item 9.4.4 on tonight's Agenda.

The purpose of this Amendment is to:

- (i) insert provisions relating to display of goods on a footpath; and
- (ii) delete Division 4, relating to the display of advertising signs on a footpath. (Note: this will be transferred to the Local Government Property Local Law.)

This matter will be advertised for six (6) weeks on a state-wide basis for public comment.

7.4 Town of Vincent Local Government Property Local Law – Amendment No. 2 – 2008

Pursuant to Section 3.12 of the Local Government Act, the Town of Vincent hereby gives notice of its intention to amend its Local Law Relating to Local Government Property - Item 9.4.5 on tonight's Agenda.

The purpose of this Amendment is to;

- (i) introduce new Clauses relating to permit applications, cancellation of permits and temporary suspension of permits;
- (ii) amend Part 6 concerning advertising signs on thoroughfares to allow for the display of advertising signs on a footpath; and
- (iii) amend Schedule 1 to include the provision for infringement notices for non-compliance with requirements for the display of signs on a footpath.

This matter will be advertised for six (6) weeks on a state-wide basis for public comment.

7.5 Town of Vincent Parking and Parking Facilities Local Law 2007 – Amendment No. 2 – 2008

Pursuant to Section 3.12 of the Local Government Act, the Town of Vincent hereby gives notice of its intention to amend its Local Law Relating to Parking and Parking Facilities - Item 9.4.5 on tonight's Agenda.

The purpose of this Amendment is to;

- (i) delete Clause 5.1 and insert a new Clause to create an offence for "no stopping on a carriageway"; and
- (ii) delete Schedule 2 and insert a new Schedule with a specific penalty of \$125 for stopping contrary to a "No Stopping" sign.

This matter will be advertised for six (6) weeks on a state-wide basis for public comment.

7.6 Opening of the Loftus Centre

It is with pleasure that I advise that in conjunction with the Minister for Sport and Recreation, Hon Terry Waldron, MLA, the State Gymnastics Centre and the redeveloped Loftus Centre were officially opened last night.

It was pleasing to see numerous representatives from Gymnastics WA, past Olympians, representatives from the State government, Department of Sport and Recreation and the community.

As you are aware, the Loftus Centre redevelopment now incorporates a purpose-built State Gymnastics Centre, a redeveloped Loftus Community Centre, redeveloped Loftus Recreation Centre and a new Town Library and Local History Centre.

I am extremely pleased to have received so much positive feedback from the Vincent Community concerning the Town's redevelopment of this facility, which is an icon in the Vincent Community.

May I again publicly thank the Council, State Government of Western Australia, Town's Officers, Belgravia and everyone else involved in the project on a job well done!

7.7 Cappuccino Festival – Angove Street, North Perth

I wish to express my congratulations, particularly to Staff, Sponsors and helpers, and delight at the very successful and widely appreciated Angove Street (Cappuccino) Festival held on Sunday 30 November, which was extremely well attended.

Both I and the Town's Administration have received numerous positive emails and phone calls, expressing satisfaction with the Festival and congratulating the Town on a great event!

May I thank the Town's Community Development Section and all involved for a most successful Festival.

7.8 Annual White Ribbons for Road Safety Campaign

I would like to draw the Councillors and Public's attention to the 2008 "White Ribbons for Road Safety" Campaign.

This campaign is to raise awareness of road safety over the Christmas Period and everyone is urged to display a white ribbon on their vehicle over this period.

Please feel free to take a White Ribbon from the Box placed in the Public Gallery.

8. DECLARATIONS OF INTERESTS

8.1 Cr Burns declared an interest affecting Impartiality in Item 9.1.4 – No. 51 (Lot: 801 D/P: 44852) Mary Street, Highgate – Proposed Partial Demolition of, and Alterations and Additions, Including Three (3) Storey Addition, to Existing Single House. The extent of her interest being that her husband and father are associated with the application in a company but not the same company as the applicant is representing in this application.

8.2 Cr Burns declared an interest affecting Impartiality in Item 9.1.7 – Nos. 146-150 (Lot: 802 D/P: 59973) Fitzgerald Street Perth – Proposed Eight-Storey Mixed Use Development Comprising Twenty (20) Single Bedroom Multiple Dwellings, Eleven (11) Two Bedroom Multiple Dwellings, Eighteen (18) Aged or Dependent Persons Dwellings, Two (2) Office Units and Associated Basement Car Parking. The extent of her interest being that she has a professional association with the owner of this application but has not had any association with this application other than in her capacity as a Councillor.

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

Nil.

10. REPORTS

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

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

Items 9.1.10, 9.1.12, 9.1.14, 9.1.2, 9.1.13, 9.1.1, 9.1.7, 9.1.11, 14.1, 9.1.5 and 9.1.8.

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

Items 9.2.4, 9.3.2, 9.4.2, 9.4.4, 9.4.5, 9.4.6 and 9.4.7.

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

Nil.

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

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

Cr Farrell	Nil.
Cr Messina	Items 9.2.2, 9.2.7 and 9.3.3.
Cr Youngman	Items 9.1.15 and 9.2.3.
Cr Ker	Nil.
Cr Doran-Wu	Nil.
Cr Lake	Items 9.2.1 and 9.2.8.
Cr Burns	Nil.
Cr Maier	Items 9.3.1 and 9.4.9.
Mayor Catania	Item 9.1.3.

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 9.1.4, 9.1.6, 9.1.9, 9.2.5, 9.2.6, 9.4.1, 9.4.3 and 9.4.10.

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

Items 14.1 and 14.2.

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

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

Items 9.1.4, 9.1.6, 9.1.9, 9.2.5, 9.2.6, 9.4.1, 9.4.3 and 9.4.10.

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

Items 9.1.10, 9.1.12, 9.1.14, 9.1.2, 9.1.13, 9.1.1, 9.1.7, 9.1.11, 9.1.5 and 9.1.8.

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

Moved Cr Farrell., Seconded Cr Ker

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

Items 9.1.4, 9.1.6, 9.1.9, 9.2.5, 9.2.6, 9.4.1, 9.4.3 and 9.4.10.

CARRIED (9-0)

9.1.4 No. 51 (Lot: 801 D/P: 44852) Mary Street, Highgate - Proposed Partial Demolition of, and Alterations and Additions, Including Three (3) Storey Addition, to Existing Single House

Ward:	North	Date:	24 November 2008
Precinct:	Hyde Park; P12	File Ref:	PRO4548; 5.2008.411.1
Attachments:	001		
Reporting Officer(s):	D Pirone		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by B M Arnold on behalf of the owner R P & M J Gray for proposed Partial Demolition of, and Alterations and Additions, including Three (3) Storey Addition, to Existing Single House, at No. 51 (Lot: 801 D/P: 44852) Mary Street, Highgate, and as shown on plans stamp-dated 4 September 2008, subject to the following conditions:

- (i) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) *any new street/front wall, fence and gate within the Mary Street setback area, including along the side boundaries within this street setback area, shall comply with the following:*
 - (a) *the maximum height being 1.8 metres above the adjacent footpath level;*
 - (b) *the maximum height of piers with decorative capping being 2.0 metres above the adjacent footpath level;*
 - (c) *the maximum height of the solid portion of the wall being 1.2 metres above the adjacent footpath level, and minimum of fifty percent visually permeable above 1.2 metres;*
 - (d) *the piers having a maximum width of 355 millimetres and a maximum diameter of 500 millimetres;*
 - (e) *the distance between piers should not be less than the height of the piers except where pedestrian gates are proposed; and*
 - (f) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (iii) *first obtaining the consent of the owners of Nos. 49 and 53 Mary 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. 49 and 53 Mary Street in a good and clean condition;*

- (iv) *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);*
- (v) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the living room 1 windows on the upper ground floor within the 6.0 metres cone of vision to the western and eastern boundaries, the balcony on the upper ground floor within the 7.5 metres cone of vision to the eastern boundary, the bedroom 1 window on the first floor within the 4.5 metres cone of vision to the western and eastern 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. 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 at Nos. 49 and 53 Mary Street respectively, stating no objections to the 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;

- (vi) *the proposed garage and workshop structure shall not be used for industrial, commercial or habitable purposes, and is for the sole personal use of the inhabitants of the main dwelling only; and*
- (vii) *prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title and Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town.*

COUNCIL DECISION ITEM 9.1.4

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED "EN BLOC" (9-0)

Landowner:	R P & M J Gray
Applicant:	B M Arnold
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R80
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	413 square metres
Access to Right of Way	South side, 5 metres wide, sealed, Town owned

BACKGROUND:

The application was the subject of Item 9.1.7 on the Agenda for the Ordinary Meeting held on 18 November 2008. However, the applicant requested the Agenda item be withdrawn for further consideration and review of the conditions placed in the Officer Recommendation. The Town's Officers subsequently met and discussed with the applicant, the above matters and the previous Agenda Report has been amended where appropriate.

DETAILS:

The proposal involves the partial demolition of, and alterations and additions, including a three-storey addition to the existing single house at the subject property.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio:	N/A	N/A	Noted.
Building Setbacks: Main Building Lower Ground Floor -East	1.5 metres	Nil	Supported – not considered to have an undue impact on and no objections received from the neighbouring property.
-West	1.5 metres	Nil	Supported – not considered to have an undue impact on and no objections received from the neighbouring property.
Upper Ground Floor -East	2 metres	Nil	Supported – not considered to have an undue impact on and no objections received from the neighbouring property.
-West	2 metres	Nil	Supported – not considered to have an undue impact on and no objections received from the neighbouring property.

First Floor -East	2.4 metres	Nil – 3.6 metres	Supported – not considered to have an undue impact on and no objections received from the neighbouring property.
-West	5.3 metres	Nil	Supported – not considered to have an undue impact on and no objections received from the neighbouring property.
Garage -East	1 metre	Nil	Supported – not considered to have an undue impact on and no objections received from the neighbouring property.
-West	1 metre	Nil	Supported – not considered to have an undue impact on and no objections received from the neighbouring property.
Buildings on Boundary	Walls not higher than 3.5 metres with average of 3 metres for 2/3 (27.45 metres) of the length of the balance of the boundary behind the front setback, to one side boundary only.	Parapet walls proposed on two boundaries. <i>Main Building</i> -East Height – 4.3 metres – 9.5 metres (average = 6.9 metres) Length = 16.1 metres -West Height – 4.3 metres – 9.3 metres (average – 6.8 metres) Length = 16.1 metres	Supported – not considered to have an undue impact on and no objections received from the neighbouring property. Supported – not considered to have an undue impact on and no objections received from the neighbouring property.
		<i>Garage</i> -East Height – 2.7 metres – 3.1 metres (average = 2.9 metres) Length = 6 metres	Supported – not considered to have an undue impact on and no objections received from the neighbouring property.

		-West Height – 2.6 metres – 3.1 metres (average = 2.85 metres) Length = 6 metres	Supported – not considered to have an undue impact and no objections received from the neighbouring property.
Articulation	Walls greater than 9 metres in length are required to incorporate vertical or horizontal articulation.	Walls on the east and west elevations are 16.1 metres with no articulation.	Supported – see “Comments”
Number of Storeys	A maximum height of two storeys is permitted in residential zones.	Three storeys at the rear of the property.	Supported – see “Comments”.
Building Height	7 metres to the top of a concealed roof.	The proposed height ranges from 7.7 metres – 9.5 metres above the natural ground level.	Supported – see “Comments”.
Privacy Setbacks: Upper Ground Floor Living Room 1 (South)	6 metres	2.5 metres to the western boundary.	Not supported – considered to have an undue impact on the neighbouring property. Condition applied for the windows to be screened.
Living Room 1 (South)	6 metres	3.9 metres to 5.5 metres to the eastern boundary.	Not supported – considered to have an undue impact on the neighbouring property. Condition applied for the windows to be screened.
Upper Ground Floor Balcony (South)	7.5 metres	3.5 metres to the eastern boundary.	Not supported – considered to have an undue impact on the neighbouring property. Condition applied for the balcony to be screened.
First Floor Bedroom 1 (South)	4.5 metres	2.5 metres to the western boundary.	Not supported – considered to have an undue impact on the neighbouring property. Condition applied for the windows to be screened.

First Floor Bedroom 1 (South)	4.5 metres	3.6 metres to the eastern boundary.	Not supported – considered to have an undue impact on the neighbouring property. Condition applied for the windows to be screened.
Consultation Submissions			
Support	Nil.	Noted.	
Objection (1)	Privacy.	Supported – all major openings to habitable rooms that are not compliant with the privacy requirements of the R Codes will be required to be screened to a minimum of 1.6 metres above the finished floor level. This includes the windows to the living room 1 and bedroom 1.	
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 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:

Building Height

The Residential Design Elements Policy refers to building height as the contribution to bulk and scale of dwellings on the streetscape and neighbouring properties. In this instance, the proposed bulk and scale is not considered to have an undue impact on the streetscape, due to the retention of the front portion of the existing house and the fact that the proposed addition begins 10.5 metres behind the existing house.

Further to the above, the Residential Design Elements Policy allows for variations to building heights under certain circumstances, including when the natural level of the site is sloping, provided that a compliant two storey height presence is maintained when viewed from the street. In this instance, the slope of the subject property is approximately 3.75 metres from the Mary Street boundary to the rear boundary. The application meets the aforementioned criteria; therefore, the variation to height requirements at the rear of the property could be considered. Whilst the three-storey element of the proposal is supported by the Town's Officers, the R Codes states that the maximum height for three-storey developments with a concealed roof shall be 10 metres. In this instance, the height ranges from 7.7 metres to the highest point proposed being 9.5 metres, which is 0.5 metre less than that required for a three-storey concealed roof.

Articulation

The Agenda Report for the 18 November 2008 Ordinary Meeting of Council indicated that the articulation requirements of the Residential Design Elements Policy would not be supported by the Town's Officers and a condition was applied in the Officer Recommendation stating the following:

“(a) the incorporation of significant horizontal or vertical articulation, such as staggering of setbacks on the eastern and western elevations;”

A further review of the application has revealed that this condition is not required and that the variation in articulation is recommended to be supported by the Council. The plans illustrate the outline of the eastern and western boundary walls in a dashed line, which indicate that most of the proposed development is built up against an existing two-storey boundary wall on the western elevation and an approved two-storey boundary wall on the eastern elevation. The part of the boundary wall that will be visible to the neighbour on the eastern side is for a length of only 3.3 metres and for 4 metres on the western side. If these visible lengths were greater than 9 metres, it would be appropriate to apply the articulation, however in this instance it is not.

Summary

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

9.1.6 No. 31 (Lot: 169 Strata Lot: 2 STR: 50152) Eton Street, North Perth - Two-Storey Grouped Dwelling

Ward:	North	Date:	24 November 2008
Precinct:	North Perth ; P08	File Ref:	PRO3209; 5.2008.440.1
Attachments:	001		
Reporting Officer(s):	E Storm		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by S Bahremand on behalf of the owner F Almassi and B Charehjoor for proposed Two-Storey Grouped Dwelling at No. 31 (Lot: 169 Strata Lot: 2 STR: 50152) Eton Street, North Perth, and as shown on plans stamp-dated , subject to the following conditions:

- (i) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) *any new street/front wall, fence and gate between the Eton Street boundary, and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) *the maximum height being 1.8 metres above the adjacent footpath level;*
 - (b) *the maximum height of piers with decorative capping being 2.0 metres above the adjacent footpath level;*
 - (c) *the maximum height of the solid portion of the wall being 1.2 metres above the adjacent footpath level, and a minimum of fifty percent visually permeable above 1.2 metres;*
 - (d) *the piers having a maximum width of 355 millimetres and a maximum diameter of 500 millimetres;*
 - (e) *the distance between piers should not be less than the height of the piers except where pedestrian gates are proposed; and*
 - (f) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (iii) *first obtaining the consent of the owners of Nos. 31A and 33 Eton Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing of Nos. 31A and 33 Eton Street in a good and clean condition;*

- (iv) *prior to the issue of a Building Licence, plans showing the proposed building footings in the sewerage easement approved by the Water Corporation shall be submitted to the Town; and*
- (v) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (a) *the windows to bedroom 2 on the western elevation and the balcony on the south eastern and eastern elevation on the upper floor being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished upper floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 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 No. 29 and 31A Eton Street and 10B Auckland Street stating no objection to the respective proposed privacy encroachments; and*
- (b) *the western and northern walls longer than 9 metres in length on the upper floor incorporating horizontal or vertical articulation.*

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

COUNCIL DECISION ITEM 9.1.6

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED "EN BLOC" (9-0)

Landowner:	F Almassi & B Charehjo
Applicant:	S Bahreman
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R30/40
Existing Land Use:	Vacant Site
Use Class:	Grouped Dwelling
Use Classification:	"P"
Lot Area:	270 square metres
Access to Right of Way	N/A

BACKGROUND:

2 April 2003 The Western Australian Planning Commission conditionally approved the survey strata subdivision of the subject property.

DETAILS:

The proposal involves the construction of a two storey grouped dwelling.

The proposed development requires consideration by the Council as the property is located within the former Eton Locality area.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Pursuant to Clause 38(5) of TPS 1 Comments
Plot Ratio	N/A	N/A	Noted
Boundary Setbacks Ground Floor - West (Alfresco)	1.5 metres	0.75 – 2.0 metres	Supported – not considered to have an undue impact on adjoining property.
Upper Floor - East	2.8 metres	1.2 metres	Supported – not considered to have an undue impact on adjoining property.
-South	2.8 metres	1.2 metres	Supported – not considered to have an undue impact on adjoining property.
-West	3.1 metres	1.4 – 5.2 metres	Supported – not considered to have an undue impact on adjoining property.
- North	3.9 metres	1.2 – 1.5 metres	Supported – not considered to have an undue impact on adjoining property.
Articulation -North (Upper Floor)	Any portion of wall greater than 9 metres in length involving a setback variation is required to incorporate articulation.	9.8 metres without articulation.	Not supported – considered to have an undue impact on the amenity of the adjoining property. Condition applied for the wall to incorporate articulation.
-West (Upper Floor)	Any portion of wall greater than 9 metres in length involving a setback variation is required to incorporate articulation.	11 metres without articulation.	Not supported – considered to have an undue impact on the amenity of the adjoining property. Condition applied for the wall to incorporate articulation.

Building Boundary on	Walls not higher than 3.5 metres with an average of 3.0 metres for 2/3 the length of the boundary behind the front setback, to one side boundary.	Two boundary walls proposed – North wall - height and length compliant. East wall - height and length compliant.	Supported – minor variation not considered to have any undue impact on the amenity of the adjoining properties. No objections received from affected adjoining landowners during advertising.
<p>Privacy Setbacks</p> <p>- Balcony (East)</p> <p>- Balcony (South Eastern)</p> <p>- Bedroom 2 (West)</p> <p>- Sitting Room (East)</p>	<p>7.5 metres to eastern boundary</p> <p>7.5 metres to southern boundary</p> <p>4.5 metres to western boundary</p> <p>6.0 metres to southern boundary</p>	<p>4 metres to eastern boundary</p> <p>4.9 metres to southern boundary</p> <p>1.4 metres to western boundary</p> <p>2.5 metres to southern boundary</p>	<p>Not supported – considered to have an undue impact on the amenity of the adjoining property. Condition applied for the balcony to be screened or obtain neighbours consent.</p> <p>Not supported – considered to have an undue impact on the amenity of the adjoining property. Condition applied for the balcony to be screened or obtain neighbours consent.</p> <p>Not supported – considered to have an undue impact on the amenity of the adjoining property. Condition applied for the window to be screened or obtain neighbours consent.</p> <p>Supported – not considered to have an undue impact on the amenity of the adjoining property. Neighbours consent to variation received.</p>
Consultation Submissions			
Support (2)	<ul style="list-style-type: none"> Consent provided for garage boundary wall and privacy encroachment to sitting room on eastern elevation. 		Noted.

Objection (1)	<ul style="list-style-type: none"> Boundary Setbacks 	Not supported – the proposed setbacks are not considered to have an undue impact on the neighbouring properties. The western setback variations are the only boundary setback variations that affect the objectors’ property, and the owners of the adjoining properties to the north and the south of the subject property have no objections to the setback variations.
	<ul style="list-style-type: none"> Privacy and Overlooking 	Supported – a condition has been applied to ensure that the proposal complies with the privacy requirements of the R Codes.
	<ul style="list-style-type: none"> Property damage due to construction 	Noted – property damage is not a planning related consideration. This is a civil matter.
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:

Town of Vincent Town Planning Scheme No. 1

The above site falls 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. 27 as follows:

- (i) Deleting the following clause:

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

- (ii) Rezoning the area to R20.

Development 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.

Conclusion

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

9.1.9 Unit 4, 5 and 6/Nos. 416-418 (Lot: 300 D/P: 30854) Oxford Street, corner Scarborough Beach Road, Mount Hawthorn - Proposed Change of Use from Office to Medical Consulting Rooms and Associated Alterations

Ward:	North	Date:	25 November 2008
Precinct:	Mount Hawthorn Centre; P02	File Ref:	PRO1767; 5.2008.428.1
Attachments:	001		
Reporting Officer(s):	D Pirone		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by STH Architects on behalf of the owner Vincorp Holdings Pty Ltd for proposed Change of Use from Office to Medical Consulting Rooms and Associated Alterations, at Unit 4, 5 and 6/Nos. 416-418 (Lot: 300 D/P: 30854) Oxford Street, corner Scarborough Beach Road, Mount Hawthorn, and as shown on plans stamp-dated 10 September 2008, subject to the following conditions:

- (i) a maximum of seven (7) consulting rooms and seven (7) practitioners is permitted to operate at the property at any one time;*
- (ii) the windows, doors and adjacent floor area facing Oxford Street and Scarborough Beach Road shall maintain an active and interactive frontage to these streets;*
- (iii) this approval is for Medical Consulting Rooms use only. Any change of use from Medical Consulting Rooms shall require Planning Approval to be applied for and obtained from the Town prior to the commencement of such use;*
- (iv) the hours of operation of the Medical Consulting Rooms shall be limited to the following times: 8.00am to 5:00pm Monday to Friday and closed on Saturday, Sundays and Public Holidays. The Town is prepared to consider extended hours provided a written request is submitted to and approved by the Town;*
- (v) the subject property is not to 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;*
- (vi) 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;*
- (vii) 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;*

(viii) *within twenty-eight (28) days of the issue date of this 'Approval to Commence Development', the owner(s) or the applicant on behalf of the owner(s) shall comply with the following requirements:*

(a) *pay a cash-in-lieu contribution of \$17,332 for the equivalent value of 6.19 car parking spaces, based on the cost of \$2,800 per bay as set out in the Town's 2008/2009 Budget; OR*

(b) *lodge an appropriate assurance bond/ bank guarantee of a value of \$17,332 to the satisfaction of the Town. This assurance bond/bank guarantee will only be released in the following circumstances:*

(1) *to the Town at the date of issue of the Building Licence for the development, or first occupation of the development, whichever occurs first; or*

(2) *to the owner(s)/applicant following receipt by the Town of a Statutory Declaration of the prescribed form endorsed by the owner(s)/applicant and stating that they will not proceed with the subject 'Approval to Commence Development'; or*

(3) *to the owner(s)/applicant where the subject 'Approval to Commence Development' did not commence and subsequently expired.*

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

(ix) *prior to the first occupation of the development, one class one or two bicycle facility plus two (2) class 3 bicycle parking facilities 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 and approved prior to installation of such facilities.*

COUNCIL DECISION ITEM 9.1.9

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED "EN BLOC" (9-0)

Landowner:	Vincorp Holdings Pty Ltd
Applicant:	STH Architects
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Commercial
Existing Land Use:	Office
Use Class:	Consulting Rooms
Use Classification:	"AA"
Lot Area:	1383 square metres
Access to Right of Way	East side, 5 metres wide, sealed, Town owned

BACKGROUND:

- 12 February 2006 The Council at its Ordinary Meeting resolved to conditionally approve the proposed demolition of the existing service station and construction of a two-storey mixed-use development comprising one (1) eating house, three (3) shops, three (3) offices and associated car parking.
- 12 September 2006 The Council at its Ordinary Meeting resolved to conditionally approve the proposed three-storey plus basement, mixed-use development comprising shops, offices, consulting rooms and four (4) multiple dwellings.

DETAILS:

The proposal involves the change of use of units 4, 5 and 6 on the first floor, from office to medical consulting rooms to provide a facility in which a full range of skin surgery can be performed.

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.
Commercial Car Parking			
Car parking requirement (nearest whole number)			= 66 car bays
Unit 1 and 2 – Shop (269 square metres of GFA) requires 17.93 car bays			
Unit 2 – Shop (165 square metres of GFA) requires 11 car bays			
Unit 3 – Consulting Room (2 Consulting Rooms) requires 6 car bays			
Unit 4, 5, 6 – Proposed Consulting Room (7 Consulting Rooms) requires 21 car bays			
Unit 7 – Office (175 square metres of GFA) requires 3.5 car bays			
Unit 8 – Office (352 square metres of GFA) requires 7.04 car bays			
Total car bays required = 66.47 car bays			
Apply the adjustment factors.			(0.6885)
<ul style="list-style-type: none"> • 0.85 (within 400 metres of a bus stop) • 0.90 (within 400 metres of a public car parking place with in excess of 50 car parking spaces) • 0.90 (the provision of “end of trip” facilities) 			= 45.44 car bays
Minus the car parking provided on-site			32 car bays
Minus the most recently approved on-site car parking shortfall.			7.25 car bays
Resultant shortfall			6.19 car bays
<p>The proposed car parking shortfall is compliant with clause 22(iii) of the Town’s Parking and Access Policy where it states that if the total requirement (after adjustment factors have been taken into account) is between 41-70 bays, a minimum of 25 per cent of the required bays is to be provided. In this instance 25 per cent of the required bays (after adjustment factors) is 11.53 car bays and 32 onsite commercial car bays have been provided.</p>			

Bicycle Parking		
Retail/Shop		
<ul style="list-style-type: none"> • 1 space per 300 square metres public area for employees (class 1 or 2) = 1.45 spaces • 1 space per 200 square metres public area for visitors (class 3) = 2.17 spaces 		
Office		
<ul style="list-style-type: none"> • 1 per 200 square metres public area for employees (class 1 or 2) = 2.64 spaces • 1 space per 750 square metres over 1000 square metres for visitors (class 3) = Nil 		
Consulting Rooms – 9 Practitioners		
<ul style="list-style-type: none"> • 1 space per 8 practitioners for employees (class 2) = 1.12 spaces • 1 space per 4 practitioners for visitors (class 3) = 2.25 spaces 		
Total class one or two bicycle spaces = 5.21 spaces		
Total class three bicycle spaces = 4.42 spaces		
<p>A condition was applied to the previous application approved by Council at its Ordinary Meeting held on 12 September 2006 to include four (4) class one or two bicycle facilities and two (2) class three bicycle facilities. Due to this, a condition has been applied to the recommendation for an additional one (1) class one or two bicycle facilities plus two (2) class two bicycle facilities to be provided.</p>		
Consultation Submissions		
Support	Nil.	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:

In light of the above, it is recommended that the Council approve the proposal, subject to standard and appropriate conditions to address the above matters and the nature of the medical consulting rooms.

9.2.5 RoadWise White Ribbons for Road Safety 2008 Campaign

Ward:	Both	Date:	25 November 2008
Precinct:	All	File Ref:	TES0173
Attachments:	-		
Reporting Officer(s):	C Wilson		
Checked/Endorsed by:	R Lotznicker	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) **RECEIVES** the report on the RoadWise White Ribbons for Road Safety 2008 campaign;
- (ii) **NOTES that:**
 - (a) *the Town's fleet vehicles will be fitted with a white ribbon for the duration of the campaign; and*
 - (b) *the White Ribbons will be displayed and distributed to the general public from the Customer Service Centre and Library and Local History Centre.*

COUNCIL DECISION ITEM 9.2.5

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED "EN BLOC" (9-0)

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of the 2008 RoadWise, "The Twelve Days of White Ribbons Christmas", for Road Safety Campaign.

BACKGROUND:

As in previous years, RoadWise, under the auspices of the Western Australian Local Government Association (WALGA) and the Road Safety Council, has invited the Town to participate in the 2008 White Ribbons for Road Safety campaign. The aim of the campaign is to raise public awareness of road safety over the 2008/09 Christmas and New Year period and is a joint WALGA and Road Safety Council initiative.

The campaign, which began in 1996 and now celebrating its twelfth year with "The Twelve Days of White Ribbons Christmas" campaign, is recognised as the major Local Government contribution to the Christmas road safety campaign.

DETAILS:

The primary objective of the annual White Ribbons campaign is to place road safety on the public agenda. The concept was developed to raise awareness of the need for all Western Australians to be responsible for their safety on the roads.

Each year during the Christmas period, the WA Local Government Association's Community Road Safety Program, 'RoadWise', distributes white ribbons throughout the community. While white crosses on the side of the road represented lives that had been lost, the white ribbon symbolises the positive efforts being made by many agencies working with the community to reduce and prevent road trauma. The campaign encourages all road users to "look out for each other", with the white ribbon being a reminder to slow down, don't drink and drive, always wear a seatbelt and avoid driving when tired.

The campaign urges people to take care on the roads and promote the White Ribbons for road safety message to friends, family and colleagues to help reduce road trauma.

This will be the twelfth White Ribbons campaign and will run from Monday, 1 December 2008 to Monday, 5 January 2009

As in previous campaigns, RoadWise are asking local governments and staff to display the large white ribbon, wear their individual white ribbons and take photos of staff and councillors promoting the *White Ribbons™ for Road Safety* message.

CONSULTATION/ADVERTISING:

The 2008 White Ribbons campaign will be launched on Monday 1 December 2008 and, in conjunction with the Road Safety Council, WALGA will be promoting it in the media.

LEGAL/POLICY:

Nil.

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area Two of the Strategic Plan 2006-2011 - 3.1 Enhance community development and wellbeing. "3.1.2 Provide and develop a range of community programs and community safety initiatives."

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

There are no costs to the Town for participation with the program.

COMMENTS:

As a symbol of the Town's commitment to road safety over the coming festive season, a white ribbon will be provided for Council Members, the Town's Officers and the public to either wear or attach to their preferred mode of transport. The campaign will run from Monday 1 December 2008 to Monday, 5 January 2008.

9.2.6 Proposed 2009 Perth Criterium Cycling Series Leederville Race - Further Report

Ward:	South	Date:	25 November 2008
Precinct:	Oxford Centre, P4	File Ref:	TES0172 & CMS0033
Attachments:	001		
Reporting Officer(s):	C Wilson		
Checked/Endorsed by:	R Lotznicker	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

(i) **RECEIVES** the further report on the proposed 2009 Perth Criterium Cycling Series Leederville Race;

(ii) **NOTES** that

(a) at its Ordinary Meeting of 26 August 2008, a report on *Trievents - Event Management and Consulting (Trievents)* proposal to conduct a four (4) race Perth Cycling Criterium Series over the 2009 Australia Day long weekend was considered;

(b) the Council approved the Town hosting the final event in the 2009 Perth Criterium Cycling Series, proposed to be held on Australia Day, Monday 26 January 2009;

(c) *Tri-event* have now requested that the Leederville Race be switched to Saturday 24 January 2009 instead of Monday 26 January 2009;

(iii) **APPROVES;**

(a) the Town hosting the second event in the 2009 Perth Criterium Cycling Series, now proposed to be held on Saturday 24 January 2009;

(b) the closure of Oxford Street, between Richmond Street and Leederville Parade, Vincent Street, between Leederville Parade and Loftus Street and Newcastle Street between Oxford and Loftus Streets, between 2.00 pm and 7.00 pm on Saturday, 24 January 2009;

(c) a Main Roads WA accredited Traffic Management contractor to carry out the required road closures as shown on attached Plan No. 2602-CP-01;

(d) funding the proposed road closures from the 2008/2009 Parades and Festivals budget allocation, conditional upon the applicant acknowledging the Town of Vincent as a sponsor in all publicity for the series; and

(e) a temporary "No Parking" restriction in the same area from 10.00 am to 7.00 pm on Saturday, 24 January 2008;

(iv) **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) places a notice of road closure in "The West Australian" Saturday 24 January 2009; and,

- (c) *letter drops all the affected residents and businesses within the circuit route and adjoining streets affected by the road closures 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;*
 - (v) *AUTHORISES the Chief Executive Officer to negotiate any other appropriate terms and conditions, including possibly waiving event fees and providing prizes for the participants; and*
 - (vi) *ADVISES the organisers "Trievents" of its decision.*
-

COUNCIL DECISION ITEM 9.2.6

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED "EN BLOC" (9-0)

PURPOSE OF REPORT:

The purpose of this report is to seek the Council's approval for the Town hosting the second, and not the fourth race of the Perth Criterium Cycling Series as previously reported, in Leederville on Saturday, 24 January 2009.

BACKGROUND:

At its Ordinary Meeting of 26 August 2008, Council received a report on *Trievents - Event Management and Consulting* (Trievents) proposal to conduct a four (4) race Perth Cycling Criterium Series over the 2009 Australia Day long weekend. In its submission, Trievents proposed that the Town would host the final race in the series on Australia Day, Monday 26 January 2009.

Having considered the report the Council resolved, in part:

"That the Council;

- (i) *RECEIVES the report on the proposed 2009 Perth Criterium Cycling Series Leederville Race;*
- (ii) *APPROVES the Town hosting the final event in the 2009 Perth Criterium Cycling Series, proposed to be held on Australia Day, Monday 26 January 2009;.....*
- (vi) *ADVISES the organisers of the Perth Criteriums "Trievents" of its decision."*

Subsequently, on 21 November 2008, the Town received a letter from Trievents requesting that the Leederville Race be switched to Saturday 24 January 2009. While their letter did not specify, it is understood that the Australia Day race would be held in the City of Perth as a prelude to the annual Australia Day fireworks.

DETAILS:

Criterion racing is widely regarded as the most exciting form of road racing competitions. It involves high speed around a tight and intimate circuit, meaning that spectators can be very close to the action.

In August 2008, and in light of the success of the 2008 Leederville Race, the Town was again approached by "Trievents" to stage the final race of the proposed 2009 series. With the support of Cycling Western Australia, they intended to hold four (4) races over the 2009 Australia Day long weekend:

- Race One (1) is proposed to take place on Friday night, 23 January 2009, and will be hosted by the City of Joondalup through the streets of the Joondalup City Centre.
- Race two (2) on Saturday 24 January, will be hosted by the City of Perth in the Northbridge area.
- Race three (3) will be held on Sunday 25 January, hosted by the Town of Victoria Park on an Albany Highway street circuit.
- **Race four (4), Leederville:** Trievents propose holding the final race, presentations and celebrations in what they refer to as "Cycling Central – Leederville" on Australia Day, 26 January 2009.

However, in November 2008, the Town received a letter from Trievents seeking the Town's agreement to hosting the second race in the series on Saturday 24 January 2009 in lieu of the fourth and final race on Australia Day, 26 January 2009, which will switch to the City of Perth and be held as a lead up to the annual Australia Day fireworks.

The revised program would be:

- Race One (1) is proposed to take place on Friday night, 23 January 2009, and will be hosted by the City of Joondalup through the streets of the Joondalup City Centre.
- **Race two (2), Leederville:** Saturday 24 January 2009, as in past years held in Oxford Street, between Melrose and Newcastle Streets, and Newcastle Street, between Oxford Street and Carr Place.
- Race three (3) will be held on Sunday 25 January, hosted by the Town of Victoria Park on an Albany Highway street circuit.
- Race four (4) on Australia Day, Monday 26 January, will be hosted by the City of Perth in the Riverside Drive foreshore area.

In respect of the Leederville Race, the details of the proposal remain the same other than the change of date. The circuit is as shown on attached Plan No. 2602-CP-01, with the racing concentrated on the Oxford Street café strip. It involves the closure of Oxford Street, between Richmond Street and Leederville Parade, Vincent Street, between Leederville Parade and Loftus Street and Newcastle Street between Oxford and Loftus Streets, from 2.00 pm to 7.00 pm.

In the previous report to Council at its Ordinary Meeting of 26 August 2008, specific mention was made about the potential impact that the Australia Day fireworks traffic could have on the Leederville race. However, the proposed change of dates immediately eliminates this issue and greatly simplifies the traffic management.

CONSULTATION/ADVERTISING:

To be undertaken by the applicant in accordance with clause (iv) of the *Officer Recommendation*.

LEGAL/POLICY:

The Town is responsible to ensure that road closures undertaken within its boundaries are in accordance with the relevant Australian Standards and Main Roads WA Code of Practice and, therefore, only suitably qualified and Main Roads WA accredited Traffic Management Contactors will be invited to tender for the road closure contract.

STRATEGIC IMPLICATIONS:

In accordance with the objective of Strategic Plan 2006-2011 – 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 proposed event will promote cycling.

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 various road closures, provision of sufficient staff (accredited traffic controllers) for a period of six hours (including mobilisation and demobilisation, set up and dismantling), will cost in the order of \$5,000.00.

COMMENTS:

The series has been a great success in previous years. While it is regrettable that the Town will not host the final race, there are positives in approving the change to Saturday 24 January 2009 from the Australia Day, 26 January 2009. Therefore, it is recommended that the Council approve the proposal and authorises the Chief Executive Officer to negotiate any additional Terms and Conditions that may be appropriate to ensure a successful event.

9.4.1 Use of the Council's Common Seal

Ward:	-	Date:	26 November 2008
Precinct:	-	File Ref:	ADM0042
Attachments:	-		
Reporting Officer(s):	M McKahey		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

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

COUNCIL DECISION ITEM 9.4.1

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED "EN BLOC" (9-0)

BACKGROUND:

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

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

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

Date	Document	No of copies	Details
5/11/08	Withdrawal of Caveat	2	Town of Vincent and Silverleaf Investments Pty Ltd of RMB820, Jennacubbine WA re: Nos. 71-77 (Lot 62) Walcott Street, Mount Lawley WA 6050 - Existing Caveat was created as part of Planning Approval issued 13 August 1997 and relates to removing all liability to the Town and the Western Australian Planning Commission for any claims in compensation for the removal of the proposed additions over the road reserve in the event that the reserve land is reclaimed for road widening. The owner has applied for the withdrawal of the caveat so that a mortgage may be registered on the Certificate of Title.
5/11/08	Deed of Consent to Mortgage	4	Town of Vincent and Silverleaf Investments Pty Ltd of RMB820, Jennacubbine, WA and National Australian Bank of Level 12, 50 St Georges Terrace, Perth, WA 6000 re: 71 Walcott Street, Mount Lawley - By this Deed the Town provides its consent to the Mortgage and the Bank agrees not to seek compensation from the Town for any loss, damage or expenses which might be suffered by the Bank on the Road Reservation being required for road widening purposes.

Date	Document	No of copies	Details
6/11/08	Withdrawal of Caveat	2	Town of Vincent and Downings Legal of PO Box 722 Cloisters Square, WA 6850 re: No. 21 (New Lot 1 - previously Lots 268 and 409 on Deposited Plan 59603) Ebsworth Street, Mount Lawley - <i>relating to withdrawal of caveat on amalgamation of lots.</i>
10/11/08	Deed of Licence	2	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Michael Coppel Ventures of Level 716-718 High Street, Armadale, Victoria 3143 re: Modular 10th Anniversary Event - 21 December 2008 (Stadium).
11/11/08	Scheme Amendment Documents	4	Town of Vincent Town Planning Scheme No. 1, Amendment No. 27, relating to the land previously coded Residential R20 in the Mount Hawthorn and North Perth Precincts - <i>Adopted for Final Approval at Special Meeting of Council held on 28 October 2008.</i>
11/11/08	Scheme Amendment Map	4	Town of Vincent Town Planning Scheme No. 1, Amendment No. 27, relating to the land previously coded Residential R20 in the Mount Hawthorn and North Perth Precincts - <i>Adopted for Final Approval at Special Meeting of Council held on 28 October 2008.</i>
13/11/08	Rental Agreement	1	Town of Vincent and Societe Generale Australia Branch, acting through its SG Equipment Finance Division, of Level 21, 400 George Street, Sydney, NSW re: <i>Lease for Bikes for the "Spring" Les Mills Program at Beatty Park Leisure Centre effective from 1st day of December 2008 for forty-eight (48) months from commencement date.</i>
14/11/08	Deed of Licence	2	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Spotless Services Ltd of Gate 7, Subiaco Oval, Subiaco Road, Subiaco WA 6008 re: Lumacom Annual General Meeting - 17 November 2008 (Gareth Naven Room).
17/11/08	Deed of Covenant	4	Town of Vincent and Aralia Investments Pty Ltd of C/- 3 Meredith Street, Dianella WA 6059 and Westpac Banking Corporation of Level 17, No. 109 St Georges Terrace, Perth WA 6000 re: Nos. 257-261 (Lots 1 & 2, D/P: 1925) Oxford Street, cnr Bourke Street, Leederville - Proposed Demolition of existing buildings and construction of three-storey mixed use development comprising office, eight (8) multiple dwellings (including 6 single bedroom dwelling sand two (2) two-bedroom dwellings) and associated car parking - <i>To satisfy condition (ii) of Planning Approval issued on 7/01/08.</i>
19/11/08	Scheme Amendment Documents	4	Town of Vincent Town Planning Scheme No. 1, Amendment No. 25 - <i>Adopted for Final Approval at Special Meeting of Council held on 28 October 2008.</i>
20/11/08	Application for Removal of Restrictive Covenant	1	Town of Vincent and P G Rogers and N L Gradisen of 24 Camelia Street, North Perth - To discharge the Restrictive Covenant J949186 on Lot 109 (D/P: 51862) - No. 24 Camelia Street, North Perth WA 6006 - <i>Restrictive Covenant issued as part of WAPC subdivision approval on 12/10/06, prior to the issue of subdivision clearance and relates to NO. 5 (Lot 110) Claverton Street only, therefore owners wish to remove the restrictive covenant from Certificate of Title of NO. 24 (Lot 109) Camelia Street, North Perth.</i>

9.4.3 Occupational Safety and Health Management Plan 2008-2011 - Adoption

Ward:	Both	Date:	24 November 2008
Precinct:	All	File Ref:	PER0024
Attachments:	001		
Reporting Officer:	A Smith, John Giorgi		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *APPROVES the Town of Vincent Occupational Safety and Health Management Plan 2008-2011 as shown in Appendix 9.4.2; and*
- (ii) *NOTES that the Occupational Safety and Health Management Plan 2008-2011 will be implemented on an ongoing basis during 2008-11, by the Chief Executive Officer, as part of his role for being responsible for employee matters.*

COUNCIL DECISION ITEM 9.4.3

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED “EN BLOC” (9-0)

PURPOSE OF REPORT:

The purpose of the report is for the Council to receive and approve the Town of Vincent Safety Management Plan 2008-2011.

BACKGROUND:

The proposed Safety Management Plan confirms the Town’s commitment to achieve and maintain the systematic management of Occupational health and safety in order to provide a safe working environment for its employees.

The purpose of the Plan is to achieve best practice in occupational safety and health by building a safety culture dedicated to minimising risk and preventing injuries and ill health to employees, contractors and general public, ensuring all can operate in a safe and healthy environment whilst at the workplace.

CONSULTATION/ADVERTISING:

Not required. The Management Plan has been endorsed by the Town’s Safety Committee and will be issued to all Directors, Managers and Supervisors once received by the Council. It will also be available on the Town’s intranet.

LEGAL/POLICY:

The Town already has a number of related Safety Policies.

The Town is legally required to provide a “*duty of care*” to its employees.

STRATEGIC IMPLICATIONS:

Strategic Plan 2006-2011:

4.2 Provide a positive and desirable workplace and implement technology for business improvement; and

4.2.3 Promote employee satisfaction and well being and a positive workplace.

FINANCIAL/BUDGET IMPLICATIONS:

The implementation of various initiatives detailed in the Occupational Safety and Health Management Plan 2008-2011 are contained within the Town's operating budget and no further funding is required.

SUSTAINABILITY IMPLICATIONS

Nil.

COMMENTS:

The Plan has been prepared in liaison with the Town's Occupational Health and Safety consultant, the Eastern Metropolitan Regional Council.

It is recommended that the Town's Occupational Safety and Health Management Plan 2008-2011 be received and approved.

9.4.10 Information Bulletin

Ward:	-	Date:	25 November 2008
Precinct:	-	File Ref:	-
Attachments:	001		
Reporting Officer(s):	A Radici		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Information Bulletin dated 2 December 2008, as distributed with the Agenda, be received.

COUNCIL DECISION ITEM 9.4.10

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED “EN BLOC” (9-0)

DETAILS:

The items included in the Information Bulletin dated 2 December 2008 are as follows:

ITEM	DESCRIPTION
IB01	Letter from the Hon Robyn McSweeney MLC, Minister for Child Protection; Community Services; Seniors and Volunteering approving the Town of Vincent's Grant Application for the Youth Development Holiday Program
IB02	Register of Petitions - Progress Report - December 2008
IB03	Register of Notices of Motion - Progress Report - December 2008
IB04	Register of Reports to be Actioned - Progress Report - December 2008
IB05	Register of Legal Action - Progress Report - December 2008
IB06	Register of State Administrative Tribunal Appeals - Progress Report - December 2008
IB07	Forum Notes - 11 November 2008
IB08	Notice of Forum - 9 December 2008

9.1.3 No. 448 (Lots 351 and 352 D/P: 32224) Beaufort Street, Highgate - Proposed Change of Use from Showroom to Eating House and Associated Alterations and Replacement of Existing Awning (Reconsideration of Condition)

Ward:	South	Date:	25 November 2008
Precinct:	Mount Lawley Centre - P11	File Ref:	PRO0238; 5.2008.546.1
Attachments:	001		
Reporting Officer(s):	S Kendall		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by D Barber on behalf of the owner Mirauda Nominees P/L for proposed Change of Use from Showroom to Eating House and Associated Alterations and Replacement of Existing Awning, at No. 448 (Lots 351 and 352 D/P: 32224) Beaufort Street, Highgate, and as shown on plans stamp-dated 21 November 2008, subject to the following conditions:

- (i) *within twenty – eight (28) days of the issue date of this ‘Approval to Commence Development,’ the owner(s), or the applicant on behalf of the owner(s) shall comply with the following requirements:*
 - (a) *pay a cash-in-lieu contribution of \$21,299.60 for the equivalent value of 7.607 car parking spaces, based on the cost of \$2,800 per bay as set out in the Town’s 2008/2009 Budget; OR*
 - (b) *lodge an appropriate assurance bond/ bank guarantee of a value of \$21,299.60 to the satisfaction of the Town. This assurance bond/bank guarantee will only be released in the following circumstances:*
 - (1) *to the Town at the date of issue of the Building Licence for the development, or first occupation of the development, whichever occurs first; or*
 - (2) *to the owner(s)/applicant following receipt by the Town with a Statutory Declaration of the prescribed form endorsed by the owner(s)/ applicant and stating that they will not proceed with the subject ‘Approval to Commence Development,’; or*
 - (3) *to the owner(s)/applicant where the subject ‘Approval to Commence Development,’ did not commence and subsequently expired.*

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

- (ii) *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;*
- (iii) *the public floor area of the eating house shall be limited to 108 square metres;*

- (iv) *the windows, doors and adjacent floor area facing Beaufort Street shall maintain an active and interactive frontage to Beaufort Street ;*
- (v) *prior to the first occupation of the development, one (1) class 1 or 2 bicycle parking facilities 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 and approved prior to installation of such facilities;*
- (vi) *prior to issue of a Building Licence, the applicant shall comply with all requirements recommended by the Department for Planning and Infrastructure and/or Western Australian Planning Commission in relation to the following:*
 - (a) *the landowner agrees in writing to remove the proposed awning and bicycle bays at the time when the reserved land is required for the upgrading of Beaufort Street at their cost and expense; and*
 - (b) *the land owner agrees in writing that the presence of the awnings and proposed bicycle bays shall not be taken into consideration in determining any compensation that may be payable by Town or the Western Australian Planning Commission when the reserved land is required for future upgrading of Beaufort Street;*
- (vii) *prior to the issue of a Building Licence or first occupation of the development, whichever occurs first, the owner(s) of Nos. 442-446 Beaufort Street, Highgate, shall enter into a Legal Agreement with the Town OR register a grant of easement with the Town being a party on Nos. 442-446 Beaufort Street, Highgate, to provide rights of access over Nos. 442-446 Beaufort Street, Highgate to/from No. 448 Beaufort Street, Highgate. The Legal Agreement shall be secured by a caveat, while the grant of easement shall be registered on the Certificate(s) of Title of the subject land. The legal documentation shall be prepared by the Town's solicitors or other solicitors agreed upon by the Town and be to the satisfaction of the Town. All costs associated with this condition shall be borne by the applicant/owner(s);*
- (viii) *to ensure that vehicle access to the site via Beaufort Street is for entry purposes for staff only and is to be adequately sign posted to this effect, from the existing under width driveway along the southern boundary of the property;*
- (ix) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, parking of trade person vehicles, footpath access, traffic and heavy vehicle access via Beaufort Street, dust and any other appropriate matters (such as notifying all affected landowners/occupiers of the commencement of construction works), shall be submitted to and approved by the Town; and*
- (x) *all proposed parking on the site shall comply with AS2890.1 and any resultant reduction in onsite parking spaces will require an additional cash in lieu payment to be determined.*

COUNCIL DECISION ITEM 9.1.3

PROCEDURAL MOTION

Moved Cr Farrell, Seconded Cr Ker

That the item be DEFERRED at the request of the applicant.

PROCEDURAL MOTION PUT AND CARRIED (8-1)

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

Against
Cr Messina

Landowner:	Mirauda Nominees P/L
Applicant:	D Barber
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Commercial
Existing Land Use:	Vacant Building
Use Class:	Eating House
Use Classification:	"P"
Lot Area:	911 square metres
Access to Right of Way	Nil

BACKGROUND:

12 October 1998 The Council at its Ordinary Meeting resolved to refuse an application from vacant building to eating house at the subject place for the following reasons:

"(a) the non-compliance with the car parking requirements of the Town of Vincent Town Planning Scheme;"

16 November 1998 The Council at its Ordinary Meeting resolved by an absolute majority to approve the change of use of the subject site from vacant building to eating house with karaoke facilities. It is understood that this approval was not acted upon as the Town did not issue a Building Licence for the proposal nor was an Eating House Licence issued for the proposal. Therefore, the approved use of the building is as what was approved prior to the above meeting.

It is noted that prior to the above approval at the Ordinary Meeting of Council held on 16 November 1998, the building was vacant and there was no file history on this property and the property appeared to have been used for showroom purposes.

8 July 2008 The Council at its Ordinary Meeting resolved to conditionally approve the change of use of the subject site from showroom to eating house and replacement of existing awning (Serial No. 5.2008.174.1).

DETAILS:

At the Ordinary Meeting held on 8 July 2008, the Council approved an application for the subject building for change of use from showroom to restaurant and including the replacement of an existing awning, subject to conditions.

The applicant has requested that the following condition (vii) of the approval made at the Ordinary Meeting of Council held on 8 July 2008 be amended to remove the requirement for the legal agreement to be secured by a caveat on the certificate(s) of title of the subject land:

"(vii) prior to the issue of a Building Licence or first occupation of the development, 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, undertaking to ensure all vehicular access (entry/exit) to the subject sites at No. 448 Beaufort Street, Highgate through Nos. 442-446 Beaufort Street, Highgate, is legally and continually secured, to the satisfaction of the Town. All costs associated with this condition shall be borne by the applicant/owner(s);"

The applicant is cognizant of the requirement for a legal agreement to ensure all vehicular access (entry/exit) to the subject sites at No. 448 Beaufort Street, Highgate is made through Nos. 442-446 Beaufort Street, Highgate. However, the requirement for the legal agreement to be secured by a caveat is proving to be problematic. The application has advised that the landlord has ruled out the possibility of a caveat over the lots as this would result in significant financial restraints as the owner of both properties. The applicant is now in a position where he is unable to proceed with the development

ASSESSMENT:

The Assessment Table contained in the report for Item 10.1.4, which was considered at the Ordinary Meeting of Council held on 8 July 2008 remains the same.

COMMENTS:

The above condition and the requirement for a caveat was imposed to ensure access through Nos. 442-446 Beaufort Street, Highgate was legally and continually secured and to avoid any future potential conflict should the properties change ownership. In terms of planning legislation, the 'Eating House' use runs with the land, regardless of who is the owner, occupier or licence holder. The Town has received legal advice from the Town's solicitors that a legal agreement or a grant of easement is appropriate in this instance (as opposed to an amendment to a lease agreement) as a legal agreement or a grant of easement is secured on the certificate of title and is carried with the land, regardless of who is the owner, occupier or licence holder.

It is the Town's standard practice to require developments, which are reliant on the provision of access through another property, to be secured in some form on the certificate of title. In this instance as the car parking is dependant on the vehicular access through Nos. 442-446 Beaufort Street, Highgate it is recommended that condition (vii) of the Council decision as determined at the Ordinary Meeting of Council held on 8 July 2008, be amended to require the legal agreement to be secured by a caveat, whilst providing an alternative for a grant of easement to be registered on the certificate(s) of title of the subject land.

PROCEDURAL MOTION

Moved Cr Doran-Wu, Seconded Cr Ker

*That items 9.1.7, 9.1.8 and 9.1.4 be **BROUGHT FORWARD** as requested by Cr Doran-Wu as she needs to depart the meeting early due to personal/family reasons.*

PROCEDURAL MOTION PUT AND CARRIED (9-0)

9.1.7 Nos.146-150 (Lot: 802 D/P: 59973) Fitzgerald Street Perth - Proposed Eight-Storey Mixed Use Development Comprising Twenty (20) Single Bedroom Multiple Dwellings, Eleven (11) Two Bedroom Multiple Dwellings, Eighteen (18) Aged or Dependent Persons Dwellings, Two (2) Office Units and Associated Basement Car Parking

Ward:	South	Date:	26 November 2008
Precinct:	Beaufort, P13	File Ref:	PRO0162; 5.2008.289.1
Attachments:	001		
Reporting Officer(s):	R Narroo		
Checked/Endorsed by:	D Abel	Amended by:	John Giorgi

CHIEF EXECUTIVE OFFICER RECOMMENDATION:

That;

the Council ADVISES the Western Australian Planning Commission(WAPC), in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council RECOMMENDS REFUSAL of the application submitted by Jones Coulter Young Architects and Urban Designers on behalf of the owner Department of Housing and Works for proposed Eight-Storey Mixed Use Development Comprising Twenty (20) Single Bedroom Multiple Dwellings, Eleven (11) Two Bedroom Multiple Dwellings, Eighteen (18) Aged or Dependent Persons Dwellings, Two (2) Office Units and Associated Basement Car Parking, at No. 146 (Lot: 802 D/P: 59973)Fitzgerald Street Perth, and as shown on plans survey plan, floor plans (levels 1-2, 3, 4-6), roof plan, area plans, cone of vision plan, elevation plan stamp-dated 3 November 2008, basement and ground floor plans, elevation plan, overshadowing plan stamp dated 19 November 2008 for the following reasons:

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) the non-compliance with the requirements of the Residential Design Codes and the Town's Policy - Appendix No. 16 - Design Guidelines for the Half Street Block bounded by Fitzgerald, Newcastle (all lots between Palmerston and Fitzgerald Streets) and Stuart Streets and Pandal Lane, Perth relating to:*
 - (a) ~~height and~~ massing;*
 - (b) connectivity and legibility on the Fitzgerald Street frontage;*
 - (c) car parking shortfall;*
 - (d) insufficient personal outdoor space;*
 - (e) non-compliance with privacy;*
 - (f) non-compliance with articulation of the blank north and south faces of the building walls; and*
 - (g) the development will generate an unreasonable volume of traffic in Pandal Lane and unduly affect the amenity of the adjacent residential properties; and*
- (iii) consideration of the significant number of objections received.*

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

COUNCIL DECISION ITEM 9.1.7

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

PROCEDURAL MOTION

That the item be DEFERRED for further consideration, (including objections raised during public question time).

PROCEDURAL MOTION PUT AND CARRIED (9-0)

ADDITIONAL INFORMATION:

Most of the objections received and the comments provided by Council Members at the Council Members Forum held on 11 November 2008 have raised concerns regarding eight storey buildings being allowed in the subject Policy area.

Given previous concerns raised by Council Members regarding the permitted building height under the current Policy relating to Appendix No. 16, the Council at its Ordinary Meeting held on 27 May 2008 authorised the Chief Executive Officer to review the Policy particularly establishing a height limit that is appropriate for the area. The Amended Policy relating to Appendix No.16 proposes to reduce the building height to a maximum of six (6) storeys closer to Pandal lane (four (4) storeys setback a minimum of 10 metres from Fitzgerald Street, and any building height above 4 storeys a minimum of 30 metres from Fitzgerald Street). This matter is the subject of Item 9.1.13 on this Agenda.

~~OFFICER RECOMMENDATION:~~

~~That;~~

~~the Council ADVISES the Western Australian Planning Commission(WAPC), in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council RECOMMENDS APPROVAL of the application submitted by Jones Coulter Young Architects and Urban Designers on behalf of the owner Department of Housing and Works for proposed Eight Storey Mixed Use Development Comprising Twenty (20) Single Bedroom Multiple Dwellings, Eleven (11) Two Bedroom Multiple Dwellings, Eighteen (18) Aged or Dependent Persons Dwellings, Two (2) Office Units and Associated Basement Car Parking, at No. 146 (Lot: 802 D/P: 59973)Fitzgerald Street Perth, and as shown on plans survey plan, floor plans (levels 1-2, 3, 4-6), roof plan, area plans, cone of vision plan, elevation plan stamp dated 3 November 2008, basement and ground floor plans, elevation plan, overshadowing plan stamp dated 19 November 2008 subject to the following conditions:~~

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

~~(ii) — the owner(s), or the applicant on behalf of the owner(s), shall comply with the Town of Vincent Percent for Public Art Policy No. 3.5.13 and the Percent for Public Art Guidelines for Developers, including:~~

~~(a) — within twenty eight (28) days of the issue date of this ‘Approval to Commence Development’, elect to either obtain approval from the Town for an Artist to undertake a Public Art Project (Option 1) or pay the Cash in Lieu Percent for Public Art Contribution, of \$ 19,000 (Option 2), for the equivalent value of one per cent (1%) of the estimated total cost of the development (\$ 19,000,000); and~~

~~(b) — in conjunction with the above chosen option;~~

~~(1) — Option 1 —~~

~~prior to the approval and subsequent issue of a Building Licence for the development, obtain approval for the Public Art Project and associated Artist; and~~

~~prior to the first occupation of the development, install the approved public art project, and thereafter maintain the art work; OR~~

~~(2) — Option 2 —~~

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

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

~~(a) — all the proposed privacy screens;~~

~~Units G01, 101, 201, 301, 401, 501, 601~~

~~(1) balcony on the eastern elevation;~~

~~Units G01, 101, 201, 301, 401, 501, 601 — bedroom on eastern side facing Pandal Lane~~

~~(1) the bedroom windows on the eastern elevation within the 4.5 metres cone of vision to the southern boundary;~~

~~Units G02, 102, 202, 302, 402, 502, 602~~

~~(1) balconies on the northern elevation;~~

~~Units 103, 203, 303~~

~~(1) balconies on the northern and eastern elevations within the 7.5 metres cone of vision to the northern boundary;~~

~~Units 403, 503, 603~~

~~(1) balconies on the northern, western and eastern elevations within the 7.5 metres cone of vision to the northern boundary;~~

~~Units 103, 203, 303, 403, 503, 603~~

~~(1) living room windows on the northern elevation;~~

~~Units 113, 213~~

~~(1) balconies on the eastern elevation within the 7.5 metres cone of vision to the northern boundary;~~

~~Units 110, 210~~

~~(1) balconies on the eastern elevation within the 7.5 metres cone of vision to the southern boundary; and~~

~~Units 105, 106, 107, 108, 109, 205, 206, 207, 208, 209, 305~~

~~(1) the living room windows on the western and eastern elevations within the 6 metres cone of vision to the southern boundary;~~

~~being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the respective finished floor level. A permanent obscure material does not include a self-adhesive material 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 No. 136 Fitzgerald Street, Nos. 45-47 Stuart Street, No. 20 Pandal Lane and Nos. 152-158 Fitzgerald Street., stating no objection to the respective proposed privacy encroachments;~~

- ~~(b) — the awning to the offices having a maximum fascia depth of 300 millimetres and a minimum distance of 500 millimetres from the Fitzgerald Street kerb;~~
- ~~(c) — the balconies of Units 105, 106, 107, 108, 109, 110, 111, 113, 205, 206, 207, 208, 209, 210, 211, 213, 305, 306, 307, 308 and 309 complying with a minimum dimension of 2.4 metres;~~
- ~~(d) — the louvres to units 111, 112, 211, 212 facing Fitzgerald Street being deleted from the plans;~~
- ~~(e) — the bin compound being redesigned in consultation with the Town's Technical Services Section. The bin numbers required will be at the Town's direction;~~
- ~~(f) — additional significant design features being incorporated on the visible portions of the north and south faces of the building walls facing No. 136 Fitzgerald Street, Nos. 45-47 Stuart Street and Nos. 152-158 Fitzgerald Street to reduce the visual impact of these walls;~~
- ~~(g) — the aged or dependent dwellings complying with the requirements of AS 4299-1995 Adaptable Housing; and~~
- ~~(h) — the incorporation of further environmental sustainability measures that will address water, transport, materials and energy efficient appliances.~~

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

- ~~(iv) — within twenty eight (28) days of the issue date of this 'Approval to Commence Development,' the owner(s), or the applicant on behalf of the owner(s) shall comply with the following requirements:~~

- ~~(a) — pay a cash-in-lieu contribution of \$1,624 for the equivalent value of 0.58 car parking spaces, based on the cost of \$2,800 per bay as set out in the Town's 2008/2009 Budget; OR~~

~~(b) — lodge an appropriate assurance bond/ bank guarantee of a value of \$1,624 to the satisfaction of the Town. This assurance bond/bank guarantee will only be released in the following circumstances:~~

~~(1) — to the Town at the date of issue of the Building Licence for the development, or first occupation of the development, whichever occurs first; or~~

~~(2) — to the owner(s)/applicant following receipt by the Town with a Statutory Declaration on the prescribed form endorsed by the owner(s)/applicant and stating that they will not proceed with the subject 'Approval to Commence Development,'; or~~

~~(3) — to the owner(s)/applicant where the subject 'Approval to Commence Development,' did not commence and subsequently expired.~~

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

~~(v) — 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;~~

~~(vi) — first obtaining the consent of the owners of No. 136 Fitzgerald Street, Nos. 45-47 Stuart Street and Nos. 152-158 Fitzgerald 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. 136 Fitzgerald Street, Nos. 45-47 Stuart Street and Nos. 152-158 Fitzgerald Street in a good and clean condition;~~

~~(vii) — 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;~~

~~(viii) — prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, parking of trade person vehicles, footpath access, traffic and heavy vehicle access via Fitzgerald Street and Pandal Lane, dust and any other appropriate matters (such as notifying all affected landowners/occupiers of the commencement of construction works), shall be submitted to and approved by the Town;~~

~~(ix) — prior to the first occupation of the development, one (1) class one or two bicycle parking facility, shall be provided at a location convenient to the entrance and within the development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to the installation of such facilities;~~

~~(x) — the on-site car parking area for the/non-residential component shall be available for the occupiers of the residential component outside normal business hours;~~

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

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

- ~~(b) — a maximum of one (1) bedroom and two (2) occupants are permitted in each single bedroom dwelling at any one time;~~
- ~~(c) — the floor plan layout for the single bedroom dwellings are to be maintained in accordance with the Planning Approval plans; and~~
- ~~(d) — the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units or offices. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development.~~

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

- ~~(xii) — prior to the issue of a Building Licence, an acoustic report prepared in accordance with the Town's Policy relating to Sound Attenuation shall be submitted and approved by the Town. The recommended measures of the acoustic report shall be implemented and certification from an acoustic consultant that the measures have been undertaken, prior to the first occupation of the development, and the applicant/owners shall submit a further report from an acoustic consultant 6 months from first occupation of the development certifying that the development is continuing to comply with the measures of the subject acoustic report;~~
- ~~(xiii) — the doors, windows and adjacent floor areas of office fronting Fitzgerald Street shall maintain an active and interactive relationship with this street;~~
- ~~(xiv) — prior to the first occupation of the development, (49) car parking spaces, provided for the residential component of the development shall be clearly marked and signposted for the exclusive use of the residents of the development;~~
- ~~(xv) — 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;~~
- ~~(xvi) — all pedestrian access and vehicle driveway/crossover levels shall match into existing verge/footpath levels;~~
- ~~(xvii) — the total gross floor area of the offices shall be limited to 186 square metres and further increase or decrease in the number of offices tenancies is allowed. Any increase in floor space or change of use for the subject land shall require Planning Approval to be applied to and obtained from the Town;~~
- ~~(xviii) — the car parking area shown for the non-residential component shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;~~
- ~~(xix) — any proposed vehicular entry gates adjacent to the car parking area shall be either open at all times or suitable management measures shall be implemented to ensure access is available for visitors for the non-residential and residential tenancies at all times. Details of the management measures shall be submitted to and approved by the Town prior to the first occupation of the development;~~
- ~~(xx) — a non refundable footpath upgrading bond of \$3,000 to cover the cost of construction of a new brick paved footpath adjacent to the subject land shall be paid prior to the issue of a Building Licence. Paving is to be carried out by the developer's contactor in discussion with the Town's Manager, Engineering Operations; and~~
- ~~(xxi) — prior to the first occupation of the development, each multiple dwelling shall be provided with a screened outdoor area for clothes drying or clothes tumbler dryer.~~

Landowner:	Department of Housing and Works
Applicant:	Jones Coulter Young Architects and Urban Designers
Zoning:	Metropolitan Region Scheme: Urban and Other Regional Road Reservation Town Planning Scheme No. 1 (TPS 1): Residential/Commercial (R80) and Other Regional Road Reservation
Existing Land Use:	Vacant Land
Use Class:	Office Building, Aged or Dependent Persons Dwellings and Multiple Dwellings
Use Classification:	"AA", "P", "P"
Lot Area:	2349 square metres- It is to be noted that on the Survey Plan submitted the area of Lot is indicated as 2351 square metres. However as per Certificate of Title the area is 2349 square metres.
Access to Right of Way	Not Applicable- Pandal Lane is a dedicated road.

BACKGROUND:

- 11 March 2003 The Council at its Ordinary Meeting resolved to conditionally approve a mixed use development comprising two (2) offices and fourteen (14) two-storey single bedroom with studio/office grouped dwelling and associated parking.
- 12 April 2005 The Council at its Ordinary Meeting resolved to conditionally approve the demolition of existing office and warehouse, and construction of a mixed use development comprising two (2) offices and fourteen (14) two-storey single bedroom with studio/office grouped dwellings and associated car parking.
- 27 September 2005 The Council at its Ordinary Meeting resolved to conditionally approve a mixed use development comprising offices and fourteen (14) two-storey grouped dwellings including lofts and home studio offices and associated car parking.

DETAILS:

The proposal involves the construction of eight-storey mixed use development comprising twenty (20) single bedroom multiple dwellings, eleven (11) two bedroom multiple dwellings, eighteen (18) aged persons dwellings, two (2) offices units and associated basement car parking.

Initially the applicant submitted plans which included 12 two bedroom multiple dwellings. However the plans were amended to reduce the number of two bedroom multiple dwellings to 11 and a transformer room, bin compound, are being proposed at the basement level.

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

ASSESSMENT:

****Note: The below Non-compliant Requirements were corrected and distributed prior to the meeting. Changes are indicated by strike through and underline.***

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	37 multiple dwellings or 56 single or aged/dependent persons' dwellings R 160	11 multiple dwellings, 20 single bedroom dwellings, dwellings and 18 aged or dependent dwellings R 155	Noted.

Plot Ratio	2 - 4698 square metres	1.55 - 3641 square metres	Noted.
Height and Massing	A maximum of 3 storeys adjacent to the primary and up to 8 storeys within the site and to Pental Lane.	3 storeys to Fitzgerald Street 8 storeys to Pental Lane	Supported—refer to “Comments” below. <u>Not supported - The eight storeys within the site will have an undue impact on the amenity of the area.</u>
Connectivity and Legibility	Active frontages to all street frontages including Pental Lane	No active frontage on the ground floor facing Pental Lane. Louvres are provided for the residential units facing Fitzgerald Street.	Supported- amended plans submitted showing the residential entry gate and adjacent fence will be semi-permeable, as well as the entry gate to basement car park. Soft landscaping is proposed in setback area to Pental Lane. <u>Not supported- the louvres will not provide an active frontage to Fitzgerald Street.</u>
Car Parking	Residential= 49 car bays Commercial= 2.584 car bays	Residential= 49 car bays Commercial= 2 bays	Noted-amended plans submitted showing parking layout-refer to Car Parking Assessment Table below. <u>Not supported - insufficient car parking provided.</u>
Personal Outdoor Space	The provision of private open space for all residential dwellings is to be highly functional, well-designed and where possible, located to capture views and sunlight. A minimum balcony dimension of 2.4 metres is required to ensure maximum functionality.	No courtyard provided for Unit G03. Unit B01- Minimum dimension of 1.2 metres and no direct access from a habitable room Units 111 and 211= 1.975 metres to 2.417 metres -minimum dimension	Noted - amended plans submitted showing courtyard provided for G03. Noted- amended plans submitted showing the deletion of the unit in the basement. <u>Not supported- undue impact on amenity of occupiers of development and condition should be applied for balconies to comply with minimum dimension of 2.4 metres.</u>

		Units 110, 113, 210 and 213 = 2.3 metres- minimum dimension	Not supported- undue impact on amenity of occupiers of development and condition should be applied for balconies to comply with minimum dimension of 2.4 metres.
		Units 105, 106, 107, 108, 109, 205, 206, 207, 208, 209, 305, 306, 307 308 and 309= 2.2 metres- minimum dimension	Not supported- undue impact on amenity of occupiers of development and condition should be applied for balconies to comply with minimum dimension of 2.4 metres.
Stores	Number of stores= 50 Minimum area of 4 square metres	Number of stores= 45	Noted- applicant submitted amended plans complying with the number of stores required (49) and the proposed stores comply with the minimum area.
Privacy Setbacks	Cone of vision from deck and balcony= 7.5 metres from boundary Cone of vision from bedroom= 4.5 metres from boundary	Deck opposite G03= nil setback Units GO1, 101, 201, 301, 401, 501, 601- Balcony (partial screening)- 6 metres to eastern property Units G01, 201, 401 Bedroom windows on eastern side facing Pental Lane= 2.2 metres to southern boundary Units 101, 301, 501 Bedroom windows on eastern side facing Pental Lane= 0.8 metres to southern boundary	Noted - applicant submitted amended plans showing a wall being along the northern boundary which prevents overlooking. Not supported- undue impact on neighbouring property, and balcony should be screened if proposal is supported. Not supported- undue impact on neighbouring property, and windows should be screened if proposal is supported Not supported- undue impact on neighbouring property, and windows should be screened if proposal is supported.

		<p>Unit 601 Bedroom windows on eastern side facing Pandal Lane = 1.4 metres to southern</p> <p>Units GO2, 102, 202, 302, 402, 502, 602 Balcony (partial screening) = 2.205 metres to northern boundary</p> <p>Units 103, 203, 303 Balcony (partial screening) = 2.977 metres to northern boundary</p> <p>Units 403, 503, 603 Balcony (partial screening) = 2.787 metres to northern boundary</p> <p>Units 103, 203, 303, 403, 503, 603 Living room windows = 5.287 metres to northern boundary</p> <p>Units 113, 213 Balcony (partial screening) = 4.8 metres to the northern boundary</p> <p>Units 110, 210 Balcony(partial screening)= 5.4 metres to southern boundary</p> <p>Units 105, 106, 107, 108, 109, 205, 206, 207, 208 , 209 , 305 Living room windows = 1.2 metres from the southern boundary</p>	<p>Not supported- undue impact on neighbouring property, and windows should be screened if proposal is supported.</p> <p>Not supported- undue impact on neighbouring property, and balcony should be screened if proposal is supported.</p> <p>Not supported- undue impact on neighbouring property, and balcony should be screened if proposal is supported</p> <p>Not supported- undue impact on neighbouring property, and balcony should be screened if proposal is supported</p> <p>Not supported- undue impact on neighbouring property, and windows should be screened if proposal is supported</p> <p>Not supported- undue impact on neighbouring property, and balcony should be screened if proposal is supported</p> <p>Not supported- undue impact on neighbouring property, and balcony should be screened if proposal is supported</p> <p>Not supported- undue impact on neighbouring property, and windows should be screened if proposal is supported.</p>
Awnings	Awning is required along Fitzgerald Street	Awning not provided	Noted- applicant submitted amended plans showing the required awning for the offices along Fitzgerald Street.

Retaining Walls	Retaining walls not higher than 0.5 metre Setback= 1.6 metres	2.25 metres Nil	Noted- applicant submitted amended plans showing walls on boundary and not retaining walls, therefore such variations are no longer applicable.
Plot Ratio Area	Aged or dependent person- 80 square metres	82 square metres, 84 square metres and 86.3 square metres	Noted - applicant has submitted amended plans confirming that the proposed aged or depended person dwellings complying with the 80 square metres.

***Note: The below Consultation Submissions were corrected and distributed prior to the meeting. Changes are indicated by strike through and underline.**

Consultation Submissions		
Support	Nil	Noted
Objection (38 letters of objections and a petition signed by 28 people)	Loss of privacy to windows and balconies facing adjoining properties	Supported - a condition has been proposed in the Officer Recommendation for all non-compliant privacy aspects to comply with the Residential Design Codes requirements.
	Insufficient commercial and residential parking bays	Not Supported - refer to "Comments" below.
	Concerns about the traffic impact along Pental Lane	Not Supported - refer to Technical Services "Comments" below.
	The proposal fails to meet the requirements of the Beaufort Precinct and the Residential Design Codes	Not Supported - as the proposal is assessed as per the current Policy-Appendix No. 16-Design Guidelines for the half block bounded by Fitzgerald Street, Newcastle (all lots between Palmerston and Fitzgerald Streets) and Pental Lane, and the Residential Design Codes.
	Overshadowing of adjoining properties	Not supported- the proposal complies with the overshadowing requirements of the Residential Design Codes.

	The site will be overdeveloped with so many dwellings.	Not supported- the proposal complies with the density requirement as shown in the Assessment Table.
	There is no other central amenities e.g. shopping complexes, medical facilities in the area that caters for the aged or pensioners. Therefore to have such a project in the area is not practical.	Not supported- the proposed development is not only for aged people. There is a nearby supermarket at the corner of Pental Lane and Newcastle Street. Within one kilometre from the site, along Newcastle Street, there are a medical clinic, physiotherapy clinic and a podiatry clinic.
	Devaluation of adjoining properties	Not supported- property value is not a significant planning consideration.
	There was no consultation for the implementation of the Design Guidelines for this area.	Not supported- the Design Guidelines were advertised duly in accordance with the public consultation requirements of the Town's Scheme.
	The proposed development will contribute to anti-social behaviour in Pental Lane	Not supported- no evidence is submitted to substantiate this claim.
	Object to eight storey building. A height of 5 storeys would be more acceptable	Not Supported refer to "Comments" below. <u>Noted.</u>
	Concerns that the people accessing will park on the verge of Fitzgerald Street	Not supported- people will have to comply with Local Laws governing parking along Fitzgerald Street.
Key issues raised at Council Members Forum held on 11 November 2008	Elevation to Fitzgerald Street is bulky. Height and density	The proposal complies with the required number of storeys along Fitzgerald Street. The proposal <u>complies</u> does not comply <u>complies</u> with the required height and density. <u>Some concerns expressed about the height.</u>

	<p>Height of tower above Pandal Lane and setback to Pandal Lane.</p> <p>Open space.</p> <p>Solar Access is lacking to north.</p> <p>Blank walls facing Robertson Park.</p>	<p>Height= 26 metres Setback= 1 metre as per Technical Services requirement.</p> <p>As per the Residential Design Codes, there is no requirement for open space. However the proposal consists of a communal space on the ground floor and each residential unit is provided with a courtyard or a balcony. <u>Some concerns expressed about the open space.</u></p> <p>As per the Environment Sustainability Assessment Report submitted by the applicant which states the planning of the proposed development on a north facing aspect is suited to passive solar design. According to the report the proposal optimises the northern aspect and solar access in an effective manner.</p> <p>Only The walls to the front part of the building facing Fitzgerald Street (offices and residential units) will be blank. However the remaining walls including the tower element will have <u>some</u> articulation incorporating windows and balconies. <u>However, this is considered insufficient</u> Additional design features should be incorporated on the visible building walls facing the northern and southern properties.</p>
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	The façade to Fitzgerald Street is required to be softened and is designed to provide a relief.	The proposed louvers to units 111, 112, 211, 212 facing Fitzgerald Street should be deleted from the plans. The balconies, windows, and doors of the residential units and offices provide an interest in the streetscape.
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.

Car Parking

Department of Housing and Works has submitted a letter stating the following:

“Based on DHW statistics for the past 20 years of tenants, there are only 30% who owns car. This is due to the majority of our tenants belonging to the lower income group. DHW carried out a post occupancy survey and discovered that reduced car park bays is a better solution for DHW complexes, otherwise car park bays will be deserted and under utilising our resources. Also, it is important to note that your Parking and Access Policy (no3.7.1) states that an oversupply of parking will not be supported as this discourages that use of public transport.”

In accordance with the Residential Design Codes requirements for mixed-use development, on-site car parking requirements for multiple dwellings may be reduced to one car bay per dwelling where on-site parking required for other users is available outside normal business hours. Therefore for the residential component (49 multiple dwellings), the number of car parking bays required is 49. A total of 51 car bays have been provided. The balance of car bays available for the commercial component in this instance is 2 car bays. **This is insufficient.**

Car Parking- Commercial Component	
Car parking requirement (nearest whole number) Office: 1 car bay per 50 square metres gross office/administration floor area (proposed 186 square metres) = 3.72 car bays. Total = 3.72 car bays	4 car bays
Apply the parking adjustment factors. <ul style="list-style-type: none"> • 0.85 (within 400 metres of a bus stop) • 0.95 (within 400 metres of one or more public car parks in excess of 25 spaces) • 0.80 (development contains a mix of uses, where at least 45 per cent of the gross floor area is residential) 	(0.646) 2.58 car bays

Minus the car parking provided on-site	2 car bays
Minus the most recently approved on-site car parking shortfall	Not applicable
Resultant shortfall	0.58 car bay
Bicycle Parking	
Offices <ul style="list-style-type: none"> • 1 space per 200 (proposed 186) square metres gross floor area (class 1 or 2) – 0.93 spaces. • 1 space per 750 (proposed 878) square metres over 1000 square metres for visitors (class 3) – Not applicable 	Bicycle parking spaces provided in the basement.

COMMENTS:

Design Guidelines for Pandal Lane

A Draft Amendment to Appendix 16 of the Town of Vincent Town Planning Scheme No. 1 relating to Design Guidelines for the Half Street Block bounded by Fitzgerald, Newcastle (All Lots Between Palmerston and Fitzgerald Streets) and Stuart Streets and Pandal Lane, Perth is currently being considered by the Council.

Advertising of the Draft Amendment commenced on 9 September 2008 and concluded on 7 October 2008. A report summarising the results of the consultation period and making a recommendation in relation to the Amendment has been prepared and will be presented to Council at its Ordinary Meeting to be held on 2 December 2008.

Given the application was submitted in June 2008, this application is assessed under the current Design Guidelines for Pandal Lane.

Affordable Housing Strategy

The Town commissioned Consultants to undertake an Affordable Housing Strategy Report for the Town of Vincent. The Draft Strategy Report is currently being advertised with the closing date for comments being the 24 November 2008. The Draft Strategy Report notes the following with respect to the subject area and public housing provision:

“The highest concentrations of people in housing stress are in Northbridge and Highgate. These statistics understate the level of housing stress that has developed since 2006, which is significant because the surge in home prices continued well beyond the census period, and the knock-on rent increases will take several years to reflect the rise due to current lease arrangements with existing tenants.

Most of these will be renters, and some will be low income (pensioners) owner/occupiers. It will also include a small number of recent first homebuyers who are facing hardship meeting their rising mortgage commitments.

Public Housing and Community Housing

...

One of the key features of public housing is that it is stable affordable housing and as such tenants are generally protected from the rising rents experienced by the private market. Tenants are drawn from the waiting list for public housing which is in the order of 18,000 households. There are priorities for age, disability, and dependants.

The stock of public housing in the Town has not significantly changed in over a decade. There have been some additions but also some sales. The Census data indicates that only seven (7) new dwellings were added to the public housing stock. Without further additions the proportion of public housing in the Town of Vincent is likely to fall as the overall housing density within the Town increases.”

Technical Services

The Town's Technical Services Officers have provided the following comments on the Traffic Impact Assessment submitted by the applicant.

*"Pendal Lane comprises an under width road 5.0 m in width (sealed full width) with no footpaths and provides sole vehicular access to over 100 dwellings generating in excess of 500 (estimated) vehicle trips per day. The current application will result in an additional 40 car bays with sole access off Pendal Lane. The lane also provides pedestrian access and bike store access, although there is no footpath. - **the Chief Executive Officer considers that the potential for conflict between vehicles and pedestrians using Pendal Lane is unacceptable.***

*A Traffic Impact Study has been provided by the applicant, which predicts that the proposed development will have a 'negligible' impact on the function of the Lane. - **the Chief Executive Officer does not consider this statement to be supported as the increased number of vehicle movements is considered to have an unreasonable impact on the adjoining properties.***

The Traffic Impact Study has estimated vehicle trip generation from the development where it has been assumed that only 3.5 vehicle trips per resident per day will be generated from the development with an occupancy rate of 1.2 persons per dwelling, only 30% of the trips as car driver and 15% visitor trips resulting in a total of 72 trips per day.

*The Study further states that it is 'assumed' that only 10% of the overall traffic movements will occur during the peak period. - **This assumption is without justification.***

*Many assumptions have been made in the Traffic Impact Study resulting in a rather low number of vehicle movements per day from the development onto Pendal lane. The study has not considered the current usage of the lane nor discussed the current congestion issues highlighted by existing residents in the area. - **the Chief Executive Officer considers that the "assumptions" to justify the application are unjustified and not supported.***

Waste collection vehicles regularly obstruct the narrow lane due to the frequency of collection. To avoid bins lined up the length of the lane, possibly being left out, and an open invitation to vandalism and overturning the current development requires a bin store, designed for optimum access and bin manoeuvring, to be located as close to the rear boundary as possible and the bins kept within the store at all times.

The frontage of the Lot is only 20m wide, and also accommodates vehicle and pedestrian access. The Town will be required to increase the frequency of collection thereby halving the number of bins. Further to ensure access through the ROW is not hindered by stray bins, and to avoid vandalism of bins placed adjacent to the ROW, the Town has agreed to collect bins directly from the bin store on the proviso the store is designed in consultation with the Town's waste management officers, to provide quick and safe access.

This will undoubtedly create additional congestion in the lane with the Town's rear loader parked in the lane way for extended periods of time 3 times per week while undertaking the collection. This is over and above the current collection regime from the existing dwellings along the lane way.

*The Town's Technical Services officers have received a number of ongoing complaints from residents reliant on Pendal Lane for vehicle access and waste removal, regarding bin vandalism and vehicle obstruction, and it is considered that any further development making use of Pendal Lane as its sole vehicular access is unlikely to have 'negligible impact' as contended in the consultants Traffic Impact Study." - **the Chief Executive Officer considers that further complaints will be received from adjoining residents concerning Pendal Lane, as the Town's files already contain previous history of complaints.***

Technical Services have no further comment on the Traffic Impact Study.

The applicant has provided the following response:

“A parking Review and Traffic Impact Assessment report was prepared by Sinclair Knight Merz and submitted with the application for Development Approval. The report noted that the residential vehicle trip generation is likely to be very low, given the low parking supply, site characteristics (i.e. excellent access to public transport and the central city) and the socio-economic status of the prospective tenants.

The report states that the generated traffic from the proposed development will have a negligible effect on the function of Pental Lane. Traffic can enter and exit from Pental Lane onto both Stuart and Newcastle Streets, further reducing the likelihood of vehicle conflict.

Town’s Technical Services required the Pental Lane to be widened to 6m to meet WAPC Laneway Policy and this was incorporated into our documents. We also subsequently redesigned the bin storage area to facilitate the Town’s waste collection contractors to enter the site for bin collection rather than having bins out in the laneway. This has all been discussed and agreed with the Town’s Technical Services.

We have developed our proposals in accordance with the Town of Vincent’s Design Guidelines for the area. By providing an access way off Pental Lane and with the residential tower overlooking Pental Lane our proposed development will provide an element of passive surveillance not currently provided by the existing residential product. Our proposed development will not have bins located in the laneway; therefore any problems with bin vandalism will be an existing problem and will not be exacerbated with our development. If Pental Lane cannot accommodate additional traffic and access off Fitzgerald Street is prohibited, how can development occur in accordance with the Design Guidelines?”

***Note: The following “Number of Storeys” was corrected and distributed prior to the meeting. Changes are indicated by strike through and underline.**

Number of Storeys

The proposal ~~does not comply~~ complies with the height requirements in Policy-Appendix No. 16- Design Guidelines affecting the site. The Policy was duly advertised in accordance with the public consultation requirements of the Town’s Town Planning Scheme No. 1.

Affordability

The proposed development is for the Department of Housing and Land. It is a requirement for Department of Housing and Works projects to be affordable in terms of costs for future residents.

Environment Sustainability

The applicant has submitted a Sustainability Assessment Report prepared by a Green Star Accredited Professional. A copy of the report is “Laid on the Table. The proposal incorporates “Green Building Technologies” and there is a range of passive and active design features that have been incorporated in the design.

Mixed Uses

The proposed uses are considered compatible in terms of a mixed use residential and commercial development at this particular location. The limited scale and nature of the proposed commercial uses will not undermine such uses being established in the commercial area along Newcastle Street.

Conclusion

The application ~~generally complies~~ does not comply with the Design Guidelines for this area and therefore the proposal ~~will not~~ is considered to have ~~any an~~ undue impact on the amenity of the surrounding area. The application is therefore not supported, ~~subject to standard and appropriate conditions to address the above matters.~~

Chief Executive Officer Comments:

The Chief Executive Officer has further reviewed this development application. He has amended this report to recommend a "Refusal" of the proposed development for the reasons outlined in his recommendation and as detailed in the report (shown by strikethrough and underlining).

Furthermore, the Council's approval of an eight storey development in the subject area will cause an undesirable precedent. The Council has previously expressed concerns about the height and massing of developments in this area and has resolved to amend the Town's Policy to restrict the height to six storeys.

9.1.8 No. 666 (Lot: 1 D/P: 541) Newcastle Street, Leederville - Proposed Change of Use from Eating House to Eating House and Unlisted Use - Small Bar

Ward:	South	Date:	24 November 2008
Precinct:	Oxford Centre ; P4	File Ref:	PRO0984; 5.2008.358.1
Attachments:	001		
Reporting Officer(s):	D Bothwell		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Lawson Nominees (1998) Pty Ltd on behalf of the owner Lavenda Pty Ltd & A & E M Percudani for proposed Change of Use from Eating House to Eating House and Unlisted Use - Small Bar, at No. 666 (Lot: 1 D/P: 541) Newcastle Street, Leederville, and as shown on plans stamp-dated 25 July 2008, subject to the following conditions:

- (i) all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (ii) the public floor area shall be limited to 119 square metres;*
- (iii) the maximum number of patrons to occupy the small bar at any one time shall be 120 persons;*
- (iv) the hours of operation of the small bar shall be limited to 12:00pm to 12:00 am Monday to Saturday and 12:00 pm to 10:00 pm on Sunday, inclusive;*
- (v) packaged liquor shall not be sold at the premises;*
- (vi) a detailed management plan that addresses the control of noise, anti-social behaviour, traffic, car parking, disposal of rubbish and its collection and litter associated with the development and any other appropriate matters shall be submitted to and approved by the Town prior to the first occupation of the development, and thereafter implemented and maintained; and*
- (vii) the windows, doors and adjacent floor area facing Newcastle Street and Carr Place shall maintain an active and interactive frontage to Newcastle Street and Carr Place.*

COUNCIL DECISION ITEM 9.1.8

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

PROCEDURAL MOTION

Moved Cr Farrell, Seconded Cr Youngman

That the item be DEFERRED for further investigation.

PROCEDURAL MOTION PUT AND CARRIED (7-2)

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

Landowner:	Lavenda Pty Ltd & A & E M Percudani
Applicant:	Lawson Nominees (1998) Pty Ltd
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): District Centre
Existing Land Use:	Eating House
Use Class:	Eating House and Unlisted Use (Small Bar)
Use Classification:	“P” and “Unlisted Use”
Lot Area:	405 square metres
Access to Right of Way	Not Applicable

BACKGROUND:

At the Ordinary Meeting of Council held on 21 November 2000, the Council conditionally approved a mixed use development comprising of one (1) eating house, three (3) offices and three (3) multiple dwellings.

DETAILS:

The proposal involves change of use from eating house to eating house and unlisted use – small bar.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	Noted – no variation
Car Parking			
The public floor area of the eating house is 119 square metres. This public floor area at the car parking rate of 1 car bay per 4.5 square metres requires 26.44 car bays. The small bar using the requirement of one car bay per 4.5 persons of maximum number of persons approved for the site (120) requires 26.67 car bays. The parking provision for the small bar is acceptable as the small bar parking requirement is only slightly higher (0.23 car bay) than the eating house parking requirement.			

Consultation Submissions		
Support	Nil	Noted.
Objection	Nil	Noted.
Other Implications		
Legal/Policy		TPS 1 and associated Policies.
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:

Small Bar Licence

In May 2007, an amendment was made to section 41 of the Liquor Control Act 1988, to include a small bar licence as a form of hotel licence. A small bar licence differs from hotel and tavern licences by the conditions imposed to restrict the scope of the licence. A small bar licence is a form of a hotel licence with:

- A condition prohibiting the sale of packaged liquor; and
- A condition limiting the number of persons who may be on the licenced premises to a maximum of 120.

Proposed Small Bar

The purpose of this proposal is to allow the existing eating house “*Duende*” to sell alcohol to its patrons without a substantial meal if desired. The nature of operations and table layout and menus beverage list of the existing eating house will not change, with the predominant use of an eating house remaining the same. Furthermore, it is intended that no alcohol will be served to patrons without food in the alfresco area.

Draft Leederville Masterplan

One of the Draft Leederville Masterplan’s concepts is the establishment of an Entertainment Precinct centred on Newcastle and Oxford Streets away from major residential areas. Given the subject proposed small bar is located in this “entertainment precinct” and given that there were no objections to the proposal during the advertising period it is considered that the proposed use of an eating house with unlisted use - small bar would be an appropriate land use for the site.

Summary

In light of the above, it is recommended that the proposed be approved, subject to standard and appropriate conditions to address the above matters and the nature of the small bar use.

9.1.14 Draft Local Planning Strategy

Ward:	Both Wards	Date:	25 November 2008
Precinct:	All Precincts	File Ref:	PLA0140
Attachments:	001		
Reporting Officer(s):	H Smith		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the Amended Draft Local Planning Strategy as “Laid on the Table” and circulated separately to Council Members;*
- (ii) *ENDORSES the Amended Draft Local Planning Strategy; and*
- (iii) *REFERS the Amended Draft Local Planning Strategy to the Western Australian Planning Commission for certification in accordance with the Town Planning Regulations.*

COUNCIL DECISION ITEM 9.1.14

Moved Cr Doran-Wu, Seconded Cr Messina

That the recommendation be adopted.

Cr Burns departed the Chamber at 7.34pm.

Debate ensued.

Cr Burns returned to the Chamber at 7.35pm.

Debate ensued.

PROCEDURAL MOTION

Moved Cr Doran-Wu, Seconded Cr Ker

That the item be DEFERRED for further consideration (including the comments submitted by Council Members).

PROCEDURAL MOTION PUT AND CARRIED (9-0)

FURTHER REPORT:

The Council at its Special Meeting held on 28 October 2008 considered the Draft Local Planning Strategy and resolved as follows:

“That the Council;

- (i) *RECEIVES the Draft Local Planning Strategy as “Laid on the Table”, as shown in Appendix 7.2 and circulated separately to Council Members;*

(ii) *RECEIVES the Draft Local Planning, subject to the Strategy being amended as follows:*

(a) *Page 2 - Housing Dwelling Type be amended to read as follows:*

“... Flats, units or apartments account for 17 percent of the Town’s housing stock, significantly ~~less~~ more than the 8.5 percent for the metropolitan area...”;

(b) *Page 30 - Income be amended to read as follows:*

“... The Town of Vincent as a whole has a higher percentage of its population earning a higher income ~~level per week~~ than the metropolitan ~~area~~ average. ~~Within the metropolitan area, there are more people earning less than \$1000 per week compared with the Town Vincent. However there are some suburbs within the Town that have more low income residents than the Town generally, in particular Mount Lawley, Highgate and North Perth.~~

~~In contrast, 4.1 percent of the metropolitan areas population is earning over \$2000 per week compared with the population within the Town where 6.4 percent are earning over \$2000 per week. Mount Hawthorn contains significantly higher levels of high income earners than other suburbs within the Town.~~

Within the Town 6.4 percent earn over \$2000 per week compared with a metropolitan average of 4.1 percent. Mount Hawthorn contains significantly higher levels of high income earners than other suburbs within the Town.

However, the suburbs of Mount Lawley, Highgate and North Perth have more low income residents than other areas of the Town...”;

(c) *Page 31 Method of Travel be amended to read as follows:*

“... A much higher proportion of people in the Town of Vincent also walk or cycle to work compared to ~~2.3 percent~~ for the metropolitan area...”;

(d) *Page 42 Affordable Housing Strategy be amended to read as follows:*

“... ~~Accordingly, the facilitation of affordable housing and consideration of a policy to realise these opportunities will be considered by the Council following formal consultation of the Draft Strategy in December 2008.~~

The Council considered the Draft Affordable Housing Strategy at its Special Meeting held on 14 October 2008 and resolved to further consider ‘affordable housing’ options relating to non-familial ancillary housing and ‘strategic development sites’ in the Town Planning Scheme Review and the Local Planning Strategy. The Council also noted its support for the Town entering into discussions with Local Service Providers and Institutions to define mutually beneficial partnership arrangements, where appropriate, on strategic development sites. The Draft Affordable Housing Strategy is to be formally advertised (including the four detailed briefs) for a period of twenty-eight (28) days, after which time the Council would consider the submissions received...”;

(e) *Pages. 49-51 - Review of Road Reserves be amended to read as follows:*

“... ”

1. London Street- Proposed 24.4 metre Reserve		
Road Section	Retain MRS	Remove MRS
Scarborough Beach Road to Hobart Street	Yes Extent to accommodate possible future intersection modifications at Scarborough Beach Road to be determined.	No

Hobart Street to Ellesmere Street	No	Yes Additional works and expense to install median islands not justified. Cost of purchasing land to widen road in order to install median islands not justified.
Ellesmere Street to Green Street	Yes Extent to accommodate future intersection modifications to be determined.	No
2. Loftus Street- Proposed 23 metre Reserve		
Section	Retain	Remove
Vincent Street to Anzac Road	No	Yes Additional works and expense to install median islands not justified. Cost of purchasing land to widen road in order to install median islands not justified.
3. Walcott Street- Proposed 23 metre Reserve		
Section	Retain	Remove
Charles Street to Lord Street	No	Yes Additional works and expense to install median islands not justified. Cost of purchasing land to widen road in order to install median islands not justified.
4. Fitzgerald Street- Proposed 23 metre Reserve		
Section	Retain	Remove
Charles Street to Lord Street	No	Yes Additional works and expense to install median islands not justified. Cost of purchasing land to widen road in order to install median islands not justified.
5. Vincent Street- Proposed 23 metre Reserve		
Section	Retain	Remove
Freeway to Charles Street	No	Yes Additional works and expense to install median islands not justified. Cost of purchasing land to widen road in order to install median islands not justified.
Charles Street to Bulwer Street	Yes Extent to accommodate possible future intersection modifications at Bulwer Street to be determined.	No.
6. Beaufort Street – Proposed 23 to 25m Reserve		
Section	Retain	Remove
Parry Street to Greenway Street	Generally Not applicable	
Greenway Street to south of Bulwer Street	No	Yes. Additional works and expense to install median islands not justified. Cost of purchasing land to widen road in order to install median islands not justified.

Intersection of Bulwer Street and Beaufort Street	Yes Extent to accommodate possible future intersection modifications to be determined.	No
North of Bulwer Street to Broome Street	No	Yes. Additional works and expense to install median islands not justified. Cost of purchasing land to widen road in order to install median islands not justified.
Broome Street to Harold Street	Not applicable	
Harold Street to Walcott Street	No	Yes. Additional works and expense to install median islands not justified. Cost of purchasing land to widen road in order to install median islands not justified.
7. William Street – Proposed 23.0m Reserve		
Section	Retain	Remove
Vincent Street to Walcott Street	No	Yes. Additional works and expense to install median islands not justified. Cost of purchasing land to widen road in order to install median islands not justified.

... ”;

(f) Page 82 - 7.4.4 Local and Commercial Areas be amended to read as follows:

“... Beaufort Street provides a vital conduit between the town centre of Mount Lawley and Northbridge Leederville and displays numerous opportunities for linear intensification of land uses supported by good levels of public transport...”;

(g) Page 88 – 7.6 Zoning Recommendations be amended to read as follows:

~~“... It is further noted that discussion of the land zoned Residential R20 in the Banks Precinct is outlined in 9.56.2 Former Eton Locality with respect to the Scheme Amendment considered by the former Minister for Planning and Infrastructure to down-zone the locality.~~

The Town Planning Scheme review involved a holistic review of the Town employing the principles of Network City, the outcomes of Vincent Vision 2024 and contemporary planning practice. In this respect, the housing survey, including the identification of potential residential streetscapes, and a comparative review of the Town's residential areas together with an area within the Banks Precincts in Mount Lawley, (down-coded to Residential R20 in 2002), revealed that this area, given its relative proximity to the Central Business District of Perth and the comparative level of amenity to other residential areas in the Town, was neither unlike nor exceptional to many streets within the Town, nor Mount Lawley respectively. It is noted however, that three of the seven streets within this area were identified as potential ‘residential streetscapes’.

It is further noted that the 'transit oriented development' analysis revealed that all of the land zoned Residential R20 within Mount Lawley is either within 400 or 800 metres of the East Perth and Mount Lawley Rail Stations. Consistent with the recommendations throughout the Strategy, similarly located land has warranted a recommendation of a significantly higher residential density zoning.

Whilst justification of the maintenance of Residential R20 zoning in these areas is unsubstantiated, there is little evidence of a significant shift in residents' wishes in this regard and given that this area contributes to housing choice within the Town, it is considered appropriate, at this point in time, to maintain the Residential R20 zoning within the Banks Precinct.

The Town's Officers would however, record that further consideration of this area with respect to comparative zoning analysis should be undertaken in any future housing surveys and Town Planning Scheme Reviews to ensure consistency and the orderly and proper planning of the area...";

(h) Page 95 - Pedestrian Movement be amended to read as follows:

"... The improvement of the pedestrian link, particularly its visual clarity and safety, between Claisebrook Station and Members Equity Stadium, especially for crossing Lord Street, is considered essential to any improvement works carried out in this area...";

(i) Page 111 - 8.4.1 The Town Centre be amended to read as follows:

"... William Street provides primary access to the Northbridge Entertainment area, the Perth Cultural Precinct and the Central Business District. ~~however, the infrastructure comprises overhead power, concrete slab paths and associated infrastructure, underdeveloped adjoining land and vacant blocks, no soft landscaping/verge trees and no public art or street furniture...~~";

(j) Page 112 - 8.4.1 The Town Centre be amended to read as follows:

"... It comprises a one way road north to south to the Central Business District with ~~four (4) two (2) lanes of traffic, however, operates predominantly as a two (2) lane road...~~";

(k) Page 117 – Architectural Style be amended to read as follows:

"... All buildings zoned Commercial or Residential/Commercial are encouraged to have a nil setback to Brisbane Street...";

(l) Page 118 – Architectural Style be amended to read as follows:



"No. 205 Brisbane Street, Perth



Nos.140-142 Brisbane Street, ~~corner Lake~~ Street, Perth

...";

(m) Page 139 - 9.5.3 Strategic Development Sites be amended to read as follows:

“... The Knutsford Hotel was demolished in 2004 ~~and to date, a proposal to redevelop the site.~~ The Council at its Ordinary Meeting held on 27 May 2008 approved a four-storey mixed use development comprising twenty five (25) multiple dwellings (including 15 single bedroom dwellings and 10 two-bedroom dwellings), four (4) offices, one (1) eating house and associated car parking on the subject site...”; and

(n) Page 142 – 9.6.2 Former Eton Locality be amended to read as follows:

“... the comparative review of the Town's residential areas together with the former Eton Locality ~~and an area within the Banks Precincts in Mount Lawley, (both down-coded to Residential R20 in 2002), revealed that both of these this areas, given their its~~ relative proximity to the Central Business District of Perth and the comparative level of amenity to other residential areas in the Town, ~~were was~~ neither unlike nor exceptional to many streets within the Town, nor North Perth ~~or Mount Lawley~~ respectively. It is particularly relatable to note that few streets within the former Eton Locality were identified for their streetscape value, ~~whereas three of the seven streets within the similarly zoned Mount Lawley, were.~~ Correspondingly, justification of the maintenance of Residential R20 zoning in ~~these~~ this areas is unsubstantiated.

Further, with respect to Mount Lawley, it is noted that the ‘transit oriented development’ analysis revealed that all of the land zoned Residential R20 within Mount Lawley is either within 400 or 800 metres of the East Perth and Mount Lawley rail stations. Consistent with the recommendations throughout the Strategy, similarly located land has warranted a recommendation of a significantly higher residential zoning.

Notwithstanding the above, given the outcomes of Vincent Vision 2024 with respect to the North Perth area, which espouses a maintenance of the Residential R20 zoning in the former Eton Locality, the consistent approach taken by the Town with respect to the initial and subsequent Scheme Amendments, that ~~both of these~~ this areas contributes to housing choice within the Town, and that there is little evidence of a significant shift in residents’ wishes in this regard, it is considered appropriate at this point in time, to maintain the Residential R20 zoning within the ~~Banks Precinct and that the land within the~~ former Eton Locality, with the exception of London Street, ~~also to maintain a Residential R20 zoning.~~ In terms of those lots fronting London Street within the former Eton Locality, it is considered appropriate, that consistent with all other major roads within the Town, the zoning be Residential R60. As noted in 9.5.2 Local Centres and 9.5.3 Strategic Development Sites of the Strategy, this recommendation includes the former ‘Midland Brick display’ site at No. 6 London Street, North Perth.

The Town’s Officers would however record that further consideration of ~~both of these~~ this areas with respect to comparative zoning analysis should be undertaken in any future housing surveys and Town Planning Scheme Reviews to ensure consistency and the orderly and proper planning of the areas...”; and

(iii) *NOTES that the Residential Streetscapes component of the Draft Local Planning Strategy will need to be amended, to reflect the outcome of the Council’s decision concerning Item 7.3 and AUTHORISES the Chief Executive Officer to amend the document to reflect the Council’s decision prior to it being forwarded to the Western Australian Planning Commission.”*

DETAILS:

Following the Council's initial consideration of the Draft Local Planning Strategy, the Town's Officers invited further comment from Council Members with respect to the draft document. In response, comments from three Council Members (Crs Ker, Lake, Maier) have been received and considered by the Town's Officers. The respective comments are set out in table form with associated Officers comments in response. The Draft Local Planning Strategy has been amended to reflect the previous 28 October 2008 Council resolution, and the Council Members' comments where considered appropriate. The amended Draft Strategy is "*Laid on the Table*" and will be circulated separately to Council Members.

Under Regulation 12A(3) of the Town Planning Regulations, where a scheme envisages the zoning or classification of land, the Scheme Report shall be in the form of a Local Planning Strategy (LPS). Under Regulation 12A (3), the LPS is to:

- set out the long term planning directions for the local government;
- apply State and regional planning policies; and
- provide the rationale for the zones and other provisions of the scheme.

The procedure for the advertisement and endorsement of the LPS is set out in Regulation 12B as follows:

- *"The Local Government forwards the draft LPS to the Commission. The Commission is required to certify that the LPS is consistent with Regulation 12A(3) as set out above.*
- *When the Commission has certified a LPS as being consistent with Regulation 12A(3), in the case of a LPS being prepared with a new scheme, the LPS is advertised as if it were part of the scheme. In the case of a LPS prepared independently of a new scheme, the advertising requirements are as set out in Regulation 12B(2). This requires the publication of a notice of the LPS once a week for two consecutive weeks in a local newspaper; the forwarding of copies of the LPS to any person or public authority which has an interest in the LPS; and the undertaking of such other consultations and the taking of such other steps as the local government considers appropriate to give notice of the LPS.*
- *The submission period is the same as for the scheme where the LPS is prepared with a new scheme and 21 days where the LPS is prepared independently of a new scheme.*
- *After the expiry of the submission period, the local government is to review the LPS in the light of any submissions, adopt the LPS with any modifications as it thinks fit in response to the submissions, and forward a copy of the LPS to the Commission for its endorsement.*
- *Notice of the Commission's endorsement of the LPS is published in a newspaper circulating in the scheme area. A copy of the LPS is to be made available for public inspection during business hours at the offices of the local government and the Commission."*

It should be noted that the subject LPS has been prepared with a new Scheme. The Minister does not need to approve or refuse the LPS because it does not form part of the Scheme Text. It is necessary, however, for the Commission to endorse the LPS because it is the strategic basis for the Scheme, and to ensure consistency with State and regional policies.

CONSULTATION/ADVERTISING:

There is a statutory requirement to advertise the draft new Town Planning Scheme No. 2 for 3 months. The Local Planning Strategy will be advertised with Town Planning Scheme No. 2 during this advertising period.

LEGAL/POLICY:

There is a statutory requirement for the Town to commence a review of its Town Planning Scheme No. 1 every five years, and to bring this to completion as soon as practicable. The statutory provisions relating to a Town Planning Scheme and its review are prescribed in the *Planning and Development Act 2005* and *Town Planning Regulations 1967*.

STRATEGIC IMPLICATIONS:

Strategic Plan 2006-2011: Objective 1.1 Improve and Maintain Environment and Infrastructure:

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

SUSTAINABILITY IMPLICATIONS:

The preparation of the Local Planning Strategy as part of the Review of the Town of Vincent Town Planning Scheme has considered sustainability in great detail and is considered to promote a sustainable future for the Town.

FINANCIAL/BUDGET IMPLICATIONS:

The 2008/2009 Budget lists \$62,000 for Town Planning Scheme Amendments and Policies. An amount of \$30,000 has been allocated to carry out a Peer Review of the new Town Planning Scheme text and supporting documentation as noted by Council at its Ordinary Meeting held on 9 October 2007.

COMMENTS:

Drafting of the new scheme text and maps is progressing and clearly, the Council’s consideration of the amended Draft Local Planning Strategy and its endorsement of the content and recommendations, is crucial to the Town’s Officers being able to progress Town Planning Scheme No. 2 in accordance with the timelines indicated in the Town Planning Scheme Review Progress Report No. 8 and updated in the Memorandum dated 31 October 2008 and circulated to Council Members on 31 October 2008 (as below) and circulated to Council Members.

Council Member comments on the Draft Local Planning Strategy (LPS)	17 November 2008
Draft LPS to be considered by the Council at its Ordinary Meeting	2 December 2008
Draft Town Planning Scheme No. 2 Text and Maps to be considered by the Council at its Ordinary Meeting	10 February 2009 (assumed first Ordinary Meeting of Council in 2009)
Peer Review of Draft TPS No. 2	March 2009
Estimated Promulgation of TPS No. 2	April 2010

Accordingly, it is recommended that the Council receives the Amended Draft Local Planning Strategy (LPS), endorses the Amended Draft Strategy and refers the Amended Draft Strategy to the Western Australian Planning Commission for certification in accordance with the Town Planning Regulations as outlined in the Officer Recommendation.

9.1.10 No. 5 (Lot 168 D/P: 2001) Gardiner Street, East Perth - Proposed Partial Demolition of, and Alterations and Additions to Existing Garage of Existing Single House

Ward:	South	Date:	21 November 2008
Precinct:	Banks; P15	File Ref:	PRO3754; 5.2008.434.1
Attachments:	001		
Reporting Officer(s):	S Kendall		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by the owner L Stankoski for proposed Partial Demolition of, and Alterations and Additions to Existing Garage of Existing Single House, at No. 5 (Lot 168 D/P: 2001) Gardiner Street, East Perth, and as shown on plans stamp-dated 11 September 2008 and overshadowing diagram stamp-dated 7 October 2008, for the following reasons:

- (i) the development is not consistent with the orderly and proper planning and preservation of the amenities of the locality;*
- (ii) the non-compliance with the outbuilding and privacy requirements of the Residential Design Codes; and*
- (iii) consideration of the objections received.*

At 7.50pm Cr Doran-Wu departed the Chamber and did not return to the Meeting.

Cr Burns departed the Chamber at 7.50pm.

COUNCIL DECISION ITEM 9.1.10

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

Cr Burns returned to the Chamber at 7.51pm.

Moved Cr Farrell, Seconded Cr Messina

That the item be DEFERRED at the request of the Draftsman, representing the applicant.

MOTION PUT AND CARRIED (8-0)

(Cr Doran-Wu was an apology for the remainder of the meeting for personal reasons.)

Landowner:	L Stankoski
Applicant:	L Stankoski
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R20
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	668 square metres
Access to Right of Way	Western side, 4 metres wide, sealed, private owned

BACKGROUND:

12 December 1995 A Building Licence was issued by the Town of Vincent for the construction of the existing double garage along the western boundary of the subject property.

23 January 2007 The Council at its Ordinary Meeting resolved to constructively refuse an application for proposed Two-Storey Ancillary Accommodation Addition to Existing Single House at the subject property for the following reasons:

1. *The development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality.*
2. *The non-compliance with the requirements of the Town's Policy relating to Ancillary Accommodation with regard to pedestrian connection between the main dwelling and the ancillary accommodation structure, height, floor area and access between the garage and the ancillary accommodation structure.*
3. *Non-compliance with the buildings on boundary provisions of the R- Codes in relation to average height, maximum height and wall length.*
4. *Consideration of the objections received."*

DETAILS:

The proposal involves partial demolition of, and alterations and additions to existing garage of existing single house.

In support of the development the applicants have highlighted the following:

- The proposed new roof will only be 101 millimetres higher than the roof of the existing garage.
- The additional garage will alleviate car parking along Gardiner Street.
- The proposed design of the structure replicates/mirrors the western elevation of the existing dwelling, creating an aesthetic setting for owner whilst being mindful of the amenity of the adjacent neighbouring properties and the right of way streetscape.
- There are a number of existing structures compatible to the proposed development along the subject portion of the right of way, which bounds the subject property, including:
 - o No. 94 Zebina Street, East Perth;
 - o No. 100 Zebina Street, East Perth; and
 - o No. 84 Zebina Street, East Perth.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	Noted.
Building Setbacks:			
Garage to northern boundary	1.5 metres	1 metre	Supported - not considered to have an undue impact on affected neighbouring property.
Garage to southern boundary	1.5 metres	Nil – 1.5 metres	Supported - as the wall complies with R Codes Building on Boundary requirements, the setback is not considered to have an undue impact on affected neighbouring property and the portion of boundary building wall is located at the rear of a large lot away from the neighbouring dwelling.
SADC. 7 Articulation	Any portion of wall greater than 9 metres to incorporate horizontal or vertical articulation.	Ground level northern wall of garage total length 11.39 metres without articulation.	Supported - as the variation is minor, there is a lesser need for horizontal or vertical articulation along the ground floor and it is not considered to have an undue impact on the neighbouring property or streetscape.
Outbuilding	Do not exceed a wall height of 2.4 metres	<p>Northern wall –</p> <ul style="list-style-type: none"> - 3.2 metres in height above existing retained ground. - A 2 metre long portion at 4.2 metres above non-retained portion of backyard. <p>Southern wall -</p> <ul style="list-style-type: none"> - 3.3 metres in height above existing retained ground. 	Not supported - refer to "Comments" section below.

	<p>Do not exceed a ridge height of 4.2 metres</p> <p>Do not exceed 60 square metres in area or 10 per cent (66.8 square metres) of the total site area, whichever is the lesser.</p>	<ul style="list-style-type: none"> - 6.7 metres in height above existing retained ground. - A 2 metre long portion at 7.6 metres above non-retained portion of backyard. <p>Combined floor area of garage and studio 119.64 square metres (17 per cent of total).</p>	<p>Not supported - as above.</p> <p>Not supported - whilst the proposal is compliant with the open space requirements of the R Codes it is considered that bulk and scale of the roof structure will have an undue impact on the adjacent neighbouring properties and right-of-way streetscape.</p>
<p>Privacy Setbacks:</p> <p>Studio windows along eastern elevation</p> <p>Portico and retained area</p>	<p>6 metres or screening</p> <p>7.5 metres or screening</p>	<p>1.8 metres to northern boundary.</p> <p>2.8 metres to southern boundary.</p> <p>4.1 metres to northern boundary.</p> <p>4.7 metres to southern boundary.</p>	<p>Not supported - considered to have an undue impact on affected neighbouring property and would be conditioned to comply in the event of an approval.</p> <p>Not supported - as above.</p> <p>Supported - as the retained outdoor component is considered as a walkway to the rear proposed garage and not an active habitable space as defined by the R Codes.</p> <p>Supported - as above.</p>
Consultation Submissions			
Support	Nil		Noted.
Objection (2)	<ul style="list-style-type: none"> - The existing development is excessive. 		Supported - the bulk and scale of the roof structure is considered excessive and will have an undue impact on neighbouring properties and right of way streetscape.

	<ul style="list-style-type: none"> - The existing development is already non-compliant in terms of privacy. - The development will overshadow adjacent properties. - The proposal is a fire hazard as the garage will block access into the rear property. - No development is allowed to impinge on adjacent properties. 	<p>Supported in part - in the event of approval a condition would require screening to all privacy variations to habitable spaces.</p> <p>Not supported - as the proposal complies with the R Codes' overshadowing requirements.</p> <p>Not supported - as it is not uncommon for properties not to have rear access.</p> <p>Noted - developments is required to be completely contained within the subject lot.</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 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:

Parks Services

There is an immature Pine Tree (species unknown) on site which is on the Town's Interim Significant Tree Data Base - Reference. The Town's Parks Services have advised that this tree does not warrant retention.

Building Height

The R Codes state that an "outbuilding" should be relatively small in area and relatively low in height, and some guidance as to what that means is given in the Acceptable Development provisions at 60 square metres and a 4.2 metre ridge height respectively. The performance criteria of the R Codes for outbuildings states that new outbuildings that do not meet the acceptable development standards may be approved if they *'do not detract from the streetscape or visual amenity of residents or neighbouring properties'*. It is considered that the proposed height coupled with the large expanse of roof, particularly facing the southern property will have a detrimental impact on the right of way streetscape and visual amenity of neighbouring properties.

It is noted that the subject property already comprises a rear double garage with a steep gable roof to a height of approximately 6.5 metres, which was built in 1995 and that the existing garage will be partially retained as part of this proposal. However, it is considered that the proposed roof with a maximum ridge height of 7.6 metres and the resultant large expanse of roof, particularly to the southern boundary, which occupies almost the whole width of the site will be excessive. In addition to this it is considered that whilst there are still concerns with the overall floor area and privacy, the subject development can be accommodated on site, with compliant building heights, or by retaining the existing garage roof and providing alternative compliant roofs forms, which would break up the mass and extent of the proposed gable roof.

The applicants have liaised with the Town's Officers on numerous occasions in order to develop a proposal, which balances the Town's Policies and requirements with the owner's wants and needs. However, as can be seen from the above discussion and Non-Compliant Table the subject outbuilding is considered excessive. Furthermore as the building does not conform to either the Acceptable Development provisions or the corresponding Performance Criteria relating to Outbuildings it is recommended that the application be refused as per the Officer Recommendation.

9.1.12 No. 40 (Lot: 2 D/P: 1346) Melrose Street, Leederville - Proposed ~~Three~~ Two (2) Three-Storey Grouped Dwellings

Ward:	South	Date:	24 November 2008
Precinct:	Leederville, P3	File Ref:	PRO2661; 5.2008.421.1
Attachments:	001 002		
Reporting Officer(s):	D Bothwell		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by Iemcon Projects on behalf of the owner F & T Iemma for proposed Two (2) Three-Storey Grouped Dwellings, at No. 40 (Lot: 2 D/P: 1346) Melrose Street Leederville, and as shown on plans stamp-dated 8 September 2008, for the following reasons:

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) the non-compliance with the number of storeys and building height requirements of the Town's Policy No. 3.2.1 – Residential Design Elements; and*
- (iii) consideration of the objections received.*

COUNCIL DECISION ITEM 9.1.12

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

Cr Youngman departed the Chamber at 7.53pm.

Debate ensued.

MOTION PUT AND CARRIED (7-0)

(Cr Youngman was absent from the Chamber and did not vote. Cr Doran-Wu was an apology for the remainder of the meeting for personal reasons.)

Landowner:	F & T Iemma
Applicant:	Iemcon Projects
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R60
Existing Land Use:	Existing Single House
Use Class:	Grouped Dwelling
Use Classification:	"P"
Lot Area:	438 square metres
Access to Right of Way	North side, 5 metres wide, unsealed, Town owned

BACKGROUND:

On 6 August 2008, an application for demolition of existing single house, and construction of two (2) two-storey with loft grouped dwellings on the subject property was conditionally approved by the Town under delegated authority from the Council.

DETAILS:

The proposal involves construction of two (2) three - storey grouped dwellings on the subject property.

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

ASSESSMENT:

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

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
<u>Lofts</u>	<u>Lofts are to be contained between the roof pitch area (no less than 35 degrees and no greater than 45 degrees) and the top of the ceiling of the storey immediately below.</u> <u>Lofts are not to resemble an additional storey.</u> <u>Dormer windows to lofts are to have a maximum aggregate length of 4.5 metres or 20 per cent of the length of the dwelling on that particular elevation, whichever is lesser.</u>	<u>Proposed 'lofts' are not contained between the roof pitch area.</u> <u>Proposed 'lofts' resemble an additional storey.</u> <u>Proposed dormer windows to 'lofts' occupies 52.17 per cent of each dwelling on that particular elevation.</u>	<u>Not supported – undue impact on streetscape and surrounding amenity, and considered to be a storey.</u> <u>Not supported – undue impact on streetscape and surrounding amenity, and considered to be a storey.</u> <u>Not supported – undue impact on streetscape and surrounding amenity, and considered to be a storey.”</u>
Density	2.43	2	Supported – no variation.
Plot Ratio	N/A	N/A	Noted.
Buildings on the Boundary: Western Boundary-	Walls not higher	3.003 metres	Not supported - undue

Living & Dining Room	than 3.5 metres with an average of 3 metres.		impact on neighbouring property.
Western Boundary-Entry	Walls not higher than 3.5 metres with an average of 3 metres.	3.199 metres	Not supported – as above
Eastern Boundary-Living & Dining Room	Walls not higher than 3.5 metres with an average of 3 metres.	3.086 metres	Not supported – as above
Eastern Boundary-Entry	Walls not higher than 3.5 metres with an average of 3 metres.	3.086 metres	Not supported – as above
Boundary Setbacks: Western Boundary-Ground Floor	1.5 metres	Nil – 1.367 metres	Supported – no undue impact on neighbouring property and no objections received relating directly to side setbacks. This variation was supported when previous proposal was approved on 6 August 2008.
Western Boundary-First floor	2.2 metres	0.767 - 1.367 metres	Supported – no undue impact on neighbouring property and no objections received relating directly to side setbacks.
Western Boundary-Loft (Second) Floor	1.5 metres	1.367 metres	Supported – no undue impact on neighbouring property and no objections received relating directly to side setbacks. This variation was supported when previous proposal was approved on 6 August 2008.
Eastern Boundary-Ground	1.5 metres	Nil – 1.367 metres	Supported – as above.

Eastern Boundary- First Floor	2.2 metres	0.767 - 1.367 metres	Supported – no undue impact on neighbouring property and no objections received relating directly to side setbacks.
Eastern Boundary- Loft (Second) Floor	1.5 metres	1.367 metres	Supported – no undue impact on neighbouring property and no objections received relating directly to side setbacks. This variation was supported when previous proposal was approved on 6 August 2008.
Southern Boundary- Garages/Carports	6.0 metres	5.936 metres	Not supported – undue impact on the streetscape and surrounding amenity.
Privacy Setbacks: Western Boundary- Balcony	7.5 metres	3.4 metres	Not supported – undue impact on affected neighbouring property.
Eastern Boundary- Balcony	7.5 metres	3.4 metres	Not supported – as above.
Eastern Boundary- Windows to bedroom 2 (east dwelling)	4.5 metres	3.15 metres	Not supported – as above.
Western Boundary- Windows to bedroom 2 (west dwelling)	4.5 metres	3.15 metres	Not supported – as above.
Eastern Boundary- Windows to bedroom 1 (east dwelling)	4.5 metres	2.8 metres	Not supported – as above.
Western Boundary- Windows to bedroom 1 (west dwelling)	4.5 metres	2.8 metres	Not supported – as above.

Eastern Boundary- Windows to loft (east dwelling)	6.0 metres	3.4 metres	Not supported – as above.
Western Boundary- Windows to loft (west dwelling)	6.0 metres	3.4 metres	Not supported – as above.
Vehicle Access	Car parking, garages and carports are to be located at the rear and accessed via a right of way where a right of way exists.	Proposal has vehicle access from Primary Street (Melrose Street)	Supported – right of way at the rear of property is unsealed (not programmed to be sealed until 2014), non-trafficable and is a private right of way. This variation was supported when the previous proposal was approved on 6 August 2008.
Street Walls and Fences	Maximum height of the solid portion being 1.2 metres and a minimum of 50 per cent visually permeable above 1.2 metres.	A portion of the wall within the front setback area is solid to 1.8 metres.	Not supported – undue impact on streetscape and surrounding amenity.
Side Setbacks: Eastern Boundary- (Ground Floor)	Any portion of wall greater than 9 metres in length is required to incorporate articulation.	Portion of wall to dining room, living room and pergola patio has length of 12.5 metres.	Supported – no undue impact on neighbouring property, subject wall is on the ground floor and condition applied for wall height to comply with the Residential Design Codes.
Western Boundary- (Ground Floor)	Any portion of wall greater than 9 metres in length is required to incorporate articulation.	Portion of wall to dining room, living room and pergola patio has length of 12.5 metres.	Supported – no undue impact on neighbouring property, subject wall is on the ground floor and condition applied for wall height to comply with the Residential Design Codes.
Eastern Boundary- (Upper Floor)	Any portion of wall greater than 9 metres in length is required to incorporate articulation.	Portion of wall on upper floor has a length of 11.986 metres.	Not supported – undue impact on neighbouring property.

Western Boundary- (Upper Floor)	Any portion of wall greater than 9 metres in length is required to incorporate articulation.	Portion of wall on upper floor has a length of 11.986 metres.	Not supported – undue impact on neighbouring property.
Setbacks of Garages and Carports:	Garages are to be setback a minimum of 500 behind line of front main building line of the dwelling.	Proposed garages are located in front of the main building line.	Supported in part – no undue impact on streetscape or surrounding amenity as proposed garages are setback 6.2 metres from the street, provided the garage doors are deleted so that front of garages are 100 per cent open minimising visual impact on Melrose Street. This variation was conditionally supported when the previous proposal was approved on 6 August 2008.
Number of Storeys	2 Storeys	3 Storeys	Not supported - undue impact on streetscape and surrounding amenity.
Building Height: Chimney/Feature Wall-	6.0 metres	9.7 metres	Not supported – undue impact on neighbouring properties and surrounding amenity.
Consultation Submissions			
Support (1)	No comments provided.		Noted.
Objection (2)	Objecting to the privacy variations to the western boundary.		Supported – undue impact on affected neighbouring property.
	Objecting to the variations to side setbacks to the western boundary in terms of articulation.		Supported – undue impact on affected neighbouring property.

	Building Height - objecting to height variation of feature wall on eastern elevation saying it will overshadow their house at 38 Melrose Street.	Supported in part – although the proposal complies with the overshadowing requirements of the Residential Design Codes, the height variation of the feature wall on the eastern and western elevations is considered to have an undue impact on neighbouring properties and surrounding amenity.
	Lofts – objecting to the proposed lofts saying that they resemble a third storey and may be used a third bedroom.	Supported – proposed lofts are considered to be a third storey.
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 proposal approved on 6 August 2008 is similar to the current proposal, however the applicant has now proposed an alternative façade for the proposed dwellings. The main differences in the new proposal is the proposed lofts which are now not contained within the roof space and therefore considered a third storey, and a chimney/feature wall on the western and eastern elevations. These two differences are the two further variations to those involved with the previous approved proposal. These variations of number of storeys and wall height are both not supported.

It is the applicant’s view that the alternative façade is a better outcome in terms of contribution to the streetscape, with the new façade of the proposed dwellings being a better design outcome than the approved façade. The applicant has provided different perspectives of the proposed and approved elevations, which is “*Laid on the Table*”.

Conclusion

In light of the above, the new variations to the number of storeys and wall height is not supported and the proposal is therefore recommended for refusal.

9.1.2 Further Report - Policy Amendment No. 50 – Draft Policy relating to Appendix No. 18 – Design Guidelines for William Street, between Bulwer and Newcastle Streets, Perth

Ward:	South	Date:	25 November 2008
Precinct:	Beaufort, P13	File Ref:	PLA0196
Attachments:	001 ; 002		
Reporting Officer(s):	R Marie, H Smith		
Checked/Endorsed by:	D Abel	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the final amended version of the Policy relating to Design Guidelines for William Street, between Bulwer and Newcastle Streets, Perth, as shown in Appendix 9.1.2(a), resulting from the advertised version having been reviewed and with regard to 2 written submissions received during the formal advertising, as shown in Appendix 9.1.2(b), in accordance with Clauses 47(4), and (5) (a) of the Town's Town Planning Scheme No. 1;*
- (ii) *ADOPTS the final amended version of the Policy relating to William Street, between Bulwer and Newcastle Streets, Perth, as shown in Appendix 9.1.2(a), in accordance with Clause 47 (5) (b) of Town Planning Scheme No. 1; and*
- (iii) *AUTHORISES the Chief Executive Officer to advertise the final amended version of the Policy relating to Design Guidelines for William Street, between Bulwer and Newcastle Streets, Perth, as shown in Appendix 9.1.2(a), in accordance with Clause 47 (6) of Town Planning Scheme No. 1.*

Cr Youngman returned to the Chamber at 7.54pm.

Moved Cr Messina, Seconded Cr Farrell

That the recommendation be adopted.

Debate ensued.

AMENDMENT NO 1

Moved Cr Maier, Seconded Cr Ker

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

“(ii) ADOPTS the final amended version of the Policy relating to William Street, between Bulwer and Newcastle Streets, Perth, as shown in Appendix 9.1.2(a), in accordance with Clause 47 (5) (b) of Town Planning Scheme No. 1; subject to the Policy being further amended as follows:

(a) Clause 7 Site Planning i) Density and Mix, Newcastle Street to Brisbane Street be amended to read as follows:

***‘...
however the Council may consider an increase in density of development up to R 160 provided acceptable levels of amenity can be maintained at adjacent lots...’; and***

- (b) *Clause 7 Site Planning i) Density and Mix, Brisbane Street to Bulwer Street be amended to read as follows:*

‘...

Density bonuses up to R 160 will only be considered where acceptable levels of amenity can be maintained at adjacent lots...’; and”

Debate ensued.

Cr Messina departed the Chamber at 7.59pm.

Debate ensued.

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

The Presiding Member, Mayor Nick Catania ruled that he would consider and vote on the amendment in two parts.

Debate ensued.

Cr Messina returned to the Chamber at 8.02pm.

AMENDMENT NO 1 CLAUSE (ii)(a) PUT AND CARRIED (8-0)

(Cr Doran-Wu was an apology for the remainder of the meeting for personal reasons.)

AMENDMENT NO 1 CLAUSE (ii)(b) PUT AND LOST (2-6)

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

(Cr Doran-Wu was an apology for the remainder of the meeting for personal reasons.)

AMENDMENT NO 2

Moved Cr Burns, Seconded Cr Ker

That a new subclause (ii)(b) be inserted as follows:

“(ii)(b) Clause 7 Site Planning i) Density and Mix, Brisbane Street to Bulwer Street be amended to read as follows:

‘...

Density bonuses up to R 120 will only be considered where acceptable levels of amenity can be maintained at adjacent lots...’; and”

AMENDMENT NO 2 PUT AND CARRIED (5-3)

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

(Cr Doran-Wu was an apology for the remainder of the meeting for personal reasons.)

Debate ensued.

MOTION AS AMENDED PUT AND CARRIED (8-0)

(Cr Doran-Wu was an apology for the remainder of the meeting for personal reasons.)

COUNCIL DECISION ITEM 9.1.2

That the Council;

- (i) *RECEIVES the final amended version of the Policy relating to Design Guidelines for William Street, between Bulwer and Newcastle Streets, Perth, as shown in Appendix 9.1.2(a), resulting from the advertised version having been reviewed and with regard to 2 written submissions received during the formal advertising, as shown in Appendix 9.1.2(b), in accordance with Clauses 47(4), and (5) (a) of the Town's Town Planning Scheme No. 1;*
- (ii) *ADOPTS the final amended version of the Policy relating to William Street, between Bulwer and Newcastle Streets, Perth, as shown in Appendix 9.1.2(a), in accordance with Clause 47 (5) (b) of Town Planning Scheme No. 1; subject to the Policy being further amended as follows:*
 - (a) *Clause 7 Site Planning i) Density and Mix, Newcastle Street to Brisbane Street be amended to read as follows:*

*'...
however the Council may consider an increase in density of development up to R 160 provided acceptable levels of amenity can be maintained at adjacent lots...'; and*
 - (b) *Clause 7 Site Planning i) Density and Mix, Brisbane Street to Bulwer Street be amended to read as follows:*

*'...
Density bonuses up to R 120 will only be considered where acceptable levels of amenity can be maintained at adjacent lots...'; and*
- (iii) *AUTHORISES the Chief Executive Officer to advertise the final amended version of the Policy relating to Design Guidelines for William Street, between Bulwer and Newcastle Streets, Perth, as shown in Appendix 9.1.2(a), in accordance with Clause 47 (6) of Town Planning Scheme No. 1.*

FURTHER REPORT:

The Council at its Ordinary Meeting held on 4 November 2008, considered the Draft Amended Policy and resolved:

"That the item be DEFERRED to allow for strategic development sites to be more clearly identified or defined, as appropriate, in the Policy."

The Town's Officers have reviewed the Minutes of the Ordinary Meeting of Council held on 4 November 2008 and have made amendments via double underline and strikethrough, to the Draft Amended Policy that was presented to the above Council Meeting.

Strategic Development Sites

It has been noted that all sites in the subject area have the potential to be developed in accordance with the Strategic Development Sites criteria as outlined in the Draft Local Planning Strategy. Accordingly, it is not considered that sites need to be defined in the Draft Policy. Therefore, any reference to Strategic Development Sites has been removed from the Draft Policy.

Density Bonuses

The Draft Policy states that:

“... An increase in density will only be considered where the applicant has demonstrated that affordable housing and/or sustainable design have been incorporated into the proposal.

As a general guide the increase in density for the entire area subject to these Guidelines is as follows:

<i>Design Response</i>	<i>Density Bonus</i>	<i>Resultant Density</i>
<i>Affordable Housing</i>	<i>10 per cent</i>	<i>R110</i>
<i>Sustainable Design</i>	<i>10 per cent</i>	<i>R110</i>
<i>Total Maximum Density Increase</i>	<i>20 per cent</i>	<i>R120”</i>

The above table has been reviewed in terms of its applicability and ability to encourage affordable and sustainable designed developments. Accordingly, it is considered that the additional wording and table is restrictive and may even preclude density bonus considerations of innovative new development in the area. It is considered unnecessary to specifically define the density bonus as a percentage, as it is considered that the additional density bonus does not equate to a significant increase in the number of dwellings and therefore it has been removed from the Policy. Example calculations were conducted by the Town’s Officers to determine the significance of the ten per cent density bonus, as outlined in the above table. It was calculated that there was only a small increase in the number of dwellings allowed when applying the density bonus. For example, only in situations where a large land area is the subject of an application does the density bonus reward the applicant. The table therefore would potentially hinder possible greater density bonuses to be allowed in situations where high quality developments are proposed. Generally the Town has considered greater density bonuses where innovative, exemplary design is exhibited.

In light of the above, it is recommended that the Council receives and adopts the final Amended version of the Draft Policy in accordance with the Further Officer Recommendation.

The following is a verbatim of copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 4 November 2008.

“OFFICER RECOMMENDATION:

That the Council;

- (i) RECEIVES the final amended version of the Policy relating to Design Guidelines for William Street, between Bulwer and Newcastle Streets, Perth, as shown in Appendix 9.1.12 (a); resulting from the advertised version having been reviewed and with regard to 2 written submissions received during the formal advertising, as shown in Appendix 9.1.12 (b) in accordance with Clauses 47(4), and (5) (a) of the Town’s Town Planning Scheme No. 1;*

- (ii) *ADOPTS the final amended version of the Policy relating to William Street, between Bulwer and Newcastle Streets, Perth, as shown in Appendix 9.1.12 (a) in accordance with Clause 47 (5) (b) of Town Planning Scheme No. 1; and*
- (iii) *AUTHORISES the Chief Executive Officer to advertise the final amended version of the Policy relating to Design Guidelines for William Street, between Bulwer and Newcastle Streets, Perth, as shown in Appendix 9.1.12 (a), in accordance with Clause 47 (6) of Town Planning Scheme No. 1.*

COUNCIL DECISION ITEM 9.1.12

Moved Cr Messina, Seconded Cr Youngman

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Maier, Seconded Cr Messina

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

“(ii) *ADOPTS the final amended version of the Policy relating to William Street, between Bulwer and Newcastle Streets, Perth, as shown in Appendix 9.1.12 (a) in accordance with Clause 47 (5) (b) of Town Planning Scheme No. 1; subject to the Policy being amended as follows:*

- (a) *Clause 7) Built Form Guidelines Site Planning i) Density and Mix Newcastle Street to Brisbane Street be amended to read as follows:*

As a general guide the increase in density for the entire area subject to these Guidelines is as follows:

<i>Design Response</i>	<i>Density Bonus</i>	<i>Resultant Density</i>
<i>Affordable Housing</i>	<i>10 per cent</i>	<i>R110</i>
<i>Sustainable Design</i>	<i>10 per cent <u>(to those developments only that have a 5 star or greater rating)</u></i>	<i>R110</i>
<i>Total Maximum Density Increase</i>	<i>20 per cent</i>	<i>R120'</i>

Debate ensued.

AMENDMENT PUT AND CARRIED (7-1)

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

Against
Cr Youngman

(Cr Farrell was an apology for the meeting.)

Debate ensued.

PROCEDURAL MOTION

Moved Cr Ker, Seconded Cr Youngman

That the item be DEFERRED to allow for strategic development sites to be more clearly identified or defined, as appropriate, in the Policy.

PROCEDURAL MOTION PUT AND CARRIED (7-1)

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

(Cr Farrell was an apology for the meeting.)

PURPOSE OF REPORT:

The purpose of this report is to present the Council with the outcomes of the advertising period relating to the Policy for the Design Guidelines for William Street, between Bulwer and Newcastle Streets, Perth and to adopt the final amended version of this Policy.

BACKGROUND:

20 December 1999

The Council at its Ordinary Meeting approved in principle the upgrading of William Street with an 'Asian' theme.

22 February 2005

The Council at its Ordinary Meeting approved various streetscape improvements to William Street with financial assistance from the State Government including underground power, brick paving footpaths, resurfacing the road and the planting of street trees.

11 March 2008

The Council at its Ordinary Meeting resolved the following in relation to a Notice of Motion for Proposed Design Guidelines for William Street, Perth:

"That the COUNCIL develop design guidelines for William Street, Perth between Brisbane and Newcastle Streets and receives a report on how this would be most effectively done (including timelines) at the first Ordinary Council Meeting, in April 2008."

The Council cited the following background information in this regard:

"The development approval for 440-444 William Street at the OMC of 26 February 2008 highlighted the lack of specific development guidance for William Street south of Brisbane Street

There are four substantial vacant sites without development approvals in this section of William Street (plus two that are under the development control of EPRA) and many other properties that are underdeveloped for the value of the land.

The Town has invested a large amount of money in the streetscape and public realm, including trees, paving and lighting, in this section of William Street.

It is considered that the Town needs to provide clear guidelines to potential developers and, at the same time, establish clear expectations in the community of what will be expected of future development in this prestigious street.”

8 April 2008

The Council at its Ordinary Meeting received and approved the report relating to the scope, objectives and indicative timeline for the proposed Design Guidelines for William Street, between Brisbane and Newcastle Streets, Perth with an objective being added:

“To ensure the provision of awnings, along William Street in any new or redeveloped property”; and

Subject to the following clause being added:

“(iii) extends the area to include up to Bulwer Street, including the north-east and west-corners of Bulwer Street.”

27 May 2008

The Council considered the matter at its Ordinary Meeting and resolved as follows:

“That the item be DEFERRED to a Forum for further consideration and discussions”.

15 July 2008

The Town’s Officers delivered a PowerPoint presentation to the Council Members Forum held on 15 July 2008. The presentation outlined how the Guidelines were prepared in view of the initial Notice of Motion, the Scoping Report presented to the Ordinary Meeting of Council on 8 April 2008 and how the objectives of the Guidelines have been addressed throughout the Policy.

12 August 2008

The Council at its Ordinary Meeting resolved to adopt the Officer Recommendation with Amendments and to advertise the Draft Policy relating to the Design Guidelines for William Street, between Bulwer and Newcastle Streets, Perth.

DETAILS:

The Draft Policy relating to Design Guidelines for William Street, between Bulwer and Newcastle Streets, Perth has been advertised as required by Clause 47 of the Town of Vincent Town Planning Scheme No. 1.

CONSULTATION/ADVERTISING:

Any new or rescinded or amended Planning Policy is required to be advertised for public comment in accordance with Clause 47 of the Town's Town Planning Scheme No. 1.

Advertising of the Draft Policy concluded on 7 October 2008. However, as there was an oversight in the issuing of a number of letters advising land owners and occupiers about the community consultation period, an extension for submissions was given until 21 October 2008. In total, one (1) submission was received during the formal comment period and one (1) submission was received during the extended comment period. In total, one (1) submission was received which objected to some aspects of the Policy and one (1) submission was received which supported the intent of the Policy.

Provided below is a summary of the main concerns raised, and the Officer Comments in response to each of the matters.

<i>Consultation Submissions</i>		
<i>Objection/Support</i>	<i>Community Comments</i>	<i>Officer Comments</i>
<i>Support (1)</i>	<i>Guidelines are generally consistent with the built form outcome envisaged within EPRA's planning framework.</i>	<i>Noted and supported.</i>
	<i>The built form outcome complements EPRA's design intent for William Street between Roe and Newcastle Streets by reinforcing its role as a gateway to the City and encouraging significant and consolidated streetscape improvement.</i>	
<i>Objection (1)</i>	<ul style="list-style-type: none"> <i>The density, height and massing controls do not go far enough to achieve the stated objectives or vision.</i> 	<i>Not supported – It is considered that the density, height and massing are appropriate for the area and its surrounds and meet the objectives of the Policy.</i>
	<ul style="list-style-type: none"> <i>Unclear why Council's discretion is limited to only approve a development to a maximum density of R120 for the block between Newcastle and Brisbane, but is unlimited for the block between Brisbane and Bulwer Streets.</i> 	<i>Supported in part - It is not the intent of the Policy to allow an unlimited density for the area between Brisbane Street and Bulwer Street. The density for the entire area affected by the Policy is R100, with the opportunity to obtain a density of R120 if affordable housing and sustainable design are incorporated in the design response. The Policy has been amended to make this clearer.</i>
	<ul style="list-style-type: none"> <i>The density bonuses should read the same for both areas or at least be amended to provide a density bonus along the lines of two 'non-affordable' dwellings for each 'affordable' dwelling.</i> 	<i>Supported in part – as above.</i>

	<ul style="list-style-type: none"><i>The 2 -4 storey height limit advocated by the Guidelines is too restrictive particularly in relation to the key site on the intersection of Newcastle and William</i>	<i>Supported in part - The height limit of 3 storeys to the Primary Street and 4 storeys within the site is considered appropriate, given that many of the lots sizes have an average area of 400 square metres and can not cater for heights exceeding 4 storeys. However, the Policy has been modified to include consideration for greater heights on those lots which are identified as 'Strategic Development Sites' provided that acceptable levels of amenity can be maintained at adjacent lots.</i>
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LEGAL/POLICY:

Town Planning Scheme No. 1 and associated Policies.

STRATEGIC IMPLICATIONS:

Strategic Plan 2006-2011 states:

" Natural and Built Environment

1.1 Improve and maintain environment and infrastructure...

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

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

1.1.4 Minimise negative impacts on the community and environment."

SUSTAINABILITY IMPLICATIONS:

It is considered that the proposed amended Design Guidelines will direct future development to occur in a manner that meets the community changing needs through the provision of affordable housing and is more receptive to transit-oriented design and green building design.

FINANCIAL/BUDGET IMPLICATIONS:

The current 2008/2009 Budget allocates \$62,000 for Town Planning Scheme Amendments and Policies.

COMMENTS:

The Town's Officers have reviewed the Draft Policy in light of the submissions received during consultation, as few minor amendments are proposed to the Design Guidelines and are detailed below:

Density and Mix

Clause i) Density and Mix, Newcastle to Brisbane Streets is proposed to be amended to read as follows:

“As a general guide the increase in density for the entire area subject to these Guidelines is as follows:

<i>Design Response</i>	<i>Density Bonus</i>	<i>Resultant Density</i>
<i>Affordable Housing</i>	<i>10 per cent</i>	<i>R110</i>
<i>Sustainable Design</i>	<i>10 per cent</i>	<i>R110</i>
<i>Total Maximum Density Increase</i>	<i>20 per cent</i>	<i>R120</i>

”

Height and Massing

An amendment has been made to the Guidelines to consider additional heights within the area bounded by the Guidelines on those lots which has been identified as Strategic Development Sites in the Local Planning Strategy.

Clause iii) Height and Massing is proposed to be amended to read as follows:

“In addition, greater heights may be considered by the Council on those lots identified as Strategic Development Sites, provided that acceptable levels of amenity can be maintained at adjacent lots.”

Environmental Sustainability

To ensure future development proposals consider environmental sustainability, development applications are required to be accompanied with an independent environment sustainability assessment report by a Green Star Accredited Professional. However, such reports may not be required for all development applications; therefore, an amendment has been made to the Guidelines to request the Green Star Reports are submitted to the Town prior to the issue of a Building Licence. This will reduce unnecessary costs by developers prior to being granted planning approval and will reduce delays in the processing such development applications.

Clause ix) Environmental Sustainability is proposed to be amended to read as follows:

“Prior to the issue of a Building Licence, applicants are to submit ~~Development proposals should be accompanied by~~ a Green Star report demonstrating to the Town of Vincent how sustainable measures have been incorporated into the proposed design. New office buildings will have a minimum Green Star rating of 4 Stars. The Town of Vincent may vary this requirement if it is considered appropriate given the limited scale and nature of a development.”

In light of the above, it is recommended that the Council adopts the final amended version of the Policy relating to Design Guidelines for William Street, between Bulwer and Newcastle Streets, Perth.”

9.1.1 Further Report – No. 126 (Lot: 1 D/P: 12694) Buxton Street, Mount Hawthorn - Proposed Demolition of Existing Single House and Construction of Two (2) Two-Storey Single Houses

Ward:	North	Date:	21 November 2008
Precinct:	Mount Hawthorn; P01	File Ref:	PRO4535; 5.2008.405.1
Attachments:	001		
Reporting Officer(s):	E Storm, H Au		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Dale Alcock Homes on behalf of the owner J M Purdie for Proposed Demolition of Existing Single House and Construction of Two (2) Two-Storey Single Houses at No. 126 (Lot: 1 D/P: 12694) Buxton Street, Mount Hawthorn, and as shown on plans stamp-dated 21 October 2008, subject to the following conditions:

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

- (f) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (v) *a detailed landscaping plan, including a list of plants and the landscaping of the Buxton Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. The landscaping of the verge shall include details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months. The Council encourages landscaping methods which do not rely on reticulation. Where reticulation is not used, the alternative method should be described. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (vi) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
- (vii) *first obtaining the consent of the owners of Nos. 122 and 128 Buxton Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of boundary (parapet) walls facing Nos. 122 and 128 Buxton Street in a good and clean condition;*
- (viii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (a) *the northern wall longer than 9 metres of the northern unit and the southern wall longer than 9 metres of the southern unit on the upper floor incorporating appropriate horizontal articulation; and*
- (b) *the northern and southern elevations of the balconies of both units and the windows to bedroom 2 of the southern unit on the southern elevation, on the upper floor, being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished upper floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 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. 122 and 128 Buxton 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.

COUNCIL DECISION ITEM 9.1.1

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

Cr Farrell departed the Chamber at 8.08pm.

Debate ensued.

Cr Farrell returned to the Chamber at 8.09pm.

Debate ensued.

MOTION PUT AND LOST (2-6)

For

Cr Farrell
Cr Maier

Against

Mayor Catania
Cr Burns
Cr Ker
Cr Lake
Cr Messina
Cr Youngman

(Cr Doran-Wu was an apology for the remainder of the meeting for personal reasons.)

Reasons:

- 1. Impact on the boundary walls to adjoining neighbours.**
 - 2. Impact on the streetscape.**
 - 3. Bulk and scale of the building.**
 - 4. Impact on the garage doors on the streetscape.**
-

FURTHER REPORT:

The Council considered the matter at its Ordinary Meeting held on 4 November 2008 and resolved as follows:

“That the item be DEFERRED for further consideration, including the objections raised during Public Question Time”.

Council Members have asked for clarification of the following aspects of the development.

- Why have the Council Officers requested a screening condition as the balconies only overlook the front gardens to the north and south of each individual property?**

The balconies require privacy screening as the extent of their overlooking within the 7.5 metre privacy cone of vision on the northern and southern elevations extends behind the street setback line of the adjoining properties at Nos. 122 and 128 Buxton Street. The plans show insufficient privacy screening details, therefore condition (viii) (b) has been applied in order to ensure that the balconies are compliant. Alternatively the applicant can obtain the neighbours' consent to the variations and screening will not be required.

- **Elevations do not allow for passive surveillance of the street.**

Passive surveillance is created by major openings and habitable spaces overlooking the street and public domain. Both Units 1 and 2 comprise upper floor balconies which extend the width of the dwellings, with the spaces beyond the balconies being sitting rooms. The Town's Officers are of the opinion that this is sufficient overlooking to the street.

- **Lot frontages dominated by double garage doors.**

The Town's Residential Design Elements Policy (RDE) does not have a requirement relating to the total allowable width of garage doors. The impact of garages on the streetscape is intended to be mitigated by incorporating a garage setback of 0.5 metre behind the main building line of a dwelling. The garage setbacks are compliant in this instance.

- **Consideration of objections received from rear neighbours**

The main objections raised during Public Question Time were in relation to overshadowing and boundary setbacks of the proposal to the adjoining properties to the east, namely Nos. 201-205 Scarborough Beach Road.

Clause 6.9.1 of the Residential Design Codes of Western Australia 2008 (R Codes) allows for development to overshadow adjoining properties to a maximum of 35 per cent of the site area, in areas coded R30. The proposal overshadows the adjoining property to the south (No. 122 Buxton) a total of 34.98 per cent. The R Codes state that the measurement of overshadowing should be calculated at midday on 21 June, and the Town's Officers do not have the discretion to assess overshadowing using any other method. The overshadowing is calculated in accordance with the provisions and explanatory guidelines of the R Codes. The proposal is not considered to overshadow any of the properties at Nos. 201-205 Scarborough Beach Road (east) on the above basis, and is compliant with the overshadowing to the property at No. 122 Buxton Street.

In regard to the boundary setbacks, the proposed eastern walls are compliant with the boundary setback requirements of the R Codes. Contrary to the objectors' comments during Public Question Time, there are no two storey walls proposed within two metres of the rear boundary or built on the rear boundary, more accurately, the two storey portion of the building has a 5 metres setback from the eastern (rear) boundary. Furthermore, there are no major openings on the eastern elevation which would have the potential to overlook the properties at Nos. 201-205 Scarborough Beach Road.

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

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 4 November 2008.

“OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Dale Alcock Homes on behalf of the owner J M Purdie for Proposed Demolition of Existing Single House and Construction of Two (2) Two-Storey Single Houses at No. 126 (Lot: 1 D/P: 12694) Buxton Street, Mount Hawthorn, and as shown on plans stamp-dated 21 October 2008 , subject to the following conditions:

- (i) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*

- (ii) *an archival documented record of the place(s) including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (iii) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (iv) *any new street/front wall, fence and gate within the Buxton Street setback area, including along the side boundaries within these street setback areas, shall comply with the following:*
 - (a) *the maximum height being 1.8 metres above the adjacent footpath level;*
 - (b) *the maximum height of piers with decorative capping being 2.0 metres above the adjacent footpath level;*
 - (c) *the maximum height of the solid portion of the wall being 1.2 metres above the adjacent footpath level, and a minimum of fifty percent visually permeable above 1.2 metres;*
 - (d) *the piers having a maximum width of 355 millimetres and a maximum diameter of 500 millimetres;*
 - (e) *the distance between piers should not be less than the height of the piers except where pedestrian gates are proposed; and*
 - (f) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (v) *a detailed landscaping plan, including a list of plants and the landscaping of the Buxton Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. The landscaping of the verge shall include details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months. The Council encourages landscaping methods which do not rely on reticulation. Where reticulation is not used, the alternative method should be described. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (vi) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
- (vii) *first obtaining the consent of the owners of Nos. 122 and 128 Buxton Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of boundary (parapet) walls facing Nos. 122 and 128 Buxton Street in a good and clean condition;*

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

- (a) *the northern wall longer than 9 metres of the northern unit and the southern wall longer than 9 metres of the southern unit on the upper floor incorporating appropriate horizontal articulation; and*
- (b) *the northern and southern elevations of the balconies of both units and the windows to bedroom 2 of the southern unit on the southern elevation, on the upper floor, being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished upper floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 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. 122 and 128 Buxton 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.

COUNCIL DECISION ITEM 9.1.3

Moved Cr Messina, Seconded Cr Doran-Wu

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Messina, Seconded Cr Youngman

That clause (viii)(b) be amended by deleting the words:

“the northern and southern elevations of the balconies of both units and”.

Debate ensued.

AMENDMENT PUT AND CARRIED (5-3)

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

(Cr Farrell was an apology for the meeting.)

Debate ensued.

PROCEDURAL MOTION

Moved Cr Doran-Wu, Seconded Cr Ker

That the item be DEFERRED for further consideration, including the objections raised during Public Question Time.

PROCEDURAL MOTION PUT AND CARRIED (8-0)

(Cr Farrell was an apology for the meeting.)

<i>Landowner:</i>	<i>J M Purdie</i>
<i>Applicant:</i>	<i>Dale Alcock Homes</i>
<i>Zoning:</i>	<i>Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R 30</i>
<i>Existing Land Use:</i>	<i>Single House</i>
<i>Use Class:</i>	<i>Single House</i>
<i>Use Classification:</i>	<i>"P"</i>
<i>Lot Area:</i>	<i>736 square metres</i>
<i>Access to Right of Way</i>	<i>N/A</i>

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves the demolition of the existing single house and the construction of two, two-storey grouped dwellings on the subject property.

The proposal has been referred to the Council for its determination in accordance with the Community Consultation Policy, as the Town received more than five (5) objections to the proposal.

ASSESSMENT:

<i>Non-Compliant Requirements</i>			
<i>Requirements</i>	<i>Required</i>	<i>Proposed</i>	<i>Officer Comments Pursuant to Clause 38(5) of TPS 1</i>
<i>Density</i>	<i>2.45 dwellings at R 30</i>	<i>2 dwellings</i>	<i>Noted.</i>
<i>Plot Ratio</i>	<i>N/A</i>	<i>N/A</i>	<i>Noted.</i>
<i>Boundary Walls</i>	<i>Walls not higher than 3.5 metres with a length not greater than 2/3 the balance of the boundary.</i>	<i>2 boundary walls – Southern wall height and length compliant Northern wall height and length compliant</i>	<i>Supported – not considered to have any undue impact on the amenity of the adjoining properties.</i>
<i>Overshadowing</i>	<i>35 per cent of the adjoining site</i>	<i>36.45 per cent of the adjoining (southern) property</i>	<i>Supported – amended plans demonstrate compliance with the specified requirements.</i>

<i>Garage Doors</i>	<i>Garage doors are not to occupy more than 50 per cent of the frontage</i>	<i>Garage doors occupy 55 per cent of the frontage (10 metres of 18.29 metre frontage)</i>	<i>Supported – this R Codes’ requirement is not applicable as garage streetscape matters are addressed by the Town’s Residential Design Elements Policy. The proposal is compliant with the garage streetscape requirements of the Residential Design Elements Policy.</i>
<i>Driveways</i>	<i>Not to occupy more than 40 per cent of the frontage of the lot</i>	<i>Driveway occupies 47 per cent of the lot (8.6 metres of 18.29 metre frontage)</i>	<i>Supported – amended plans demonstrate compliance with the specified requirement.</i>
<i>Boundary Setbacks:</i>			
<i>Unit 1 Upper Floor North</i>	<i>5.5 metres</i>	<i>1.58 – 2.66 metres</i>	<i>Supported – not considered to have any undue impact on the amenity of the adjoining property. If the balcony was enclosed, the setback requirement would be reduced to 2.5 metres.</i>
	<i>Any portion of wall greater than 9 metres in length is required to incorporate articulation.</i>	<i>15 metres without articulation</i>	<i>Not supported – undue impact on neighbouring property, condition applied for the subject wall to incorporate horizontal articulation.</i>
<i>Unit 2 Upper Floor South</i>	<i>4.2 metres</i>	<i>1.57 – 2.05 metres</i>	<i>Supported – not considered to have any undue impact on the amenity of the adjoining property. Given the height reduction, the boundary setback requirement becomes 3.9 metres. If the balcony was enclosed, the setback requirement would be reduced to 1.9 metres.</i>
	<i>Any portion of wall greater than 9 metres in length is required to incorporate articulation.</i>	<i>11.4 metres without articulation</i>	<i>Not supported – undue impact on neighbouring property, condition applied for the subject wall to incorporate horizontal articulation.</i>
<i>Building Wall Height: -South</i>	<i>6.0 metres to top of eaves</i>	<i>6.3 metres to top of eaves</i>	<i>Supported – amended plans demonstrate compliance with the specified requirements.</i>
<i>Privacy Setbacks: -North (Balcony)</i>	<i>7.5 metres</i>	<i>2 metres to northern boundary</i>	<i>Not supported – considered to have an undue impact on the amenity of the adjoining property. Condition applied for the balcony to be screened or obtain neighbour’s consent.</i>

-South (Balcony)	7.5 metres	1.5 metres to southern boundary	Not supported – considered to have an undue impact on the amenity of the adjoining property. Condition applied for the balcony to be screened or obtain neighbour’s consent.
<i>Consultation Submissions</i>			
Support (3 and 2 subject to queries below)			Noted.
Objection (7)	<ul style="list-style-type: none"> Overshadowing 		Not supported – the applicant has submitted amended plans demonstrating the overshadowing to be compliant with the requirements of the Residential Design Codes (R Codes).
	<ul style="list-style-type: none"> Height and Confinement 		Not supported – the proposal is compliant with the height requirements of the R Codes. The applicant has submitted amended plans which reflect the accurate natural ground level.
	<ul style="list-style-type: none"> Privacy and Overlooking 		Not supported – the proposal is compliant with the privacy requirements of the R Codes.
	<ul style="list-style-type: none"> Access in the event of a fire 		Not supported – the Town’s planning requirements do not specifically address this matter. Fire safety is addressed at the Building Licence stage.
	<ul style="list-style-type: none"> Council only concerned with receiving two lots of rates 		Not supported – there is not evidence to substantiate this claim. Furthermore, the Town has no control over the development applications received and has a statutory obligation to assess and determine accordingly.
	<ul style="list-style-type: none"> Devaluing adjoining properties 		Not supported – there is no evidence to substantiate this claim and this is not a planning related consideration.
	<ul style="list-style-type: none"> Future subdivision 		Not supported – applications for subdivisions are determined by the Western Australian Planning Commission. There has not been a subdivision application for the property received by the Town.
<i>Other Implications</i>			
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:

Demolition

The place at No. 126 Buxton Street, Mount Hawthorn is a brick and tile dwelling constructed circa 1949 in the Post-War Conventional Bungalow style of architecture. The single-storey house has a hipped roof, which extends over the front verandah and the southern front room. The exterior front façade of the dwelling has a brick wall to dado height which has been painted in cream white.

A full Heritage Assessment was undertaken for No. 126 Buxton Street, Mount Hawthorn, which indicates that the place has little aesthetic, historic, scientific or social heritage significance. This Heritage Assessment is included as an attachment to this report. In accordance with the Town's Policy relating to Heritage Management – Assessment, the place does not meet the threshold for entry on the Town's Municipal Heritage Inventory.

Redevelopment

Buxton Street is a predominately single storey streetscape with examples of two storey developments at Nos. 52, 58, 60, 64, 66, 98, 116 and 118. Although the proposal is not for a single storey development, the Town's Officers are of the opinion that the dwellings include suitable design features, in addition to compliant front and upper floor setbacks, in order to ensure the amenity of the neighbouring properties and streetscape is maintained.

The Town's Residential Design Elements Policy states new contemporary developments are encouraged provided that the design responds to the established character. The proposed development incorporates pitched roofs and is considered by the Town's Officer to complement and enhance the existing streetscape through the use of complementary colours and highly articulated front elevations. The balconies on the upper are setback 8.2 and 8.5 metres, with the main building line on the upper floor being setback 11 and 11.4 metres from Buxton Street. These balconies allow for surveillance of the street and are sufficiently setback in order to not unduly affect the visual character or amenity of the streetscape.

The applicant has lodged amended plans demonstrating compliance with several of the variations of the original proposal in order to address the concerns of the objectors, and in an attempt to reduce the impact the upper floor may have on the adjoining properties. The walls on the northern and southern elevations have been conditioned to include horizontal articulation.

It is noted that the lot is considerably wider than the existing lots in the same street block along Buxton Street and a potential future split down the middle subdivision is not considered to have any undue impact on the predominant established lot pattern.

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

9.1.13 Amendment No. 54 to Planning and Building Policies – Draft Amended Policy Relating to Appendix No. 16 – Design Guidelines for the Half Street Block Bounded by Fitzgerald, Newcastle (All Lots Between Palmerston and Fitzgerald Streets) and Stuart Streets and Pandal Lane, Perth

Ward:	South	Date:	24 November 2008
Precinct:	Beaufort, P13	File Ref:	PLA 0201
Attachments:	001 , 002 , 003 .		
Reporting Officer(s):	S O'Loughlin, H Smith		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the final version of the Amended Policy relating to Appendix No. 16 – Design Guidelines for the Half Street Block bounded by Fitzgerald, Newcastle (All Lots Between Palmerston and Fitzgerald Streets) and Stuart Streets and Pandal Lane, Perth as shown in Appendix 9.1.13 (a); resulting from the advertised version having been reviewed and with regard to 17 submissions and 3 petitions received during the formal advertising, as shown in Appendix 9.1.13 (b) and (c) respectively, in accordance with Clauses 47(4), and (5) (a) of the Town's Town Planning Scheme No. 1;*
- (ii) *ADOPTS the final version of the Amended Policy relating to Appendix No. 16 – Design Guidelines for the Half Street Block bounded by Fitzgerald, Newcastle (All Lots Between Palmerston and Fitzgerald Streets) and Stuart Streets and Pandal Lane, Perth, as shown in Appendix 9.1.13 (a) in accordance with Clause 47 (5) (b) of Town Planning Scheme No. 1; subject to the Policy being amended as follows:*
 - (a) *Clause 7) Site Planning iii) Height and Massing be amended to read as follows:*

'In addition, the storeys of a Development is to incorporate significant vertical and horizontal articulation on the rear elevations, particularly those adjacent to Pandal Lane to ensure that there is no undue impact on the amenity of the adjacent properties, and to ensure that a safe environment for pedestrians is maintained along Pandal Lane ...'; and
 - (iii) *AUTHORISES the Chief Executive Officer to advertise the final version of Amended Policy relating to Appendix No. 16 – Design Guidelines for the Half Street Block bounded by Fitzgerald, Newcastle (All Lots Between Palmerston and Fitzgerald Streets) and Stuart Streets and Pandal Lane, Perth, as shown in Appendix 9.1.13 (a), in accordance with Clause 47 (6) of Town Planning Scheme No. 1.*

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

Moved Cr Farrell, Seconded Cr Burns

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Messina, Seconded Cr Burns

That a clause 7(iii) be amended to read as follows:

“Clause 7) Site Planning iii) Height and Massing be amended to read as follows:

'iii) Height and Massing - The wide reserve of Fitzgerald Street, the openness of Robertson Park and the adjacent Maltings development support building height to a maximum of 3 storeys adjacent to the primary streets. A minimum height of two storeys to the primary streets is considered appropriate. The Council may consider greater development heights up to a maximum of six storeys, particularly on those lots with frontage to both Fitzgerald Street and Pandal Lane provided the greater height is positioned towards the centre rear of the lot, ~~that is, closer to Pandal Lane~~, to ensure consistency with building forms in the immediate surrounding area, and acceptable levels of amenity can be maintained at adjoining lots. It is considered appropriate for those developments that extend above 3 storeys for the fourth storey to be setback a minimum of 10 metres from Fitzgerald Street, and any building height above 4 storeys a minimum of 30 metres from Fitzgerald Street.”

Debate ensued.

AMENDMENT PUT AND CARRIED (6-2)

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

(Cr Doran-Wu was an apology for the remainder of the meeting for personal reasons.)

MOTION AS AMENDED PUT AND CARRIED (8-0)

(Cr Doran-Wu was an apology for the remainder of the meeting for personal reasons.)

COUNCIL DECISION ITEM 9.1.13

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the final version of the Amended Policy relating to Appendix No. 16 – Design Guidelines for the Half Street Block bounded by Fitzgerald, Newcastle (All Lots Between Palmerston and Fitzgerald Streets) and Stuart Streets and Pandal Lane, Perth as shown in Appendix 9.1.13 (a); resulting from the advertised version having been reviewed and with regard to 17 submissions and 3 petitions received during the formal advertising, as shown in Appendix 9.1.13 (b) and (c) respectively, in accordance with Clauses 47(4), and (5) (a) of the Town’s Town Planning Scheme No. 1;*

- (ii) **ADOPTS the final version of the Amended Policy relating to Appendix No. 16 – Design Guidelines for the Half Street Block bounded by Fitzgerald, Newcastle (All Lots Between Palmerston and Fitzgerald Streets) and Stuart Streets and Pandal Lane, Perth, as shown in Appendix 9.1.13 (a) in accordance with Clause 47 (5) (b) of Town Planning Scheme No. 1; subject to the Policy being amended as follows:**
- (a) **Clause 7) Site Planning iii) Height and Massing be amended to read as follows:**
- 'In addition, the storeys of a Development is to incorporate significant vertical and horizontal articulation on the rear elevations, particularly those adjacent to Pandal Lane to ensure that there is no undue impact on the amenity of the adjacent properties, and to ensure that a safe environment for pedestrians is maintained along Pandal Lane ...'; and**
- (b) **Clause 7) Site Planning iii) Height and Massing be amended to read as follows:**
- iii) Height and Massing - The wide reserve of Fitzgerald Street, the openness of Robertson Park and the adjacent Maltings development support building height to a maximum of 3 storeys adjacent to the primary streets. A minimum height of two storeys to the primary streets is considered appropriate. The Council may consider greater development heights up to a maximum of six storeys, particularly on those lots with frontage to both Fitzgerald Street and Pandal Lane provided the greater height is positioned towards the centre rear of the lot, ~~that is, closer to Pandal Lane~~, to ensure consistency with building forms in the immediate surrounding area, and acceptable levels of amenity can be maintained at adjoining lots. It is considered appropriate for those developments that extend above 3 storeys for the fourth storey to be setback a minimum of 10 metres from Fitzgerald Street, and any building height above 4 storeys a minimum of 30 metres from Fitzgerald Street.'**
- (iii) **AUTHORISES the Chief Executive Officer to advertise the final version of Amended Policy relating to Appendix No. 16 – Design Guidelines for the Half Street Block bounded by Fitzgerald, Newcastle (All Lots Between Palmerston and Fitzgerald Streets) and Stuart Streets and Pandal Lane, Perth, as shown in Appendix 9.1.13 (a), in accordance with Clause 47 (6) of Town Planning Scheme No. 1.**

(Note: The council authorised the Chief Executive Officer to make any other necessary changes to be the Policy (if required) as a result of the amendment to Clause 7(iii)).

PURPOSE OF REPORT:

The purpose of this report is to present the Council with the outcomes of the community consultation relating to the Amended Policy relating to Appendix No. 16 – Draft Guidelines for the Half Street Block bounded by Fitzgerald, Newcastle (All Lots Between Palmerston and Fitzgerald Streets) and Stuart Streets and Pandal Lane, Perth and to adopt the final version of this Policy.

BACKGROUND:

27 September 2005

The Council at its Ordinary Meeting resolved the following:

“That;

- (i) the Council REQUESTS the Chief Executive Officer to prepare a further report to be presented at the Ordinary Meeting of Council to be held on 25 October 2005 or as early as possible thereafter, on the area bounded by Pental Lane, Stuart Street, Fitzgerald Street and Newcastle Street, addressing appropriate density and built form design capabilities (including site coverage, building envelopes and height parameters) within the above area, and:*
 - (1) the implications on the Town Planning Scheme Review and delivery of the new Town Planning Scheme;*
 - (2) utilisation of clause 40 of the Town Planning Scheme to facilitate more appropriate intensity of development to the area;*
 - (3) reports should consider the areas;*
 - (a) proximity to public transport;*
 - (b) proximity to open space;*
 - (c) Council’s previous approval of an eight storey development on the adjacent Maltings development site;*
 - (d) the current R160 zoning adjacent and to the south of Newcastle Street; and*
 - (e) flexibility in provision of commercial/residential mix; and*
- (ii) the Town’s officers meet with the applicants to discuss future development of the site.”*

13 March 2007

The Council at its Ordinary Meeting resolved to adopt a final amended version of the Policy - Appendix No. 16 - Design Guidelines for the Half Street Block bounded by Fitzgerald, Newcastle (all lots between Palmerston and Fitzgerald Streets) and Stuart Streets and Pental Lane, Perth, subject to a number of amendments.

18 December 2007

The Council at its Ordinary Meeting refused an application for an eight-storey mixed use development comprising thirty five (35) multiple dwellings (including 15 single bedroom dwellings and 20 two-bedroom dwellings), office, shop, eating house and associated basement car park at Nos. 152-158 Fitzgerald 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 non-compliance with the requirements of the Residential Design Codes relating to:*
 - (a) *density;*
 - (b) *plot ratio;*
 - (c) *stores;*
 - (d) *single bedroom dwelling plot ratio;*
 - (e) *communal open space; and*
 - (f) *privacy;*
- (iii) *the non-compliance with the requirements of the Town's Policy - Appendix No. 16 - Design Guidelines for the Half Street Block bounded by Fitzgerald, Newcastle (all lots between Palmerston and Fitzgerald Streets) and Stuart Streets and Pandal Lane, Perth, relating to:*
 - (a) *density;*
 - (b) *plot ratio;*
 - (c) *residential/commercial ratio;*
 - (d) *height;*
 - (e) *car parking;*
 - (f) *awning;*
 - (g) *communal open space; and*
 - (h) *Affordable Housing;*
- (iv) *the non-compliance with the requirements to justify a 33% bonus for Affordable Housing;*
- (v) *the non-compliance with the car parking requirements of the Town's Policy relating to Parking and Access; and*
- (vi) *consideration of the objections received.”*

27 May 2008

The Council at its Ordinary Meeting resolved as follows with respect to Appendix No. 16 and the subject streetblock:

“*That the Council;*

- (i) *AUTHORISES the Chief Executive Officer to review Planning Policy – Appendix No. 16 - Design Guidelines for the Half Street Block Bounded by Fitzgerald, Newcastle (all lots between Palmerston and Fitzgerald Streets) and Stuart Street and Pandal Lane, Perth; and*

- (ii) *REQUESTS that a report be submitted at an Ordinary Meeting of Council in June 2008, addressing all relevant matters, and including but limited to the following;*
 - (a) *whether the current height provision, density and plot ratio is considered appropriate for the subject area or should it be varied/reduced;*
 - (b) *the potential for increased traffic along Fitzgerald Street and Pental Lane;*
 - (c) *communal open space requirements;*
 - (d) *car parking requirements; and*
 - (e) *the overall impact on the amenity and character of the area.”*

24 June 2008

The Council at its Ordinary Meeting considered the Draft Amended Policy and resolved:

“That the item be DEFERRED to allow for further investigation by the Town’s Officers.”

26 August 2008

The Council at its Ordinary Meeting considered the Draft Amended Policy and resolved to adopt the Officers Recommendation, with amendments and advertise the Policy.

DETAILS:

The Draft Amended Policy relating to Appendix No. 16 - Draft Guidelines for the Half Street Block bounded by Fitzgerald, Newcastle (All Lots Between Palmerston and Fitzgerald Streets) and Stuart Streets and Pental Lane, Perth has been advertised as required by Clause 47 of the Town of Vincent Town Planning Scheme No. 1.

CONSULTATION/ADVERTISING:

Any new or rescinded or amended Planning Policy is required to be advertised for public comment in accordance with Clause 47 of the Town's Town Planning Scheme No. 1.

Advertising of the Draft Amended Policy concluded on 7 October 2008. However, as there was an oversight in the issuing of a number of letters advising land owners and occupiers about the community consultation period, an extension for submissions was given until 21 October 2008. In total fifteen (15) submissions were received during the formal comment period, one (1) submission was received during the extended comment period and one (1) submission was received following the formal comment period. In total, 14 submissions objected to some aspects of the Policy and 3 submissions supported the intent of the Policy. A summary of the points raised are provided in the attached Schedule of Submissions. A number of petitions were received during the consultation. Details of the petitions are further outlined in the comments section of this report.

LEGAL/POLICY:

Town Planning Scheme No. 1 and associated Policies.

STRATEGIC IMPLICATIONS:

Strategic Plan 2006-2011 : Strategic Objective: Natural and Built Environment –

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

SUSTAINABLE IMPLICATIONS:

It is considered that the proposed amended design guidelines will direct future development to occur in a manner that meets the community’s changing needs through the provision of affordable housing and is more receptive to green building design.

FINANCIAL/BUDGET IMPLICATIONS:

The current 2008/2009 Budget allocates \$62,000 for Town Planning Scheme Amendments and Policies.

COMMENTS:

Of the 17 submissions received (during and following of the formal advertising period), 3 were in support and 14 were in object to the Draft Amended Appendix No. 16 - Draft Guidelines for the Half Street Block bounded by Fitzgerald, Newcastle (All Lots Between Palmerston and Fitzgerald Streets) and Stuart Streets and Pental Lane, Perth.

In addition to the 17 submissions received, 3 petitions were also received. All 3 petitions contained the same comments with respect to increasing the density of lots within the Design Guidelines area and to the proposed development application which is currently being considered by the Town, relating to No. 146 (Lot: 802) Fitzgerald Street. A total of 67 signatures were submitted with the petitions. Of the 67 signatures, 54 individuals had signed, the remaining 13 signatures include individuals signing both petitions.

An additional submission was received as a ‘petition’ however given that 2 signatories from the same address had signed the petition it was not considered as a petition. In accordance with the Town’s Community Consultation Policy, to be considered a petition it must *‘be signed by the occupants of more than one household.’* For this reason it is not considered as a petition. The comments made on the petition however have been included in the Schedule of Submissions.

For the purpose of this report, the main points raised in the submissions and 3 petitions have been collated and grouped into issue areas. Provided below is a summary of the main concerns raised, and the Officer Comments in response to each of the matters.

Consultation submissions		Officers Comments
Building Height	<ul style="list-style-type: none"> • Reduce or eliminate – solar access for current dwellings, privacy for all residents, amenity and usage of current dwellings, access to parking, safety in the area. • Tall buildings detract from the nearby low-height buildings of historical significance, would prefer a height limit of 4 storeys. 	Noted– the height requirements have been reduced from 8 storeys to a maximum of 6 storeys. The previous height potential to a maximum of 8 storeys was considered to be inconsistent with the R160 density requirement and impractical for the area’s location and growth patterns.

<p>Building Height continued</p>	<ul style="list-style-type: none"> • Suggest a height of 5 storeys to Fitzgerald Street and 8 storeys within the site. • Building height limits do not optimise the land and are not of an ‘inner urban’ scale. • The ability to build to 6 storeys should not be limited to those lots with dual frontage to both Fitzgerald Street and Pental Lane. • If height is to be reduced from 8 storeys then there should be a compromise to maintain the nil setbacks to primary street up to 3 storeys and then a street setback of 4.0 metres to fourth floor and above as per Residential Design Codes for sites zoned R160. 	<p>Therefore, a maximum of 3 storeys to Fitzgerald Street and 6 storeys within the site, given that they comply with the stated setback requirements is considered more appropriate. The setback requirements will mean that only those lots with the larger lot lengths will be able to accommodate heights above 4 storeys. In addition, the height of any new development will not reduce or eliminate solar access, privacy and car parking amenities as new developments are to comply with the Residential Design Codes.</p> <p>Heights of up to six storeys may be considered on lots other than those that have dual frontage to both Fitzgerald Street and Pental Lane provided they comply with the stated setbacks in the Policy.</p> <p>The Amended Policy currently states that development is to be 3 storeys to the primary street. The requirements for the fourth storey to be setback 10 metres is considered appropriate to ensure that new developments are sympathetic to the adjacent lower scale developments and the streetscape.</p>
<p>Traffic along Pental Lane</p>	<ul style="list-style-type: none"> • Laneway is not wide enough to cope with increase in traffic caused by increased heights and density. • Not enough car parking in area to support increase in traffic. 	<p>Supported in part– the Policy has been amended to ensure that where vehicle access is from Pental Lane, the lane adjacent to the subject land is widened by at least one (1) metre. This will facilitate safer vehicle access and promote a more</p>

<p>Traffic along Pandal Lane continued</p>	<ul style="list-style-type: none"> • Suggest that one or more parking spaces be made available for commercial units, with access from Pandal Lane. 	<p>pedestrian-friendly environment along Pandal Lane. In addition, all car parking requirements are as per the Town's Parking and Access Policy and the number of commercial bays required is dependent on the nature of the land use.</p>
<p>Density</p>	<ul style="list-style-type: none"> • The density should remain at R80 as per the Town's 'Beaufort Precinct Policy' • Density is out of keeping with built form of locality and should be consistent with surrounding area. • High densities will reduce amenity of area, including privacy, solar access, access to parking, safety, etc. • Anti-social behaviour. • High density will devalue properties. • Remove reference to a maximum density code, with dwelling density instead controlled by other instruments (ie, plot ratio, setbacks, building height, car parking) or remove or substantially reduce the minimum residential floorspace component (ie 33%). • The density code restricts building heights to a maximum of 3 storeys. 	<p>Not supported – The R160 density is considered appropriate given the location of the subject area, the number of lots that have development potential and the opportunity for the area to transition from industrial and warehouse uses and become an 'inner city' residential environment. In addition, the density is consistent with the area on the southern side of Newcastle Street which is under the planning control of the East Perth Redevelopment Authority. The density relates to the number of dwellings per hectare. Assessment of matters relating to privacy, solar access, access to parking, safety and anti-social behaviour are considered as part of the development approval process. It is noted that all development applications are to also comply with the requirements of the Residential Design Codes. There is no evidence to suggest a density of R160 would devalue a property, on the contrary many would consider that this would increase the value of a property.</p>
<p>Density continued</p>		<p>The maximum density of R160 and plot ratio of 2 is consistent with the requirements of the Residential Design Codes and is considered appropriate for this area. It is also considered that the density code of R160 does not reduce</p>

		building heights to 3 storeys and attaining heights greater than 3 storeys will be required to comply with the relevant setbacks. It is also noted that any commercial component on the ground floor for a mixed use development is not included in the plot ratio calculation.
Concern over the requirement for 66 per residential	<ul style="list-style-type: none"> • A greater proportion of commercial floorspace should be permitted. • The 66 per cent residential requirement will constrain development, in most instances to no more than three (3) storeys, making inefficient use of land with excellent access to supporting services and facilities. 	<p>Supported in part – the area is zoned Residential/Commercial R80 in the Town Planning Scheme and the Town recognises the opportunity to develop this area with high-quality, inner-urban developments.</p> <p>The Town’s officers consider that the 66 per cent residential component is appropriate as there are sufficient commercial areas nearby and in the Central Business District to provide employment and commercial opportunities.</p> <p>It is noted, that the nominated residential component is not considered to impact on the height of developments; rather it impacts on the mix of developments.</p>
Concern over the Development Application requirements.	<ul style="list-style-type: none"> • Green Star reports should be submitted prior to Building Licence rather than Development Application stage as it is time consuming and not cost effective. 	Supported – the Policy has been amended to ensure that Green Star reports are submitted prior to the issue of a Building Licence.
Concern over setback requirements	<ul style="list-style-type: none"> • The setback requirements are not reflective of ‘inner urban’ development and will reduce development potential. • Each development should be assessed on its own merits and negotiate height and front setbacks from front and primary streets. 	Supported in part - the street setback requirements to Fitzgerald Street are considered reasonable in this instance to ensure no undue impact on adjoining lower density residential developments and to ensure consistency with built form along Fitzgerald Street.

	<ul style="list-style-type: none"> • Setbacks should be provided for Pandal Lane to reduce possible “canon” effect. 	<p>Each application is assessed on its own merit, however the Design Guidelines are necessary to provide owners and developers with guidance to design and construct development befitting of the land’s location and suitability. The Policy has been amended to include setback requirements for developments abutting Pandal Lane.</p>
<p>Affordable Housing</p>	<ul style="list-style-type: none"> • There is no definition of Affordable Housing and what percentage is allocated ‘affordable housing?’ Affordable housing will further compound anti-social behaviour. 	<p>Noted - the Town has received a Draft Affordable Housing Strategy Report which is currently being advertised. The Strategy Report has not been adopted by the Council to-date; therefore, a definition has not been added to the Policy. There is no specific percentage of Affordable Housing required in the Design Guidelines, rather the Policy offers owners and developers incentives such as density bonuses if affordable housing is included in the design.</p>
<p>Improper Planning and concern over the Consultation Process</p>	<ul style="list-style-type: none"> • Lack of Consultation when zoning was originally changed. • Inconsiderate town planning will result in negative publicity for the Council, reduce property values and discourage people moving into the vicinity. • Not in keeping with Beaufort Precinct Policy or the R-Codes. 	<p>Not supported – the original Policy was advertised in accordance to Clause 47 of the Town Planning Scheme No. 1 (TPS No. 1). In addition, amendments made under Policy Amendment No. 54 have also been advertised in accordance with Clause 47 of the TPS No. 1.</p> <p>The Policy is considered consistent with orderly and proper planning. TPS No. 1 enables the Council to create policies which aim to achieve the objectives of the Town’s TPS No. 1. Amendment No. 54 has been prepared and advertised pursuant to TPS No. 1 and gives clear guidance/criteria for development in the subject area.</p>

		<p>Further, the Policy states that “where requirements are inconsistent, these guidelines are to take precedence over other documents and Policies”. Also, Part 5 of the Residential Design Codes provides local governments with the discretion to create Local Planning Policies where it is demonstrated that there is a need specific to a region that warrants such variations to the R-Codes.</p>
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Technical Services Comments

The Town’s Technical Services have concerns over the effect the Design Guidelines have had in the past and could potentially have on Pandal Lane. The following comments were provided by Technical Services:

“Our only concern is Pandal Lane.

As it is only 5.0m wide there is insufficient room for:

- *Two (2) x way access;*
- *Pedestrian access; and*
- *Rubbish collection (bins placed in the lane way) as this would be a requirement for waste collection.*

‘Livable Neighbourhoods’ element 2 indicates that laneways (Pandal Lane) are generally used when smaller lot layouts justify access to rear garages and where alternative vehicle access is required for lots adjoining major street or parkland.

In the table (Functions and Characteristics of local streets (‘Livable Neighbourhoods’) it indicates that laneways would have a maximum design speed of 15 kph and maximum traffic of 300 vehicles per day for a (min) 6.0m wide laneway?

We already have rat running issues in the Lane and pedestrian safety is an issue as there is no room for footpaths. Even with 6m wide there will be issues with bins storage on collection day and conflicts with pedestrians/vehicles.

Bin placement and collection is problematic particularly with dense developments and the number of bins required.

In conclusion we are concerned that the dependency for the proposed developments to use Pandal Lane for vehicular access, pedestrian access, waste collection will adversely affect the amenity of the lane and create problems that we (Technical Services) will not be able to address.

At last night’s Council meeting, Order of Business 5 (Receiving of petitions...), a petition from D McCann and F Preston was received opposing the proposed rezoning of lots bounded by Palmerston, Stuart, Fitzgerald, Newcastle St and Pandal lane from R80 to R160 and the construction of a 8 storey development on No 146 Fitzgerald Street.

*The comments made by the public speakers in support of the petition **reiterated the concerns previously expressed by Technical Services regarding the use of Pandal lane.***

Pandal lane is only a ROW 5.0m in width boundary to boundary. With two (2) vehicles passing there is no (or very little) room for a pedestrian.

In addition the Town provides 240 litre bins for rubbish collection and now also provides 240 litre yellow top bins for recycling. All these bins will need to be placed on the road for collection. Technical Services provide a weekly domestic waste collection and a fortnightly recycling collection service. We do not want to be forced to provide a twice weekly domestic or weekly recycling service as this stretches our resources and the Waste management budget.

If developments as proposed along Pandal Lane proceed there will be no room for two way traffic, pedestrians and bins.

Also existing residents from the Maltings already experience lengthy delays in egressing from their parking area onto Pandal Lane due to the existing constraints. The intensity of development proposed to egress onto Pandal lane will exacerbate this situation.

In addition there is no parking permitted in Pandal Lane. The proposed 8 storey development with its proposed parking shortfalls will only add to the problem of illegal parking and access constraints.

*Pandal Lane should **at the very least** be widened by 1.0m to a **minimum of 6.0m** to allow for the construction of a footpath and the buildings set back at least 1.0m to allow for bins to be positioned without obstructing the footpath.”*

Additional comments were provided by the Town’s Technical Services on 27 October 2008 and stated the following key points:

- *“Contrary to the developer's consultant's report, waste collection trucks will and actually already obstruct vehicle access through the lane, and this is unavoidable.*
- *The major concerns will be health and safety, for the public and the Town's crew.*
- *It's desirable to avoid bins lined up the length of the lane, possibly being left out, and an open invitation to vandalism and overturning of bins.*
- *A possible solution is for a bin store, designed for optimum access and bin manoeuvring, to be built as close to the rear boundary as possible (preferably at the rear boundary), and the bins kept within the store at all times. Provided it was designed correctly (with perhaps roller door access??), ... it would be better for the Town's staff to retrieve the bins and return them to the store.*
- *If the bin store is not designed with particular care to make bin access easy, it will promote dumping within and in the vicinity of the store area.*
- *Technical Services also need to develop our own guidelines on the bin storage requirements and mode of collection for Pandal Lane, which may also be applied to other similar development areas.*
- *Technical Services requests that they be fully consulted on operational requirements when design guidelines are being developed.”*

The Town’s Officers have reviewed the Draft Amended Policy in light of the previous Council resolutions, community consultation and the Technical Services comments. A summary of the key additional amendments proposed to the Design Guidelines since the Ordinary Meeting of Council held on 26 August 2008 are detailed below:

- (i) Clause 7) iii) has been amended to include reference for development to incorporate significant vertical and horizontal articulation on the rear elevations to ensure no undue impact on the amenity of the adjacent properties and the safety of Pandal Lane.

- (ii) Vehicular access from Pandal Lane or a right of way is strongly encouraged. In such instances where access is from Pandal Lane, the length of the lane adjacent to the subject land is to be widened by at least one (1) metre. This will facilitate safer vehicular access and promote a more pedestrian-friendly environment along Pandal Lane.
- (iii) To ensure future development proposals consider environmental sustainability, development applications are required to be accompanied by an independent environment sustainability assessment report by a Green Star Accredited Professional. However, such reports may not be required by all Development Applications, therefore an amendment has been made to the Guidelines to require the Green Star Reports to be submitted to the Town prior to the issue of a Building Licence. This will reduce unnecessary cost imposts on developers prior to being granted Planning Approval and will reduce delays in the processing of development applications.
- (iv) The following text has been included into the Draft Amended Policy to provide requirements for the location of bin stores along Pandal Lane:

“Bin Stores – Due to the narrowness of Pandal Lane it is considered appropriate for any new developments to provide a bin store that is designed for optimum bin manoeuvring and collection access from Pandal Lane. The bin store is to be located along the rear boundary for convenient collection and bins are to be kept in the store at all times, except when they are collected.

All development is to comply with the Town of Vincent’s Technical Services requirements relating to bin stores along Pandal Lane.”

The Draft Policy relating to Appendix No. 16 – Design Guidelines for the Half Street Block bounded by Fitzgerald, Newcastle (all lots between Palmerston and Fitzgerald Streets) and Stuart Streets and Pandal Lane, Perth has been amended where appropriate to respond to concerns raised during community consultation and the Town’s Technical Services.

In light of the above, it is recommended that the Council receives and adopts the final version of the Amended Policy in accordance with the Officer Recommendation.

9.1.11 No. 11 (Lot: 17 D/P: 953) Bruce Street, Dual Frontage to Ragen Alley, Leederville – Street/Front Fence Addition to Existing Single House (Part Application for Retrospective Approval)

Ward:	South	Date:	24 November 2008
Precinct:	Leederville; P03	File Ref:	PRO3543; 5.2008.177.1
Attachments:	001		
Reporting Officer(s):	A Reynolds		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That;

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by the owners F and S Momen for Street/Front Fence Addition to Existing Single House (Part Application for Retrospective Approval) at No. 11 (Lot: 17 D/P: 95) Bruce Street, dual frontage to Ragen Alley, Leederville, and as shown on plans stamp-dated 7 August 2008, for the following reasons:*
 - (a) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
 - (b) *the non-compliance with clause SADC 13 of the Town’s Policy No. 3.2.1 relating to Residential Design Elements, which the maximum height of the solid portion of the wall to be 1.2 metres above the adjacent footpath level; and*
 - (c) *the street walls and front fences requirements proposed to be varied are as specified in the Town’s Policy relating to Non-Variation of Specific Development Standards and Requirements; and*
- (ii) *the Council ADVISES the applicant and owners that the unauthorised street/front fence shall be removed within twenty-eight (28) days of notification, and the Council AUTHORIZES the Chief Executive Officer to proceed with legal proceedings should the above street/front fence remain after the twenty-eight (28) day period.*

Moved Cr Farrell, Seconded Cr Lake

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND LOST (3-5)

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

(Cr Doran-Wu was an apology for the remainder of the meeting for personal reasons.)

Reasons:

1. **Impact on neighbours.**
2. **Support from adjoining neighbours.**

ALTERNATIVE RECOMMENDATION - COUNCIL DECISION ITEM 9.1.11

Moved Cr Farrell, Seconded Cr Youngman

That in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owners F and S Momen for Street/Front Fence Addition to Existing Single House (Part Application for Retrospective Approval) at No. 11 (Lot: 17 D/P: 95) Bruce Street, dual frontage to Ragen Alley, Leederville, as shown on plans stamp-dated 7 August 2008.

ALTERNATIVE MOTION PUT AND CARRIED (5-3)

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

(Cr Doran-Wu was an apology for the remainder of the meeting for personal reasons.)

Landowner:	F & S Momen
Applicant:	F Momen & S Momen
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:	331 square metres
Access to Right of Way	Not Applicable

BACKGROUND:

21 February 2007 The Town under delegated authority from the Council conditionally approved the demolition of existing single house and construction of a two (2) storey single house.

DETAILS:

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

The applicant's submission is "*Laid on the Table*" and includes the following comments:

- *"Our neighbours do not object to it and actually prefer it, since it provides greater privacy.*
- *It is not visible from the street.*
- *There are other houses nearby on Bruce Street with similar front walls.*
- *It was built before December 2007.*
- *The front portion built after December 2007 is in accordance with the Town of Vincent guidelines.*

- *It was built by our builder, they have been building houses with similar front walls all around the Perth Metropolitan area.*
- *One side is face brick and other side has been rendered and painted before it was inspected by Town staff”.*

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.
Street walls and fences within the primary street setback area, including along side boundaries.	Maximum height of solid portion of wall to be 1.2 metres above adjacent footpath level. To incorporate meter boxes into the wall and fence and such meter box wall and fence must be a maximum length of 1.0 metres, perpendicular to the street boundary and a maximum of 1.2 metres above adjacent footpath level.	Existing eastern, western and northern wall portions – solid to 1.8 metres, 2.0 metres and 1.8 metres, respectively The maximum wall length extends to 1.5 metres and parallel to the street boundary. Existing eastern and northern wall portions are solid to 1.8 metres.	Not supported – does not comply with the Town’s Policies and is considered to have an undue impact on adjoining property and amenity of street. The existing wall portions interrupt the streetscape and reduce casual surveillance and interaction between the dwelling and the street. Not supported – as above.
Consultation Submissions			
Support	Nil.		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:

In light of the above, it is recommended that the Council refuse the street/front fence and authorise the Chief Executive Officer to commence legal proceedings if the unauthorised fence is not removed within 28 days, as per the Officer Recommendation.

9.1.5 No. 36 (Lot: 500 D/P: 69083) Paddington Street, North Perth - Proposed Partial Demolition of, and Alterations, Additions and Additional Two-Storey Grouped Dwelling to Existing Single House

Ward:	North	Date:	21 November 2008
Precinct:	North Perth ; P 08	File Ref:	PRO0718; 5.2008.490.1
Attachments:	001		
Reporting Officer(s):	E Storm		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Peter D Webb & Associates on behalf of the owner T T Tran & H T Nguyen for Partial Demolition of, and Alterations, Additions and Additional Two-Storey Grouped Dwelling to Existing Single House, at No. 36 (Lot: 500 D/P: 69083) Paddington Street, North Perth, and as shown on plans stamp-dated 10 October 2008 subject to the following conditions:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) first obtaining the consent of the owners of Nos. 34 and 38 Paddington Street and No. 19 Clieveden 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. 34 and 38 Paddington Street and No. 19 Clieveden Street in a good and clean condition;*
- (iii) any new street/front wall, fence and gate within the Paddington Street setback area, including along the side boundaries within this street setback area, shall comply with the following:*
 - (a) the maximum height being 1.8 metres above the adjacent footpath level;*
 - (b) the maximum height of piers with decorative capping being 2.0 metres above the adjacent footpath level;*
 - (c) the maximum height of the solid portion of the wall being 1.2 metres above the adjacent footpath level, and a minimum of fifty percent visually permeable above 1.2 metres;*
 - (d) the piers having a maximum width of 355 millimetres and a maximum diameter of 500 millimetres;*
 - (e) the distance between piers should not be less than the height of the piers except where pedestrian gates are proposed; and*

- (f) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (iv) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (a) *stores for both the existing and proposed dwellings having a minimum internal area of 4 square metres with a minimum dimension of 1.5 metres; and*
- (b) *the height of the boundary fence being reduced to no greater than 1.8 metres above the natural ground level at any point.*

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

- (v) *the carport for the existing dwelling shall be one hundred (100) per cent open on all sides and at all times (open type gates/panels with a minimum visual permeability of eighty (80) per cent are permitted);*
- (vi) *a detailed landscaping plan, including a list of plants and the landscaping of the Paddington Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. The landscaping of the verge shall include details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months. The Council encourages landscaping methods which do not rely on reticulation. Where reticulation is not used, the alternative method should be described. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s); and*
- (vii) *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 located on the proposed southern lot/site. 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 9.1.5

Moved Cr Farrell, Seconded Cr Youngman

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND LOST (3-5)

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

(Cr Doran-Wu was an apology for the remainder of the meeting for personal reasons.)

Reasons:

- 1. Building bulk is considered excessive.**
- 2. Loss of privacy.**
- 3. Impact on amenity of neighbours.**
- 4. Feeling of confinement.**
- 5. Loss of sunlight and wind.**
- 6. Consideration of objections received.**

ADDITIONAL INFORMATION:

The use of Figure 2d of the Residential Design Codes (R Codes) in the assessment of side setback requirement was inadvertently overlooked; however, taking this into consideration alters the upper floor setback requirements as demonstrated in the above Corrected Assessment Table and Corrected Comments.

Landowner:	T T Tran & H T Nguyen
Applicant:	Peter D Webb & Associates
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R30/40
Existing Land Use:	Vacant Land
Use Class:	Grouped Dwelling
Use Classification:	"P"
Lot Area:	559 square metres
Access to Right of Way	N/A

BACKGROUND:

12 July 2005 The Council at its Ordinary Meeting resolved to constructively refuse an application for alterations, additions and two -storey grouped dwelling addition to existing single house at the subject property for the following reasons:

Reasons:

- 1. The development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality.*
- 2. The non-compliance with the Setbacks, Outdoor Living Area, Privacy, Buildings on Boundary and Essential Facilities requirements of the Residential Design Codes, and the Town's Policy relating to the Knutsford Locality, respectively.*

3. *Consideration of the objections received.*
4. *The proposed subdivision does not comply with the requirements of either grouped dwelling or battleaxe subdivision."*

The Council also resolved as follows:

"That;

- (i) *the Council ADVISES the Western Australian Planning Commission (WAPC) that the proposal does not meet the requirements for grouped dwellings as the proposed common property is not considered "necessary or functional", therefore resulting in the proposed survey strata subdivision being a battleaxe subdivision, that does not comply the minimum site area requirements for a battleaxe subdivision; and*
- (ii) *the Council ADVISES the applicant that it is prepared to consider an application for a second dwelling on the site only when it can be demonstrated to meet the minimum requirements for a grouped dwelling."*

- 9 August 2005 The applicant lodged an application for review with the State Administrative Tribunal (SAT) in response to the above refusal.
- 28 February 2006 The SAT allowed the application for review with the approval valid for a period of two (2) years only, this expiration date being 28 February 2008.
- 22 May 2006 The Western Australian Planning Commission (WAPC) conditionally approved the survey strata subdivision of the subject property.
- 10 October 2008 The Town received an application for partial demolition of, and alterations, additions and additional two-storey grouped dwelling to existing single house. The application has a similar format to that approved by the SAT on 28 February 2006.

DETAILS:

The proposal involves the construction of an additional grouped dwelling at the subject property and alterations and additions to the existing dwelling.

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

ASSESSMENT:

****Note: The following Assessment Table was corrected and distributed prior to the meeting. Changes are indicated by strike through and underline.***

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	R 30 – 1.86 dwellings	2 dwellings at R 35.78	Supported – no variation.
	R 40 – 2.54 dwellings (the subject site has a dual coding and the R40 is applied due to the retention of the existing dwelling)		

Plot Ratio	N/A	N/A	Noted.
Boundary Setbacks: - Upper Floor - East - West	3.6 metres <u>1.2 metres</u> 1.9 metres <u>1.2 metres</u>	1.2 – 1.9 metres 1.2 – 2 metres	Supported – see ‘Comments’ section a further review of the considerations of the State Administrative Tribunal in relation to the previous application and the Residential Design Codes (R Codes) demonstrates that the eastern setbacks are compliant. Supported – see ‘Comments’ section a further review of the considerations of the State Administrative Tribunal in relation to the previous application and the Residential Design Codes (R Codes) demonstrates that the western setbacks are compliant.
Building on Boundary	Walls not higher than 3.5 metres with an average of 3.0 metres for 2/3 the length of the balance of the boundary behind the front setback, to one side boundary.	Two boundary walls proposed – North wall - height and length compliant. East wall - height and length compliant.	Supported – see ‘Comments’ section.
Fencing Local Law - Western Boundary Wall	1.8 metres	1.6 – 2.1 metres	Not supported – condition applied for the height of the wall to be no greater than 1.8 metres at any point.
Outdoor Living Area (Lot 2)	An outdoor living area to be provided behind the street setback area.	27.5 square metre screened yard area provided within the front setback area.	Supported – not considered to have any undue impact on the amenity of the streetscape. The provision of the courtyard area within the front setback allows for greater levels of active and passive surveillance of the street and is a consistent feature along Paddington Street.

Essential Facilities	An enclosed, lockable storage area constructed with a minimum dimension of 1.5 metres with an internal area of at least 4 square metres.	Lot 1 – two storage areas with the dimensions 1.1 metre by 1 metre and 0.5 metre by 3.5 metres (a total of 2.85 square metres). Lot 2 – one storage area with the dimensions 1.0 metre by 3.6 metres (a total of 3.6 square metres).	Not supported – considered to have an undue impact on the amenity of the occupiers of the dwellings, and condition applied for the store areas to meet the requirements specified in Clause 6.10.3 of the R Codes.
Consultation Submissions			
Support	Nil.		Noted.
Objection (5)	<ul style="list-style-type: none"> Boundary Setbacks 		Noted – see ‘Comments’ section <u>a further review of the considerations of the State Administrative Tribunal in relation to the previous application and the Residential Design Codes (R Codes) demonstrates that the boundary setbacks are compliant.</u>
	<ul style="list-style-type: none"> Boundary Walls 		Noted – see ‘Comments’ section.
	<ul style="list-style-type: none"> Fencing Local Law 		Supported – see above.
	<ul style="list-style-type: none"> Plans are for a grouped dwelling however this appears to be a battleaxe arrangement 		Not supported – the proposal involves the retention of the existing dwelling and is compliant with the R 40 minimum and average site area requirements of the R Codes in relation to grouped dwelling sites, including such sites being in a ‘battleaxe arrangement’. The survey strata subdivision of the site has been approved by the WAPC therefore regardless of the outcome of this current application, the land could still be considered on different titles subsequent to the creation of the lots.

• Streetscape	Not supported –the proposal will have no undue impact on the amenity of the streetscape given that the dwelling is at the rear of the property and will not be directly visible from the street.
• Locality characteristics (setbacks, height, landscaping and fence design)	Noted – see ‘Comments’ section.
• Affect on amenity of adjoining properties	Noted – see ‘Comments’ section.
• Housing Density	Not supported – the proposal involves the retention of the existing dwelling and is compliant with the R 40 minimum and average site area requirements of the R Codes.
• Privacy Encroachments	Not supported – the proposal is compliant with the privacy requirements of the R Codes.
• Overshadowing	Not supported – the proposal is compliant with the overshadowing requirements of the R Codes.
• Accumulation of variations	Noted – see ‘Comments’ section.

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:

Applicants Planning Consultant's Comments

The planning consultant acting on behalf of the applicant has submitted an extensive justification in response to the objections received by the Town. The comments made can be summarised as follows

In reviewing Clause 6.3 Objectives, of the Town's Residential Design Elements Policy we note the requirements:

- **To ensure that development is sensitive to the streetscape and established character of the locality.**

Applicant's response: The applicant confirms that this objective is achieved by the retention (and substantial upgrading including landscaping, fencing and outdoor living area) of the existing (single storey) residence on this property. Further, the proposed new, two storey residence is in a similar location to an existing two storey residence on a neighbouring property, in that it enjoys a similar setback from the street.

- **To promote development that reinforces the dominant streetscape rhythm and considers issues such as spacing and proportion of built form:**

Applicant's response: The dominant streetscape rhythm is protected by the retention of the character home at the front of the block (unlike its neighbour – which includes an extensive vehicle parking area) and the spacing and proportion of built form of the proposed new home are consistent with that of the (two storey) neighbour.

The housing density associated with this proposal is entirely consistent with the provisions of TPS 1 and should not be the subject of inferior and irrelevant debate by individuals who have achieved a particular outcome and seek to ensure that their neighbours do not enjoy similar benefits allowable under the Scheme.

The applicant acknowledges the very minor non-compliances which form part of this application but also confirms that those non-compliances are not so significant (of themselves) as to impact upon the amenity of adjoining properties. This point is supported by the professional advice of the SAT Member, outlined in the Tribunal's decision. (It is also inconsistent with the Town's responsible Planning Officer during its consideration of the earlier (original) application for an identical development proposed for this land.)

Towns Planning Services' Comments

****Note: The below Comments were corrected and distributed prior to the meeting. Changes are indicated by strike through and underline.***

It is apparent from the outcome of the community consultation period that the proposal is of particular concern to the adjoining landowners. The objections received were extensive and comprehensive, however also included objections to aspects of the development which were compliant with the R Codes and Town's Policies and therefore cannot be considered.

The variations listed in the Non-Compliance Table are however, matters in which the Town's Planning Services have the discretion to support should they be considered reasonable under the provisions of the Town's Policies and the R Codes. ~~The boundary setback and building on boundary variations are considered acceptable in this instance. Although full compliance with the specified setbacks are not met, the proposal complies with the performance criteria requirements in that the proposal does not result in any non-compliant overshadowing of adjoining properties, there are no privacy encroachments, the impact of building bulk is alleviated by highly articulated walls and the proposal makes effective use of the space of the site.~~

The WAPC have conditionally approved the survey strata subdivision of the property and regardless of the outcome of the subject application, the property could still be divided into two titles. Clause 3.5.2 of the WAPC Development Control Policy No. 1.1 states *“lots which cannot be developed in accordance with relevant statutory requirements will not be approved. The WAPC will also ensure that, by creating a new lot, it does not render an existing lot or development upon that lot illegal in terms of statutory requirements. Such matters may include lot sizes, car parking, setbacks or the provision of service”*. Given the dimensions and location of the site, the Town’s Officers are of the opinion that the proposal does not seek to over-develop the site and is consistent with the provisions of the R Codes and Town’s Policies.

The site is currently fenced off and not utilised by the occupants of the existing dwelling, containing a large amount of overgrown trees and weeds and although the adjoining landowners may be accustomed to the absence of a dwelling on the site and object to the redevelopment, the WAPC has granted approval for the subdivision, and therefore feels that the site has the potential for development.

The subject application has previously been approved by the SAT and should the current application be refused by the Town, a similar outcome may ensue. In light of the above, it is recommended that the Council approve the application, subject to standard and appropriate conditions to address the above matters.

9.1.15 West Perth Regeneration Masterplan – Proposed Amendment to the Metropolitan Region Scheme from ‘Industrial’ to ‘Urban’

Ward:	South	Date:	24 November 2008
Precinct:	Hamilton, P11 (CPS No. 2)	File Ref:	PLA0147
Attachments:	-		
Reporting Officer(s):	H Smith		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report relating to the proposed Amendment to the Metropolitan Region Scheme to rezone the land within the West Perth Regeneration Masterplan Area, comprising the land bounded by Newcastle Street, the Graham Farmer Freeway, Charles Street and Loftus Street, West Perth, from ‘Industrial’ to ‘Urban’;*
- (ii) *AUTHORISES the Chief Executive Officer to forward this report and a copy of the Draft West Perth Regeneration Masterplan to the North West District Planning Committee of the Western Australian Planning Commission with a request to consider the proposed Amendment to the Metropolitan Region Scheme to rezone the land within the West Perth Regeneration Masterplan Area from ‘Industrial’ to ‘Urban’; and*
- (iii) *REFERS a copy of the above information to the Western Australian Planning Commission and Department for Planning and Infrastructure for its notice and information.*

Moved Cr Messina, Seconded Cr Farrell

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Youngman, Seconded Cr Farrell

That a new clause (iv) be inserted as follows:

“(iv) REFERS a copy of the above information to the Department of Education and Training for its notice and information.”

Debate ensued.

AMENDMENT PUT AND CARRIED (8-0)

(Cr Doran-Wu was an apology for the remainder of the meeting for personal reasons.)

MOTION AS AMENDED PUT AND CARRIED (8-0)

(Cr Doran-Wu was an apology for the remainder of the meeting for personal reasons.)

COUNCIL DECISION ITEM 9.1.15

That the Council;

- (i) *RECEIVES the report relating to the proposed Amendment to the Metropolitan Region Scheme to rezone the land within the West Perth Regeneration Masterplan Area, comprising the land bounded by Newcastle Street, the Graham Farmer Freeway, Charles Street and Loftus Street, West Perth, from 'Industrial' to 'Urban';*
- (ii) *AUTHORISES the Chief Executive Officer to forward this report and a copy of the Draft West Perth Regeneration Masterplan to the North West District Planning Committee of the Western Australian Planning Commission with a request to consider the proposed Amendment to the Metropolitan Region Scheme to rezone the land within the West Perth Regeneration Masterplan Area from 'Industrial' to 'Urban';*
- (iii) *REFERS a copy of the above information to the Western Australian Planning Commission and Department for Planning and Infrastructure for its notice and information; and*
- (iv) *REFERS a copy of the above information to the Department of Education and Training for its notice and information.*

PURPOSE OF REPORT:

To report to the Council with respect to a request to the North West District Planning Committee to consider a request to amend the classification of the land bounded by Newcastle Street, the Graham Farmer Freeway, Charles Street and Loftus Street, West Perth under the Metropolitan Region Scheme from Industrial to Urban.

BACKGROUND:

17 October 2006 The Council at its Special Meeting considered a Confidential Item relating to the Leederville Masterplan and resolved as follows:

"That the Council;

- (v) *NOTES;*
 - (a) *the Town's Leederville Masterplan Project Objectives and Principles comply with most of the requirements, Vision, Values, Objectives and Principles for the State Government's Network City Community Planning Strategy for Perth and Peel;*
 - (b) *the Indicative Financial Implications, as detailed in this report and ACKNOWLEDGES THAT THE FINAL FINANCIAL IMPLICATIONS WILL CHANGE and will be dependent upon the final Concept Masterplan approved by the Council;*
 - (c) *the progress of the Water Corporation Masterplan for the John Tonkin Centre, which is currently being prepared on their behalf by the Cox (Howlett & Bailey Woodhead) - Architectural Planning Design Group;*

- (d) *the progress of the Central Technical and Further Education (TAFE) - Leederville Campus Masterplan for the Leederville Campus, which is currently being prepared on their behalf by Peter Hunt Architect;*
- (e) *the progress of the School of Isolated and Distance Education (SIDE) Masterplan, which is yet to be commenced;*
- (f) *the progress of the "overall" Masterplan for the area bounded by Richmond Street, Oxford Street, Leederville Parade and Loftus Street which is currently being prepared on behalf of the Town by the Project Team;*
- (g) *that additional information concerning Town Centre Mapping, Traffic Study, Services Infrastructure Report and Economic Impact Assessment is currently being prepared by the Project Consultancy team;*
- (h) *that should the Town's Boundary Proposal to obtain a portion of the City of Perth be successful, there is the potential to extend the Masterplan area to include a further twelve (12) hectare area bounded by Loftus, Newcastle and Charles Streets and the Graham Farmer Freeway, as shown in Appendices V and X; and..."*

5 June 2007

The Council at its Special Meeting considered a Confidential Item relating to the Leederville Masterplan and resolved as follows:

"That the Council;

- (i) *RECEIVES Progress Report No. 6 on the Leederville Masterplan Project as at 1 June 2007;*
- (ii) *APPROVES;*
 - (a) *the Leederville Masterplan Concept Plan for the Town owned land, as detailed in this report and shown in Plans at Appendices 7.4(1) - (17). and AUTHORISES these Plans to be used as a basis for the Project and ACKNOWLEDGES that these concept plans may be subject to change;*
 - (b) *the Delivery Model to be a Joint Venture or Development Agreement between the Town and a private partner(s) in compliance with Sections 3.58 and 3.59 of the Local Government Act 1995;*
 - (c) *the Objectives, as shown in Appendix 19;*
 - (d) *the Indicative Timeline, as detailed in this report; and*
 - (e) *the Memorandum of Understanding between the Town and the Western Australian Planning Commission (WAPC) as shown in Appendix 18;*

- (iii) *AUTHORISES the Chief Executive Officer to;*
- (a) *prepare the necessary Expression of Interest and Tender documents for the consideration and approval of the Council;*
 - (b) *engage the necessary consultants to assist in the delivery and implementation of the Leederville Masterplan Project;*
 - (c) *carry out an Urban Redevelopment Review to "revitalise" the area bounded by Loftus, Newcastle and Charles Streets and the Graham Farmer Freeway;*
 - (d) *finalise and sign (in conjunction with the Mayor), the Memorandum of Understanding between the Town, the Department of Planning and Infrastructure and the Western Australian Planning Commission; and*
 - (e) *make public the Leederville Masterplan Project (in conjunction with the Mayor), at the appropriate time and to proceed with a Public Consultation process, as detailed in this report;... "*

7 November 2007 West Perth Regeneration Masterplan Contract with consultants JCY accepted.

5 March 2008 The Consultants, JCY presented their progress and draft options to the Town's Officers on the 5 March 2008

18 March 2008 The Consultants, JCY presented Draft Options to a Council Member Forum.

9 April 2008 The Town's Officers met with consultants JCY to discuss the progress of the Built Form Guidelines and the West Perth Regeneration Masterplan.

2 July 2008 The Council at its Special Meeting considered an Item relating to the Leederville Masterplan where information relating to the West Perth Regeneration Masterplan was included.

14 October 2008 The Council at its Special Meeting considered an item relating to the progress of the West Perth Regeneration Masterplan area and resolved as follows:

"That the Council;

- (i) *RECEIVES;*
- (a) *the West Perth Regeneration Masterplan Study Progress Report No. 1;*
 - (b) *the Draft West Perth Regeneration Masterplan dated October 2008, as shown in Appendix 7.3 and "Laid on the Table";*

- (c) *the Pracsys Leederville Extension Project Report dated February 2008, as “Laid on the Table”; and*
 - (d) *the SKM West Perth Regeneration Proposal – Access, Movement and Car Parking Report dated 6 August 2008, as Laid on the Table”; and*
- (ii) *ADVERTISES the Draft West Perth Regeneration Masterplan and associated Pracsys and SKM Reports for public comment;*
- (a) *for a period of twenty-eight (28) days and reports back to the Council with any submissions received at the close of the consultation period; and*
 - (b) *the advertising to include consultation with the Western Australian Planning Commission, City of Perth, Town of Cambridge, East Perth Redevelopment Authority, and relevant Government Departments; and*
- (iii) *AUTHORISES the Chief Executive Officer to contact the relevant Ministers to discuss the infrastructure needs of the West Perth Masterplan area.”*

DETAILS:

The West Perth Regeneration Masterplan area is defined as that land bounded by Newcastle Street to the north, the Graham Farmer freeway to the south, Loftus Street to the west and Charles Street to the east. The 9.3 hectares of West Perth land was transferred to the Town of Vincent from the City of Perth on 1 July 2007 as one of a number of local government boundary re-alignments. The area forms part of a larger area that includes Oxford Close, City West and the Water Corporation offices that all abound Loftus Street and the Mitchell and Graham Farmer Freeways and span the local authorities of the Towns of Vincent and Cambridge and the City of Perth. Together the overall area represents over 50 hectares of inner city land that has an extremely low resident population, and a relatively low commercial yield.

CONSULTATION/ADVERTISING:

In the event the Minister resolves to proceed with the Metropolitan Region Scheme (MRS) Amendment and consents to public submissions, the Amendment is advertised for a minimum period of not less than 3 months. All submissions are considered by the Western Australian Planning Commission (WAPC). If the Minister considers a modification to the Amendment and is recommended by the WAPC as being significant, the amendment as modified may be required to be re-advertised so that further submissions can be made.

As outlined in the background, the Town commissioned consultants to carry out a Masterplan over the 9.3 hectares of West Perth within the Town. Accordingly, the West Perth Regeneration Masterplan proposes an intensification of development within the subject area, with potential and far reaching implications to the Town, residents, business proprietors, landowners, developers and other stakeholders in the Town. It was considered appropriate therefore that the Draft West Perth Regeneration Masterplan be advertised for public comment for a period of twenty eight (28) days inviting written submissions from the public and for the Council to consider any submissions at the conclusion of this period.

In addition, the Town consulted with the landowners and occupiers of the project area directly, prior to formal advertising of the Draft Options at an Owners and Occupiers Engagement Forum on 30 September 2008.

Thirty owners and occupiers attended the Engagement Forum, which involved a Power Point presentation by the consultants, Jones Coulter Young, Architects and Urban Designers.

Following the presentation of the draft options, questions were taken from the floor with respect to the following key issues:

- How the Masterplan would be progressed?
- The mechanisms of a Local Authority compared to redevelopment authorities (ie: East Perth and Subiaco Redevelopment Authorities).
- What would be the developer contributions and the potential rate increases?
- The potential pressure on landowners to develop or relocate 'industrial' uses.
- The impact of zoning changes on 'industrial' and 'inappropriate commercial' uses.
- The impact of greater allowable height along Newcastle Street on adjoining residential areas.
- The potential subdivision and amalgamation outcomes as a result of the draft Masterplan.

Overall, the presentation received positive responses from the attendees.

LEGAL/POLICY:

The amendment process for the Metropolitan Region Scheme is regulated by the Planning and Development Act 2005; amendments are made under the provisions of Section 37 of that Act.

STRATEGIC IMPLICATIONS:

The matter is in keeping with the Town's Strategic Plan 2006-2011, Objective 2.1 - *"Progress economic development with adequate financial resources"*, in particular Actions:

"2.1.1 Promote the Town as a place for investment, appropriate to the vision for the Town."

"2.1.3 Promote business development."

"2.1.7 Implement the Leederville Masterplan."

FINANCIAL/BUDGET IMPLICATIONS:

The 2008/2009 Budget contains an amount of \$25,000 for the West Perth Regeneration Masterplan.

SUSTAINABILITY IMPLICATIONS:

It is considered that the proposed West Perth Regeneration Masterplan will direct future development to occur in a manner that meets the communities changing needs through the provision of affordable housing and is more receptive to transit-oriented design and green building design.

COMMENTS:

The Town is restricted in its determination of development applications in this area by the existing provisions of the City of Perth City Planning Scheme No. 2 and its Industrial Metropolitan Region Scheme classification. As such, this report represents a proposal for the subject land to be re-classified from Industrial to Urban under the Metropolitan Region Scheme and that this request is presented to the Commission for its consideration.

Traditionally, the area has been characterised by large scale industrial activities which are being replaced by light industrial and low scale commercial uses. Very few residential properties have remained in the southern part of the area (Simpson Street) despite adjoining light industrial uses. Generally, uses in the subject area are becoming less adverse, and as such, more compatible with general commercial uses such as offices, warehouses and vehicle car showrooms.

Further, there is a trend for centrally located industrial uses to seek relocation to the outer industrial areas as a result of market forces. This primarily results from factors relating to the demand and supply of land. For example, the supply of land for industrial uses within centrally located areas is minimal and should any of the existing uses wish to expand there is no limited available land for them to do this.

In addition to the above, land located within and around the Central Business District is in high demand, which results in the price of the land and any associated costs being high, which can result in the cost of running an industrial type business within the inner city becoming financially unsustainable for small and mid size businesses.

Combined with this, infrastructure in the newly established industrial areas is considered to be better designed and suited for the transport, energy and associated service industries which these types of uses depend upon.

The maintenance and encouragement of the Industrial zone appears inconclusive given the impetus for inner city residential development. Land values in the area generally indicate that the Industrial zoned land is rapidly improving in value due to a demand for residential land close to the Central Business District. These values have largely been established by 'New Northbridge' regeneration works which have occurred over a last eight years since the construction of the Graham Farmer Freeway.

Accordingly, the value of land is based on its highest and best use, that is, for residential and mixed use purposes. As such, the viability of industrial and light industrial uses to continue their operations in the area will be reduced to the extent that they will relocate. As a result of the Town's commissioning of a Masterplan over the area, interest and development in the area for residential and mixed use purposes, it is likely that new landowners and tenants will not support new industrial uses or be tolerant of the effects of existing obtrusive industries on their quality of life.

Notwithstanding the above, both the City of Perth and the Town of Vincent, through the development control process, have endeavoured to safeguard residential properties against the intrusion of inappropriate industrial uses; however such practices do not always protect residential residences or their amenity against unforeseen factors which may impact upon them.

Nonetheless, acceptance of adjoining industrial uses by residential tenants can largely only be maintained where there is likelihood in the future of the industrial uses being replaced with more appropriate uses.

The West Perth Regeneration Masterplan has the potential to revitalise and generate a significant number of benefits for the area and the Town in general, by providing the opportunity for:

- Urban consolidation close to the city and public transport;
- The retention of places of heritage significance;
- The promotion of inner city living;

- The introduction of new community facilities;
- The landscaping of the street and new open space areas;
- The release of new land surplus to the Graham Farmer Freeway requirements;
- The continued renaissance of Newcastle Street and adjacent areas; and
- The introduction of new land uses and business along the entire corridor.

The Masterplan prepared for the subject area describes two options to illustrate the possible nature and scale of development which could result from a re-classification and rezoning of the land. It is noted however, that throughout the report no provision is made of 'industrial uses'. The Town's land use intentions for the area are of a Residential/Commercial nature and accordingly, the zoning category of 'Residential/Commercial' would be applied under the Town's Town Planning Scheme No. 1 as defined below:

“Residential/Commercial Area

A residential/commercial area provides for a range of residential uses to be developed independently or with a commercial component in a compatible manner. Appropriate uses are those residential and commercial uses that foster a diversity of activity and urban form and create an identifiable character for the area. Appropriate commercial uses are nominated in the relevant precinct plan. Additional appropriate uses are those which support the residential and commercial uses such as local shops, community services and recreational facilities.”

In the event rezoning and re - classification of the land under the Metropolitan Region Scheme is successful, the existing light and industrial uses will inherit non-conforming use status upon gazettal of an amendment to the Town's Town Planning Scheme, and any uses of an industrial nature will no longer be permitted. It is considered that the new use classification for the Residential/Commercial Area will attract a broad range of commercial uses which will maintain local employment and will be compatible with the residential nature of the area.

There are numerous non-industrial uses currently preferred or can be contemplated in the area under the City of Perth City Planning Scheme No. 2, which is the Local Government Town Planning Scheme that affects the subject area. A sample of such uses include the following:

- Business Services;
- Civic;
- Community and Cultural;
- Dining;
- Education;
- Entertainment;
- Healthcare;
- Home Occupation;
- Mixed Commercial;
- Office;
- Recreation and Leisure;
- Residential;
- Retail (General);
- Retail (Local);
- Special Residential; and
- Storage.

Whilst there are limitations placed on the Residential/Commercial Area in terms of the permissibility of light industrial and commercial uses, it is worth outlining the land use characteristics of an adjoining area which has undergone a transformation similar to that proposed in the subject Industrial zone.

The remaining street blocks in the Beaufort Precinct are bounded by Lake, Newcastle, Beaufort, Brisbane and Wellman Streets and Forbes Road. This area was formerly zoned General Commercial C3 under the Town Planning Scheme however those properties facing William and Newcastle Streets maintained a Commercial zoning whereas the remainder was designated as a combined Residential/Commercial Area.

This particular area has been the subject of much renewed residential and commercial development despite its former General Commercial zoning. Hence, the area provides a good indication as to the trend of land uses and the types of development which are attracted to the 'transition' zones adjacent to the Central Business District.

As part of an Omnibus MRS Amendment made by the Town in 1997, a land use survey was carried out in this area in conjunction with the Industrial Area survey in September 1997. The following tables and discussion outline the results of the survey.

"Table No. 2 - Proposed Commercial Zoning (William and Newcastle Streets)

<i>No. of Lots</i>	<i>Residential</i>	<i>Commercial</i>	<i>Combined Res./Comm</i>	<i>Other</i>
71	8	53	2	8
100%	11.5%	74.5%	2.5%	11.5%

Table No. 2 indicates that the existing uses on William and Newcastle Streets are predominantly commercial with minor residential and other uses. As such, the range of land uses is typical of a commercial area and will be maintained in accordance with Council's intention for the Area.

The existing uses in the remainder of the area on Lindsay, Monger, Money, Robinson and Brisbane Streets, which are part of the proposed Residential/Commercial Area, is outlined in Table No. 3.

Table No. 3 – Proposed Residential/Commercial Area

<i>No. of Lots</i>	<i>Residential</i>	<i>Commercial</i>	<i>Combined Res./Comm.</i>	<i>Other</i>
89	48	25	12	4
100%	54%	28%	13.5%	4.5%

It is noted that this area was traditionally a residential area prior to the City of Perth City Planning Scheme being gazetted in 1985 whereby a Commercial zoning was imposed. Notwithstanding the commercial zoning, the Council has endeavoured to maintain a residential character in the area which is evidenced by the survey. The provisions of the Draft Town Planning Scheme for this Area stipulate that developments comprising residential and commercial uses must contain a residential component of no less than 66% of the allowable plot ratio or 66% of the constructed floorspace. As indicated by the survey, the area has developed with a combined residential/commercial nature, similar to that proposed in the Draft Town Planning Scheme. The trend for further residential development within the inner urban areas is likely to target this precinct and the proposed zoning is considered appropriate to facilitate this demand."

In itself, the area represents a model of an area in transition and whilst the subject Industrial area is likely to remain a predominantly commercial area in the foreseeable future there are similarities in the development of these areas in terms of their location to the Central Business District and the trend for inner city living. Given the above, the Town proposes that the Industrial Zone under the Metropolitan Region Scheme be lifted and replaced with an Urban zone to facilitate the intentions of the West Perth Regeneration Masterplan.

Accordingly, it is recommended that the Council receive this report and that its contents, along with a copy of the West Perth Regeneration Masterplan, be referred to the North West District Planning Committee, and a copy to the Western Australian Planning Commission, with a request to consider initiating an amendment to the Metropolitan Region Scheme for the land bounded by Newcastle Street, the Graham Farmer Freeway, Charles Street and Loftus Street, West Perth to be rezoned from 'Industrial' to 'Urban'.

9.2.1 Proposed Vietnamese Boat People Monument of Gratitude

Ward:	Both	Date:	14 November 2008
Precinct:	All	File Ref:	CMS0021
Attachments:	001		
Reporting Officer(s):	R Lotznicker, T Woodhouse, J van den Bok		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on a suitable location within the Town for the Proposed Vietnamese Boat People Monument of Gratitude;*
- (ii) *NOTES that;*
 - (a) *a request was originally received from the Vietnamese Community to provide a suitable area in Hyde Park for the Vietnamese Boat People Monument of Gratitude;*
 - (b) *the Town's Officers considered locating the Vietnamese Boat People Monument of Gratitude in Hyde Park was not appropriate for the reasons outlined in the report; and*
 - (c) *a meeting was held with the President of the Vietnamese Community on 14 November 2008 to explore other suitable locations within the Town for the memorial;*
- (iii) *APPROVES IN PRINCIPLE, locating the "Vietnamese Boat People Monument of Gratitude" in Weld Square, Perth, as shown in appendix 9.2.1A, for the reasons outlined in the report, subject to;*
 - (a) *the proposal being referred to the Aboriginal Cultural Material Committee under Section 18 of the Aboriginal Heritage Act 1972 for approval;*
 - (b) *being assessed by the Town's Heritage Officers in accordance with the principles of The Burra Charter and relevant policies and provisions; and*
 - (c) *all costs associated with the Monument being paid by the Vietnamese Community of Western Australia; and*
- (iv) *AUTHORISES the Chief Executive Officer to further investigate the preferred location as outlined in clause (iii) above and prepare a further report once these investigations have been completed; and*
- (v) *ADVISES the president of the Vietnamese Community in Western Australia of its decision.*

Moved Cr Farrell, Seconded Cr Burns

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Lake, Seconded Cr Burns

That the existing clauses (iii), (iv) and (v) be deleted and a new clause (iii) be inserted as follows:

“(iii) REQUESTS the Officers to reconsider locations for the monument and submit a further report to the Council.”

AMENDMENT PUT AND CARRIED (8-0)

(Cr Doran-Wu was an apology for the remainder of the meeting for personal reasons.)

MOTION AS AMENDED PUT AND CARRIED (8-0)

(Cr Doran-Wu was an apology for the remainder of the meeting for personal reasons.)

COUNCIL DECISION ITEM 9.2.1

That the Council;

- (i) *RECEIVES the report on a suitable location within the Town for the Proposed Vietnamese Boat People Monument of Gratitude;*
 - (ii) *NOTES that;*
 - (a) *a request was originally received from the Vietnamese Community to provide a suitable area in Hyde Park for the Vietnamese Boat People Monument of Gratitude;*
 - (b) *the Town’s Officers considered locating the Vietnamese Boat People Monument of Gratitude in Hyde Park was not appropriate for the reasons outlined in the report; and*
 - (c) *a meeting was held with the President of the Vietnamese Community on 14 November 2008 to explore other suitable locations within the Town for the memorial; and*
 - (iii) *REQUESTS the Officers to reconsider locations for the monument and submit a further report to the Council.*
-

PURPOSE OF REPORT

To advise the Council of a request received to install a Vietnamese Boat People Monument of Gratitude and approve of a location.

BACKGROUND

The Council has previously approved the installation of memorial structures in the Town’s Parks and Reserves. The Aids Memorial was installed in Robertson Park, Perth and the ANZAC memorial was installed in Axford Park.

DETAILS

Proposal:

On 25 September 2008, a letter addressed to the Mayor was received from the President of the Vietnamese Community in Western Australia. An extract of the letter is as follows:

"On behalf of the Vietnamese Community in Western Australia, I am writing to ask for your support in our effort in building the Vietnamese Boat People Monument of Gratitude.

For more than 30 years the Vietnamese community in Western Australia wanted to build the Vietnamese Boat People Monument of Gratitude to express our gratitude to the Australian Government, NGOs and many Australian individuals whose relentless and selfless efforts have assisted resettle many Vietnamese refugees over the years.

This Monument is also dedicated to the commemoration of hundreds of thousands of Vietnamese people who perished in search of freedom.

We're asking if you and the Town of Vincent can provide a suitable area in Hyde Park for the Monument.

This monument stands not only as a monument to our gratitude but as a monument to our journey, to our commitment to freedom and a better life, and to our contribution to the Australian community."

Proposed Monument

The design of the proposed monument is shown in Figure 1 and is about 2.0m in height and about 4.0m long. It comprises two granite sails built on a concrete base circled by a steel frame painted in white in the shape of a boat.

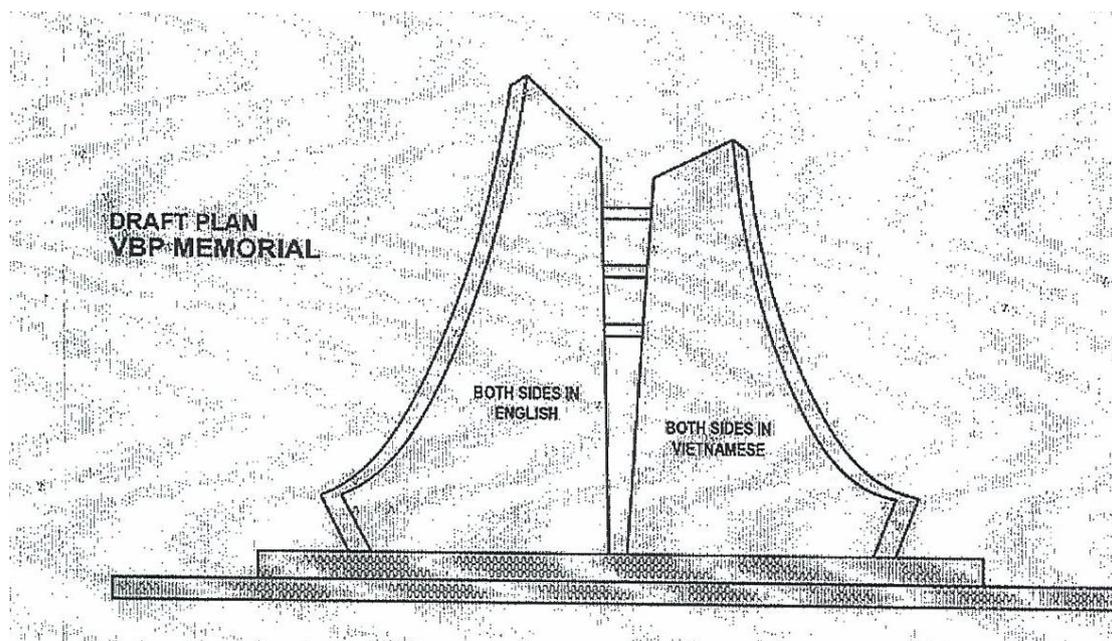


FIGURE 1

Requested Location:

The President of the Vietnamese Community has requested that the Town provide a suitable area in Hyde Park for the Monument.

At its Ordinary Meeting held on 27 April 2004 the Council adopted the Hyde Park Conservation Plan and acknowledged that the plan comprehensively and sensitively addressed all aspects of the history and future management challenges of the park to achieve a long term objective of overall conservation and heritage presentation.

The Council was further advised that the Plan comprised a "*comprehensive, holistic and sensitive document that responded to the complex and multi-layered needs of the Park to ensure its long term protection and management of its evolution*".

Officer Comment

As Hyde Park is listed on the State Register of Heritage Places it is important that due consideration is given to the Policies detailed in the Hyde Park Conservation Plan in the advent of any new permanent structures proposed to be constructed in the Park. A review of the Conservation Plan reveals that locating the Vietnamese Boat People Monument of Gratitude in Hyde Park does not support Policy 47 of the Hyde Park Conservation Plan which states that "*As there has not been a tradition of public sculptures, artworks or memorials in Hyde Park it is recommended that they are limited to functional elements. It is preferable that artworks and memorials are associated with Hyde Park and its history*".

Given that locating the Vietnamese Boat People Monument of Gratitude in Hyde Park is contrary to the recommendations detailed in the Hyde Park Conservation Plan, it is considered that the proposed location should not be supported and other more suitable locations in the Town should be assessed.

Other Possible Locations: (Refer appendix 9.2.1A and 9.2.1B)

While locating the memorial in Hyde Park is not supported, several other possible locations in the Town have been assessed and are discussed as follows:

Option 1: Weld Square, Perth

This passive reserve was recently added to the Town as part of the recent Local Government Boundary review. The reserve is approximately 1.0ha in size and is bounded by Beaufort, Parry, Stirling and Newcastle Streets. The Graham Farmer Freeway is located beneath the southern portion of the reserve (parallel to Newcastle Street) and therefore no significant plantings can be located in at least one third of the reserve area.

The Vietnamese Boat People's Monument could easily be accommodated on the Newcastle Street side of the reserve. The Town could complement the monument with low landscaping etc. in time. There would also be ample room on this reserve for commemorative events without any adverse impact on adjoining residents as the area is predominantly commercial.

At the time of the boundary review, Weld Square was listed on the City of Perth Planning Scheme Municipal Heritage Inventory. Until such time as a Scheme Amendment, the City of Perth Planning Scheme continues as the statutory planning document for the area and as such Weld Square continues as heritage listed. Given this, the proposed location of the Vietnamese Boat People's Monument will need to address the heritage significance associated with the place and assessed in accordance with the principles of The Burra Charter and information made available from the City of Perth.

Further to this, Weld Square is listed as a Registered Aboriginal Site (Site ID 17848). As the owners of the subject land, the Town is required to submit a notice in writing under section 18 of the Aboriginal Heritage Act 1972 to the Aboriginal Cultural Material Committee to seek approval to install the proposed monument.

Option 2: Wade Street Reserve

This small passive reserve is located at the top end (north) of William Street, Perth and is bounded by William and Wade Streets. During the development of plans for the redevelopment of William Street, this park was identified by the officers as a possible location for some artwork/entry statement etc. to complement the Asia Town theme.

Note: The William Street upgrade was previously referred to as Asia Town given the predominance of this cultural group in this predominantly commercial area)

The Vietnamese Boat People's Monument could be accommodated at the Brisbane Street end of the reserve. There would, however, be limited room on this reserve for commemorative events and there may be some impact on adjoining Wade Street residents.

Option 3: Multi Cultural Gardens

This small passive reserve is located in View and Olive Streets, North Perth. This park was developed several years ago to have a multicultural flavour and the Vietnamese Boat People's Monument would compliment this theme.

The Monument could be accommodated at the View Street end of the reserve. Again there would be limited room for commemorative events and there may be some impact on adjoining View Street residents.

Officers Comments

The Director Technical Services and Manager Parks Services met with representatives from the Vietnamese community of Friday 14 November where suitable alternative locations for the memorial were discussed.

At the meeting it was determined that preferred location for the Vietnamese Boat People's Monument (other than Hyde park) was Weld Square for the following reasons:

- The Monument could easily be accommodated on the Newcastle Street side of the reserve.
- No significant plantings can be located in at least one third of the reserve area and therefore a monument would provide the park with some interest.
- There would be ample room on this reserve for commemorative events without any adverse impact on adjoining residents as the area is predominantly commercial.
- the Town could complement the memorial site (in subsequent financial years) by providing low landscaping, a possible pathway and associated lighting.

LEGAL/POLICY:

Policy no: 2.1.5 Parks and Reserves – Memorial Trees and Plaques states that:

The installation or erection of memorial plaques in parks and reserves is not supported. Persons wishing to commemorate an individual or an organisation are encouraged to donate a suitable piece of park furniture (e.g. park seat, drinking fountain) which may contain a suitable inscription plaque on it.

STRATEGIC IMPLICATIONS:

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

SUSTAINABILITY IMPLICATIONS:

N/A.

FINANCIAL/BUDGET IMPLICATIONS:

All costs associated with this project will be met by the Vietnamese Community of Western Australia.

COMMENTS:

On 25 September a letter addressed to the Mayor was received from the president of the Vietnamese Community in Western Australia, requesting that a Monument of Gratitude for Vietnamese Boat People be located in Hyde Park. The officers considered that locating the Monument of Gratitude in Hyde Park was contrary to the recommendations detailed in the Hyde Park Conservation Plan and other more suitable locations in the Town were assessed.

The Town's officers met with representatives from the Vietnamese community on Friday 14 November 2008, where suitable alternative locations for the memorial were discussed. At the meeting it was determined that the preferred location for the Vietnamese Boat People's Monument (other than Hyde Park) was Weld Square.

The Monument can easily be accommodated on the Newcastle Street side of Weld Square as no significant plantings can be located in at least one third of the reserve. The proposed monument could therefore provide the park with some interest and at this location there would be ample room for commemorative events without any adverse impact on adjoining residents as the area is predominantly commercial. The Town could complement the memorial site (in subsequent financial years) by providing low landscaping, a possible pathway and associated lighting.

It is therefore considered that the Vietnamese Boat People's Monument should be located at the Newcastle Street side of Weld Square for the reasons outlined subject to the relevant approvals etc being obtained.

9.2.2 Possible Future Traffic Flow Alterations, William Street, Brisbane Street to Newcastle Street and Other Adjoining Higher Order Roads Within the Town - Progress Report No. 1

Ward:	South	Date:	17 November 2008
Precinct:	Beaufort P13	File Ref:	TES0473
Attachments:	001		
Reporting Officer(s):	R Lotznicker		
Checked/Endorsed by:		Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES progress report No 1 on possible traffic flow alterations in William Street, Brisbane Street to Newcastle Street, and other adjoining higher order roads within the Town as outlined in the report;*
- (ii) *NOTES that;*
 - (a) *at the Council Members Forum held on 11 November 2008, officers from the City of Perth outlined a proposal to convert William Street, between Roe and Newcastle Streets, from one-way to two-way and indicated that the City was planning to implement the proposal prior to the end of the 2008/2009 financial year;*
 - (b) *the City of Perth has provided the Town with a copy of the report on SIDRA traffic modelling of the Roe Street to Newcastle Street intersections and an analysis using the City of Perth's SATURN traffic model of the impact of two options for two-way traffic on the wider street network, and have advised "that the intersections and the wider street network would perform satisfactorily with two-way implemented between Roe Street and Newcastle Street, but that extending the two-way into the Town of Vincent area along William Street alone (i.e. without Beaufort Street being two-way) would have significantly greater impacts";*
 - (c) *the City of Perth is currently undertaking further traffic modelling on the impact of two-way traffic in both William Street and Beaufort Street together, firstly in both the City of Perth on its own and secondly within both the City of Perth and the Town of Vincent areas;*
 - (d) *the section of William Street between Brisbane Street and Newcastle Street was recently upgraded by the Town to a very high standard at an estimated cost of \$1.5m and now comprises a two (2) lane one-way road with embayed parking, underground power, decorative street lights, street trees, high quality pavements, street furniture and (soon to be implemented) artwork;*
 - (e) *the overall design and implementation of the Town's William Street upgrade allowed for the street to be changed from 'one-way' to 'two-way', in the future by implementing the following changes;*
 - *Modifications to the traffic signals at the Newcastle Street/William Street intersection and some minor rekerbing and paving on the western side of William Street on the Town's side;*

- *Modifications to 'out only' restriction (change right turn only Robinson Avenue west into William Street to left turn only), removal of kerbing/brick paving and laying of new paving;*
 - *Modifications on Brisbane Street (east side of William) and William Street (south west side of William Street) as follows;*
- (f) *the Town's officers are not proposing to list any funds for the Council's consideration in the 2009/2010 financial year, or in the foreseeable future, to implement any further changes in William Street between Newcastle Street and Brisbane Street given the substantial expenditure to undertake the recent road improvements and streetscape upgrade of this section of road;*
- (g) *should the traffic flow in William Street be changed from one-way to two-way in the future, it would be expected that the traffic flow changes would also be implemented in Brisbane Street, between William and Beaufort Streets, Brisbane Street, between Beaufort and Stirling Streets and Beaufort Street, between Brisbane and Newcastle Streets;*
- (h) *the overall preliminary estimated cost to fully implement a reversion from one-way to two-way traffic flow in the streets as indicated in clause (ii)(g) above and as outlined on attached plan Nos 2621-CP-01 to 04, would be in the order of \$1.26m. This could be staged over several financial years, however, careful consideration would need to be given to the transition from one stage to the next;*
- (i) *in 2006 when Main Roads WA was requested by the Town to provide comments on the possible conversion of William Street from one-way to two-way, Main Roads WA advised they would not support the proposal to convert William Street between Brisbane and Newcastle Streets from the current one-way to two-way traffic flow, with only one (1) lane provided in each direction, unless the following measures were undertaken:*
- *An agreement with the City of Perth regarding future plans for the whole of William Street;*
 - *The completion of Traffic modelling for the proposed modifications to William Street;*
 - *Additional routes to be considered for vehicle access to the CBD to compensate for the downgrading of William Street;*
 - *Community consultation undertaken;*
 - *Traffic signal phasing at the intersections of William Street with Brisbane Street and Newcastle Street have been investigated in more detail;*
- (iii) *AUTHORISES the Chief Executive Officer to enter into dialog with the City of Perth and other relevant parties (if required) as soon as possible to ensure that the requirements as outlined in clauses (ii) (c) and (ii) (i) above are progressed and that a unified approach is undertaken in progressing the City of Perth's proposal to ensure there is no adverse impact on any roads under the care control and management of the Town; and*
- (iv) *RECIEVES further progress reports on this matter as additional information becomes available.*

COUNCIL DECISION ITEM 9.2.2

Moved Cr Lake, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED (8-0)

(Cr Doran-Wu was an apology for the remainder of the meeting for personal reasons.)

PURPOSE OF REPORT:

The purpose of this report is to provide an overview of the implications of modifying the traffic flow on William Street, Brisbane to Newcastle Streets, and other important roads in the immediate vicinity.

BACKGROUND:

William Street between Brisbane and Newcastle Streets was recently upgraded from a four (4) lane one way road, with old slab paths and overhead power, to a two (2) lane road way with permanent embayed parking, high quality paved paths, underground power, landscaping including verge trees, street furniture and art work (in progress).

The Council initially gave its *in principle* approval for the upgrading of William Street in December 1999 and over the next few years the upgrade concept was progressively developed in liaison with a number of stake holders including the City of Perth (CoP) and the East Perth Redevelopment Authority (EPRA).

The main issue during the development of the design was the reduction of William Street from four (4) to two (2) traffic lanes and the possible reversion, in the future, from a one-way road to a two-way road.

In Mid 2006 the City of Perth was requested to formally comment on the William Street upgrade proposal and subsequently provided the following response (in part)

"The City of Perth supports the reduction of William Street to two traffic lanes (allowing for future two-way) and embayed parking.

We note that there was no mention of potential two-way conversion in your Council Minutes. Would you please confirm the Town of Vincent's position on this issue and whether you are:

- *building sufficient robustness into your design that will allow this in the future;*
- *and*
- *intending to raise this issue during consultation with stakeholders.*

The William Street Design Team at the City of Perth looks forward to continued discussions with Town of Vincent over this important street to ensure that we maximise every opportunity to deliver a cohesive streetscape."

A further response from the City of Perth was received in November 2006 as follows:

"Thank you for your comments regarding the upgrading of William Street and the proposal to convert the traffic movement back to two-way. At the City of Perth Council Meeting held on 31 October 2006, the overall concept plan for street enhancement was adopted for construction.

Although the Council reiterated a strong desire to also take this opportunity to re-introduce two-way traffic, it agreed to undertake further detailed work to address particular issues raised during the consultation period."

In February 2006, Main Roads WA (MRWA) were also requested to provide input on the proposal to reduce William Street to two (2) lanes where they advised as follows (in part).

"Apart from the morning peak period between 0730 and 0900, when the clearway parking restrictions apply, William Street operates as a two lane road for the majority of the day. While the proposed modifications will increase traffic queues in the morning peak period, the reduced carriageway should assist pedestrians crossing William Street and improve pedestrian safety."

MRWA at the time did, however, advise that they would not support the proposal to convert William Street between Brisbane and Newcastle Streets from the current *one-way* to *two-way* traffic flow, with only one (1) lane provided in each direction, unless the following measures were undertaken:

- *An agreement with the City of Perth regarding future plans for the whole of William Street*
- *The completion of Traffic modelling for the proposed modifications to William Street*
- *Additional routes to be considered for vehicle access to the CBD to compensate for the downgrading of William Street*
- *Community consultation undertaken*
- *Traffic signal phasing at the intersections of William Street with Brisbane and Newcastle Streets has been investigated in more detail.*

DETAILS:

City of Perth Proposal for William Street:

Officers from the City of Perth presented a PowerPoint on the William Street two-way proposal at the Council Members Forum held on 11 November 2008.

The presentation outlined the City's proposal to revert William Street between Roe and Newcastle Street from one-way to two-way. The implications of this proposal were discussed in terms of 'level of service' of William Street and the potential impact on adjoining streets.

The Town's officers indicated that the Town had recently upgraded William Street between Brisbane and Newcastle Streets from a four (4) lane road to a two-way road with embayed parking on both sides. The upgrade was designed (and implemented) to enable this section of William Street to revert to two way in the future albeit with further modifications required to traffic signals and several intersections (e.g. Robinson Avenue, Brisbane Street and Newcastle Street).

Concerns were also raised at the additional cost for the Town to convert its section of William Street to two way and the overall traffic impact on the other one way roads in the Town if Brisbane and Beaufort Streets were to remain one way in the short to medium term.

It was agreed that further dialog between the Town's and the City's officers was required to enable the matter to be further progressed to minimise any adverse impact on the adjoining higher roads network.

The City of Perth indicated that they would like to implement the works in the current (2008/2009) financial year.

A copy of the City of Perth PowerPoint presentation is laid on the table.

Note: It should be noted that if the City of Perth were to progress the reversion of the section of William Street south of Newcastle Street to two-way, in the timeframe proposed (i.e. before the end of the 2008/2009 financial year), the only modifications required would be to the traffic signals at the Newcastle Street/William Street intersection and some minor rekerbing and paving on the western side of William Street on the Town's side.

Traffic

One concern raised at the forum was the impact of the City's works terminating at Newcastle Street and the potential traffic impact of two lanes (south bound) on the Town's section of William Street merging into one lane (south bound) on the City of Perth's section.

Following the forum, the City of Perth forwarded a copy of the report on SIDRA traffic modelling of the Roe Street to Newcastle Street intersections and an analysis using the City of Perth's SATURN traffic model of the impact of two options for two-way traffic on the wider street network.

The City of Perth's Senior Engineer Traffic and Transport interpretation of the results is that:

"the intersections and the wider street network would perform satisfactorily with two-way implemented between Roe Street and Newcastle Street, but that extending the two-way into the Town of Vincent area along William Street alone (i.e. without Beaufort Street being two-way) would have significantly greater impacts. We are currently having further work carried out on the impact of two-way traffic in both William Street and Beaufort Street together, firstly in both the City of Perth on its own and secondly within both the City of Perth and the Town of Vincent Area."

Possible 'future' works in the Town of Vincent:

The Town's officers have examined the extent of the works that would be required on William Street, and a number of other locations in the longer term, should William Street revert to two way. These are discussed as follows:

William Street/Newcastle Street Intersection:

This intersection would require the following modifications:

- Traffic signal modifications/additions
- Installation of pedestrian refuge island centre of road on William Street (optional)
- Possible loss on some on road parking
- Line marking and signage

William Street/Robinson Ave (west) Intersection:

Robinson Avenue currently intersects with William Street as a one way road (right turn only Robinson Ave west into William St and left turn only Robinson Ave east into William Street). This intersection would require the following modifications:

- Modifications to 'out only' restriction (change right turn only Robinson Avenue west into William Street to left turn only), removal of kerbing/brick paving and laying of new paving
- Minor road pavement works
- Line marking and signage

William Street/Brisbane Street Intersection:

This intersection currently comprises two south bound and two north bound lanes on William Street north of Brisbane Street. This would remain unchanged. Changes would be required on Brisbane Street (east side of William) and William Street (south west side of William Street) as follows:

- Traffic signal modifications/additions
- A number of significant changes to the intersection layout east side William Street, removal of kerbing/brick paving and laying of new paving
- Modifications to west side William Street removal of kerbing/brick paving and laying of new paving.
- Drainage modifications/improvements
- Loss of some on road parking (west side)
- Line marking and signage changes

Brisbane Street – William Street to Beaufort Street:

This section of Brisbane Street would also need to revert to two way traffic flow. This could be accommodated with line marking, in the short term, however in the longer term embayed parking and trees down the centre of the road would be a suggested treatment to improve the amenity of this street.

Brisbane Street/Beaufort Street Intersection:

This would become a complex intersection if Brisbane and Beaufort Streets were made two way. To simplify this, the proposal would be to restrict Brisbane Street east bound (west of Beaufort Street) to a 'left out' turn only and to change Brisbane Street (east of Beaufort Street) to one way east to west with a left turn only at Beaufort Street. The following works would be required.

- Significant traffic signal modifications/additions
- A number of significant changes to the intersection layout with removal of kerbing/brick paving and laying of new paving
- Modifications to east side of Brisbane Street, removal of kerbing/brick paving and laying of new paving
- Drainage modifications/improvements
- Line marking and signage changes

Brisbane Street – Beaufort Street to Stirling Street:

As mentioned above, to minimise costs (intersection traffic signals and alterations at Beaufort Street), it is suggested that this section of Brisbane Street change from one way west to east to one way east to west. This would have the benefit of providing additional on road parking, at minimal cost and direct traffic to Beaufort Street rather than Stirling Street. The works required to undertake this are outlined as follows:

- Signal modifications/additions.
- Changes to the intersection layout at Beaufort Street with removal of kerbing/brick paving and laying of new paving
- Modification to the western side of the intersection of Stirling Street and Brisbane Street
- Nibs and islands
- Line marking/signage

Beaufort Street – Brisbane Street to Newcastle Street:

This section of Beaufort Street would also need to revert to two way traffic flow. This could be easily accommodated as the road was recently upgraded. The works required to undertake this are outlined as follows:

- Signal modifications/additions at Newcastle Street and Brisbane Street
- Minor changes to the intersection layout approaching Brisbane Street with removal of kerbing/brick paving
- Line marking/signage

Officer's Comments:

As can be seen from the above, works to implement an effective change of traffic flow from one-way to two-way on all of the affected streets within the Town would cost in the order of \$1.26m.

As indicated in the background of this report, MRWA previously advised that they would not support a proposal to convert William Street between Brisbane and Newcastle Streets from the current *one-way* to *two-way* traffic flow, with only one (1) lane provided in each direction, unless certain measures were undertaken.

While the Council previously approved in principle for William Street to revert to two way in the future, this was subject to ensuring that there would be no overall adverse impact on the Town's road network.

CONSULTATION/ADVERTISING:

Not recommended at this stage.

LEGAL/POLICY:

William Street comprises a District Distributor road under the care, control and management of the Town of Vincent.

STRATEGIC IMPLICATIONS:

In accordance with the objective of Strategic Plan 2006-2011 – 1.1.6 Enhance and maintain the Town's infrastructure to provide a safe, healthy, sustainable and functional environment. "(i) *implement the William Street Upgrade (Brisbane Street to Newcastle Street)*".

SUSTAINABILITY IMPLICATIONS:

N/A.

FINANCIAL/BUDGET IMPLICATIONS:

Location to be modified	Estimated cost*
William/Newcastle Street Intersection**	\$ Nil
William Street/Robinson Ave (west) Intersection:	\$35,000.00
William/Brisbane Street Intersection***	\$450,000.00
Brisbane Street – William Street to Beaufort Street:	\$250,000.00
Brisbane/Beaufort Street Intersection:	\$270,000.00
Brisbane Street – Beaufort Street to Stirling Street:	\$180,000.00
Beaufort Street – Brisbane Street to Newcastle Street:	\$75,000.00
Beaufort/Newcastle Street Intersection**	\$ Nil
Estimated Total	\$1,260,000.00

Note: * Costs requiring traffic signal modifications are ‘very indicative’ as traffic signal modifications require individual quotes which would be based upon a number of factors including whether it is possible to retain the existing signals on their current location, whether additional poles/signals would be required including new loops etc.

** Considered this should be entirely funded by the City of Perth

*** Service relocations may be required

COMMENTS:

As outlined in the report, the proposed conversion of William Street from one-way to two-way is being proposed by the City of Perth. They are proposing to implement this to Newcastle Street and have requested that the Town consider extending this proposal to Brisbane Street.

It is considered that to effectively undertake a one-way to two-way conversion, the existing higher order one-way streets in the networks should also be changed to retain effective and efficient traffic flows. The overall estimated cost to implement this would be well in excess of \$1.2m and is not a high priority for the Town at present.

It should be noted that in 2006 MRWA advised they would not support the proposal to convert William Street between Brisbane and Newcastle Streets from the current one-way to two-way traffic flow, with only one (1) lane provided in each direction, unless the following measures were undertaken:

- An agreement with the City of Perth regarding future plans for the whole of William Street
- The completion of Traffic modelling for the proposed modifications to William Street
- Additional routes to be considered for vehicle access to the CBD to compensate for the downgrading of William Street
- Community consultation undertaken
- Traffic signal phasing at the intersections of William Street with Brisbane and Newcastle Streets has been investigated in more detail.

It should also be noted that the City of Perth provided the Town with a copy of the report on SIDRA traffic modelling of the Roe Street to Newcastle Street intersections and an analysis using the City of Perth's SATURN traffic model of the impact of two options for two-way traffic on the wider street network and advised "*that the intersections and the wider street network would perform satisfactorily with two-way implemented between Roe Street and Newcastle Street, but that extending the two-way into the Town of Vincent area along William Street alone (i.e. without Beaufort Street being two-way) would have significantly greater impacts*".

The City of Perth further advised they were undertaking further traffic modelling on the impact of two-way traffic in both William Street and Beaufort Street together, firstly in both the City of Perth on its own and secondly within both the City of Perth and the Town of Vincent Areas, and that they wished to have further dialog with the Town's officers regarding this.

Therefore, as the City of Perth is keen to progress the matter, it is recommended that the Chief Executive Officer be authorised to enter into dialog with the City of Perth as soon as possible to ensure that the requirements as outlined above are progressed and that a unified approach is undertaken in progressing the City of Perth's proposal to ensure there is no adverse impact on any roads under the care control and management of the Town.

9.2.3 Town of Vincent Water Conservation Plan

Ward:	Both	Date:	13 November 2008
Precinct:	All	File Ref:	RES0039; ADM0031
Attachments:	001		
Reporting Officer(s):	J van den Bok		
Checked/Endorsed by:	R Lotznicker	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the Town of Vincent Water Conservation Plan (WCP);*
- (ii) *ADOPTS the Water Conservation Plan for the use of groundwater as required by the Department of Water and shown at Appendix 9.2.3;*
- (iii) *NOTES that;*
 - (a) *the Water Conservation Plan was submitted to the Department of Water (DOW) in August 2008 following approval for an extension of time to compile the data required to complete the plan;*
 - (b) *the Water Conservation Plan is a dynamic document that identifies the major ground water issues facing the Town over the next 3 to 10 years, outlines the main water conservation goals and objectives and identifies the required conservation strategies to achieve the objectives; and*
 - (c) *'appropriate' funding will be listed for consideration in 'future budgets' to undertake the conservation strategies identified within the Water Conservation Plan; and*
- (iv) *RECEIVES further report/s on the conservation strategies outlined in the Water Conservation Plan as they are progressed over the next ten (10) years.*

COUNCIL DECISION ITEM 9.2.3

Moved Cr Farrell, Seconded Cr Youngman

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED (8-0)

(Cr Doran-Wu was an apology for the remainder of the meeting for personal reasons.)

PURPOSE OF REPORT:

The purpose of this report is to advise the Council that Officers have completed the Town's WCP for the use of groundwater and submitted the document to the Department of Water (DOW) as required.

BACKGROUND:

In February 2007 the Government of Western Australia announced that groundwater licence administration fees were to be introduced to offset the DOW's administration costs. To reduce the annual fees payable for each respective bore licence, Local Governments were advised and encouraged to amalgamate groundwater licences which fell within the same groundwater sub-area.

In addition to the above, all major users of groundwater (including Local Governments), were required to submit a Water Conservation/Efficiency Plan to the DOW prior to 1 July 2008.

At its Ordinary Meeting held on 25 March 2008, the Council considered a report on further Water Conservation Initiatives, where it was resolved:

"That the Council;

- (i) RECEIVES the further report in relation to Central Control Irrigations systems;
and*
- (ii) NOTES that;*
 - (a) the Town is required to submit a Water Conservation/Efficiency Plan and Operating Strategy for the use of groundwater to the Department of Water by 1 July 2008;*
 - (b) in view of (a) above and following further research into Central Control Irrigation systems it is not recommended that the Council allocate funding for the implementation a system in the 2008/09 budget; and*
 - (c) a further report will be submitted to Council upon completion of the draft Water Conservation/Efficiency Plan and after further research is undertaken in regards to Central Control Irrigation systems."*

DETAILS:

Amalgamating Groundwater Licences:

As indicated above, each respective bore (the Town currently has 63 bores) was previously going to attract a fee and Local Governments were encouraged to amalgamate their bore licences where they fell within the same groundwater sub-area, therefore reducing their annual fee.

The Town's bores cover 2 groundwater sub-areas, the former original area of the Town is one sub-area and the four (4) new parks acquired following the recent boundary change forms a separate groundwater sub-area. Therefore the Town, following amalgamation of all previous bore licences and the addition of the extra land (formally City of Perth), now has only two (2) bore licences within its boundary.

The fees for bore licences were introduced on 1 July 2007, however this was rejected by State Parliament on 22 November 2007 and they were again introduced with a new schedule of fees in December 2008, however, again this recommendation was rejected by Parliament in April 2008.

Therefore, no fees are currently charged for bore licences, however, should this change in the future it is unlikely to have major cost implications for the Town now only two (2) bore licences.

Water Conservation Plan (WCP):

Development of the Water Conservation Plan:

The DOW, in conjunction with the Department of Sport & Recreation, and various Irrigation and Turf consultants, developed a WCP template which was released in April 2008.

A workshop was held by the DOW on 2 May 2008 to introduce the template/software to local governments. The WCP software provides a step by step process of developing objectives, strategies, targets and actions that assist in better managing groundwater.

The template incorporated two (2) main components; data and a WCP. The data includes the park by park irrigation and water licence information for each local government and this information was preloaded into the software for each respective Council.

The template also provided for an action plan to improve the conservation/efficiency factors and the data accuracy ratings over a stated time period.

In completing the WCP and associated database, the DOW provided a list of suitable consultants available to assist local governments, and Sports Turf Technology were subsequently engaged by the Town following advice from other neighbouring local governments.

To progress the WCP, the Town conducted a Water Conservation Planning workshop in November 2007 with staff from the irrigation, parks and environmental sections in attendance. The group present were able to identify issues and develop strategies and actions to manage the Town's groundwater allocation more sustainably over the next ten (10) years.

The collection of data and the validation and reporting of existing groundwater use was compiled and inputted into the database by the consultants and the Manager Parks Services.

Unfortunately the data preloaded by the DOW onto the disc provided to the Town was somewhat inaccurate. That is, the information was not up to date and did not include every park within the Town or updated information regarding new areas and bores. In liaison with other Parks Managers, these inaccuracies were unfortunately found to be quite common and a result of the DOW being under resourced and unable to update records as new information was received from local governments.

The template software was unable to be edited at this time so local governments were advised to submit their information based on what they were provided with and in time the information would be further updated by the DOW.

The Town's WCP, which is an ever changing document, was submitted to the DOW on 4 August 2008, following a one month extension due to a delay in obtaining the various data required. Some local governments are still in the process of completing their WCP.

Given the information provided by the DOW and the data collection inputted into the template at 1 August 2008, the Town has come in at 6.6% under its licensed groundwater allocation.

It should be noted that since completion of the WCP and following the issues concerning acid sulphate soils at Hyde Park, an additional groundwater allocation was sought and subsequently approved by the DOW for the recharging of the Hyde Park lakes. Therefore, the Town's total groundwater allocation has increased from 629,175 kilolitres to 657,975 kilolitres.

Contents of the Plan:

The plan contains an overview of the process for the development of the plan, including water demand, and identifies major issues. In addition the plan comprises the following:

Water Conservation Goals and Objectives:

The goal is to maintain turf/garden areas within the Town at a standard acceptable to the community and sporting clubs by applying groundwater efficiently and effectively in complying with the Department of Water's licensed allocation.

The main groundwater conservation objectives for the Town to achieve over the next ten (10) years are listed in the table below:

- To measure the annual volume of groundwater being used to irrigate turf/gardens in the Town and compare this with the licensed allocation - achieve this by 2017.
- To measure accurately the total irrigated turf and garden areas within the Town and compare this with the licensed irrigated area - achieve this by June 2008.
- To have more control over the scheduling of irrigation to improve water and labour efficiencies - achieve this by 2012.
- Review the Town's Public Open Space (POS) with the intention of categorising all parks and reserves to assess the potential for saving water by hydrozoning and by improving the performance of irrigation systems - achieve this by 2010.
- Establish a monitoring program for environmentally sensitive areas such as Hyde Park and Banks Reserve to include the monitoring of static bore levels, wetland and vegetation condition and water quality - achieve this by 2010.
- To educate and inform the Council and the community of the Town's water conservation plan - achieve this by December 2008.

Proposed Water Conservation Strategies:

The Plan includes the following strategies to achieve the above goals and objectives

- Measure and record water use and irrigated area to accurately determine water use.
- The progressive incorporation of hydrozoning across all irrigated areas
- Improve the performance of irrigation systems.
- Implement improved irrigation scheduling practices
- Prepare and implement "water conservation design guidelines" for the development of new turfed areas or the redevelopment of existing turf areas Maintain irrigation systems at optimum performance
- Investigate the use of alternative water sources
- Monitor and manage groundwater dynamics and quality

Action Plan

The report contains an action plan which outlines priorities and costs. There are minimal cost implications within the next 3 years however within 5 and 10 years there may be costs associated with the installation of meters on bores (refer Financial Implications section) and or a Centralised Controlled Irrigation system (CCIS).

Central Control Irrigation Systems (CCIS):

As previously reported to the Council, whilst other local authorities have had these systems in place for some time, back up service is an issue that is continually raised by Parks Managers as one of the main problems with any CCIS installed.

In view of the above, and the fact that anything electronic is continually improving and becoming cheaper overtime, it has been prudent not to jump in and purchase a central control irrigation system at a significant cost.

Notwithstanding the above, there are some distinct water saving advantages of installing and operating a CCIS and this has been noted as an action within the Town's WCP. This matter, as previously reported, will be further investigated and an appropriate CCIS for the Town identified within the next three (3) years.

CONSULTATION/ADVERTISING:

The Town's WCP will be made available for viewing on the website. In addition, as there are likely changes in the standard of current watering practices that maybe perceived by the general community as a drop in standards, an article will be presented in the next Town of Vincent News outlining the reasons and objectives of the proposed changes.

LEGAL/POLICY

The Town, together with all major groundwater users, was required to submit a Water Conservation/Efficiency Plan for the use of groundwater to the DOW by 1 July 2008.

STRATEGIC IMPLICATIONS:

In accordance with the objective of Strategic Plan 2006-2011 – 1.1.5 Enhance and maintain parks and community facilities. “(b) *Implement infrastructure improvements for public open space*”.

SUSTAINABILITY IMPLICATIONS:

A Central Control Irrigation System is in keeping with Item 2.3 of the Town's Sustainable Environment Plan 2007-2012 “*Investigate ways to improve the Town's water use efficiency*”.

FINANCIAL/BUDGET IMPLICATIONS:

Whilst there are a number of actions identified within the Town's WCP that have already been completed or are in progress, these have only involved minor expenditure and have therefore been undertaken under the Public Works Overheads budget allocation.

There are no significant cost implications to the Town over the next few years, however, at some stage there will be a requirement to further investigate and budget for the installation of meters on every bore/pump and the installation of a CCIS.

The Town has been advised by DOW officers not to budget for installation of meters at this point in time as the DOW may take on this responsibility as the Water Corporation manages the installation and reading of the scheme water supply meters.

COMMENTS:

The compilation of the WCP has been an interesting exercise for all staff involved and whilst it was considered that the Town's parks and gardens were never over watered, it has made all staff more aware of water saving initiatives and will no doubt, if successfully implemented, further reduce our annual groundwater use.

With all major groundwater users having now submitted their WCPs, it is hoped that the DOW has the resources to update the information initially provided so that all major groundwater users can get a more accurate indication of how much groundwater they are actually using against their licensed allocation.

9.2.4 Leederville Oval (Medibank Stadium) – Urgent Surface Restoration Works

Ward:	South	Date:	24 November 2008
Precinct:	Oxford Centre; P4	File Ref:	RES0004
Attachments:	-		
Reporting Officer(s):	J van den Bok		
Checked/Endorsed by:	R Lotznicker	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report in relation to the Leederville Oval (Medibank Stadium) Surface Restoration works; and*
- (ii) *APPROVES BY AN ABSOLUTE MAJORITY to reallocate \$15,000 from the Vincent Street 'Improvements' budget allocation to enable the urgent oval surface restoration works to be undertaken, as outlined within the report.*

COUNCIL DECISION ITEM 9.2.4

Moved Cr Farrell, Seconded Cr Burns

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Lake, Seconded Cr Maier

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

- (ii) *APPROVES BY AN ABSOLUTE MAJORITY to reallocate \$15,000 from the Leederville Oval Reserve ~~Vincent Street 'Improvements'~~ budget allocation to enable the urgent oval surface restoration works to be undertaken, as outlined within the report.*

Debate ensued.

**AMENDMENT PUT AND LOST ON THE
CASTING VOTE OF THE PRESIDING MEMBER (4-5)**

<u>For</u>	<u>Against</u>
Cr Burns	Presiding Member, Mayor Nick Catania (two votes – deliberative and casting vote)
Cr Ker	Cr Farrell
Cr Lake	Cr Messina
Cr Maier	Cr Youngman

(Cr Doran-Wu was an apology for the remainder of the meeting for personal reasons.)

Debate ensued.

MOTION PUT AND CARRIED
BY AN ABSOLUTE MAJORITY (7-1)

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

(Cr Doran-Wu was an apology for the remainder of the meeting for personal reasons.)

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of the urgent restoration/re-turfing works required at Leederville Oval/Medibank Stadium and to seek approval for the reallocation of funding to enable the works to be carried out.

BACKGROUND:

The co-existence of the Subiaco Football Club and East Perth Football Club at Leederville Oval/Medibank Stadium has worked well and the ground has generally held up to the wear and tear of two teams using the same facility. In particular, over the winter season when training and match play, together with additional use by the Department of Sport and Recreation and Leederville TAFE, is frequent.

To assist in maintaining the ground surface to the standard required, additional goalpost sleeves have been installed at either end of the ground that enable training drills to be undertaken away from the usual central playing corridor.

In addition, Leederville Oval (Medibank) Stadium, like other major sports facilities in Perth, is over sown with an annual Ryegrass during autumn which germinates very quickly, covering any smaller bare areas or divots occurring over the football season. This process usually results in an even covering of green grass over the entire playing surface which is particularly important aesthetically, with many games being broadcast live via ABC television.

However, it should be noted that Ryegrass on its own is not a sustainable turf surface. It only grows through the cooler months of the year and its clumping habit does not allow for covering of any larger bare areas that may develop during the season.

DETAILS:

Over the last two (2) winter football seasons, and in particular during July last season, significant rain events occurred during the week whilst training was in progress and during the entire weekend resulted in the central corridor (end to end between the goalposts) becoming very muddy, particularly around the goal squares, half forward and central areas of the ground.

Continuing rainfall through the remainder of the season resulted in various areas of the ground not recovering, becoming increasingly dangerous and requiring some additional verti-draining and re-turfing works prior to the finals held in September 2008.

Following an inspection of the oval by the contractors, Turfmaster Facility Management, and the Town's Manager Parks Services on 4 November 2008, it was identified that following the football season the central corridor had recovered and there is now a reasonable covering of grass. However, many sections of the oval surface do not have enough kikuyu stolens to provide a stable sustainable surface during future wet periods.

Traditionally these areas have recovered without additional re-turfing, however, areas of the ground are now at a stage where new kikuyu turf must be laid. The dominant type of grass in these weaker areas is the cool season ryegrass which, whilst providing an aesthetically pleasing surface, the "playability" of the ground is very poor.

The Town has a "duty of care" to ensure this ground is maintained to the required standards for WAFL fixtures and to ensure that players do not incur an injury as a result of the playing surface. In view of the above, kikuyu must be reintroduced into the weaker areas.

Two (2) options to restore the ground have been identified by the contractors as follows:

Option 1

Remove the entire central corridor of turf (approximately 3,500m²), prepare the ground with new well drained sand and returf using jumbo kikuyu turf rolls.

Cost = \$60,500

Option 2

Remove the turf in the key areas only (half forward, goal squares and other specific areas), prepare the ground with new well drained sand and returf using jumbo kikuyu turf rolls.

Cost = \$15,000

Officer Comments:

Following a further meeting on site between the Chief Executive Officer, Director Technical Services and Manager Parks Services, it was decided that given the funding available and the minimum amount of turfing required given the condition of the ground, that Option 2 would be sufficient to get through the next football season.

Close monitoring of the oval will be undertaken during the 2009 football season and, if required, funding may be listed in the 2009/2010 draft budget for further works to occur. Should further works be required, a contribution from both the Subiaco and East Perth Football Clubs may be requested.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

The Town has a legal responsibility and a "duty of care" to ensure that Town properties are maintained in a satisfactory and safe condition.

STRATEGIC IMPLICATIONS:

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

SUSTAINABILITY IMPLICATIONS:

As indicated above, many areas through the central corridor of Leederville Oval have very little kikuyu remaining and whilst from a distance the oval is in good condition, if left as is, it will quickly be eroded during the next winter football season. The Ryegrass on its own is not a sustainable turf surface for Australian Rules football.

If not replaced with a sustainable running perennial grass such as kikuyu, which is predominantly used on Perth's sporting grounds, then there is a high risk for potential serious injury to players during the next winter season.

FINANCIAL/BUDGET IMPLICATIONS:

When the Vincent Street frontage of Leederville Oval was upgraded/landscaped, funds for Vincent Street improvements were allocated to enable the project to be undertaken.

As the project ran over several financial years, remaining funds were carried forward. The programmed works have now been completed and it is recommended that \$15,000 be reallocated to undertake the urgent turf restoration works required at Leederville Oval.

An absolute majority decision of the Council is required.

COMMENTS:

The Town's officers have good rapport with both the turf maintenance contractor, East Perth and Subiaco Football Club officers and regular informal weekly discussions will be held during the next football season in view that training will be reallocated to an alternative reserve or restricted to the outer eastern side of the oval, should significant rain events occur during the week prior to a weekend game.

9.2.7 Western Power's Proposal to Underground Power in Walcott Street between Beaufort and Charles Streets - Further Report No 5

Ward:	Both	Date:	26 November 2008
Precinct:	Forrest; P14, Mt Lawley Centre; P11	File Ref:	TES0313
Attachments:	-		
Reporting Officer(s):	C Wilson, R Lotznicker		
Checked/Endorsed by:		Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

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

COUNCIL DECISION ITEM 9.2.7

Moved Cr Youngman, Seconded Cr Farrell

That the recommendation be adopted.

Cr Burns departed the Chamber at 9.11pm.

Debate ensued.

MOTION PUT AND CARRIED (7-0)

(Cr Burns was absent from the Chamber and did not vote. Cr Doran-Wu was an apology for the remainder of the meeting for personal reasons.)

PURPOSE OF REPORT

The purpose of this report is to advise the Council of progress regarding the proposal to underground the overhead power lines on Walcott Street, Mt Lawley, between Beaufort and Charles Streets.

BACKGROUND:

A progress report on the Walcott Street undergrounding of power proposal was presented to the Ordinary Meeting of Council on 4 November 2008, where the following decision was made (in part):

"That the Council;

- (ii) NOTES the response received from the Minister for Energy on 26 October 2008 advising that the State Government will not fully fund the undergrounding of power in Walcott Street;*
- (iii) DEFERS the survey of affected Town of Vincent ratepayers along the subject section of Walcott Street, for the reasons outlined in the report, and awaits the outcome of the City of Stirling rate payer survey prior to determining whether to proceed with its own ratepayer survey regarding the Walcott Street undergrounding of Power proposal;*
- (iv) REQUESTS that the City of Stirling provide a summary of the results of its rate payer survey for Walcott Street as soon as the results are available to determine whether the Town should proceed with its own survey;*
- (v) ADVISES Western Power of its decision; and*
- (vi) RECEIVES further progress reports on this matter as required."*

DETAILS:

City of Stirling's survey of ratepayers:

The City of Stirling sent out 186 consultation letters to the property owners/ratepayers to gauge the level of support for the project on the basis that they may have to contribute up to \$7,000 per property.

Results

The outcome of the survey, yet to be reported to the Stirling City Council, is as follows:

Letters sent	186	100%
Responses received	62	33%

Of the responses received:

For/agreed to contribute to underground power	23	37%
Against/disagreed.	39	63%

While it is somewhat surprising that only 33% of the affected ratepayers responded, given that the proposal potentially could cost them \$7,000, the majority of those who did respond were not willing to contribute.

The City is yet to provide details of the comments received but the City's officers have advised that they also received numerous phone calls on the matter, with most residents expressing an opinion that they wanted underground power but that Western Power should be paying for it as it is 'their problem'.

Officer Comments:

For the underground power proposal to proceed, the majority of City of Stirling ratepayers and the Town of Vincent ratepayers must agree to contribute financially to the project. If one or other party does not agree the proposal cannot proceed.

CONSULTATION/ADVERTISING:

Given that the proposal requires that both the Town and the City of Stirling contribute to the project, and in light of the results of the City's survey, there is no point in the Town conducting its own ratepayer survey.

LEGAL/POLICY:

Nil

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of Strategic Plan 2006 - 2011 - *1.1.16 Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment. "j) Develop a strategy for the staged implementation of underground power throughout the Town."*

SUSTAINABILITY IMPLICATIONS:

The undergrounding of power is ultimately more sustainable from an amenity and surety of power supply. It also requires less maintenance for Western Power.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The Town wrote to the Minister for Energy in July 2008 and August 2008 requesting that Western Power fully funds the undergrounding of the powerlines in Walcott Street, however, the Minister subsequently advised that the State Government would not fully fund the undergrounding of the Power in Walcott Street.

Officers considered that it would be prudent to write to the Minister first to determine whether the State Government would fully fund the undergrounding of the Power prior to conducting a survey of ratepayers. However, the City of Stirling proceeded to canvas its ratepayers without waiting for the Minister's response. The results of the survey, outlined in the main body of the report were negative, effectively 'killing off' the project. As a consequence, Western Power is now likely to proceed with replacing the 93 existing steel power poles with timber poles.

9.2.8 Progress Report No 1 — Draft Strategic Waste Minimisation Plan 2008-2013

Ward:	Both	Date:	26 November 2008
Precinct:	All	File Ref:	ENS0008
Attachments:	001		
Reporting Officer(s):	R Lotznicker, J Lockley		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the progress report on the Town of Vincent Draft Strategic Waste Minimisation Plan 2008-2013;*
- (ii) *NOTES that;*
 - (a) *the Mindarie Regional Council (MRC) received funding from the Waste Authority, on behalf of the member Council's, and engaged a consultant to work with individual member Council officers to develop a Strategic Waste Management Plan (SWMP) for the MRC and individual Strategic Waste Management Plans for each member Council; and*
 - (b) *at the MRC Council meeting held in October 2008, the MRC Council considered a report on the MRC Strategic Waste Management Plan and authorised the MRC Administration to request Member Councils to review and obtain public comment on the individual Member Council Strategic Waste Minimisation Plans, preferably by the end of March 2009;*
- (iii) *APPROVES IN PRINCIPLE the Town of Vincent Draft Strategic Waste Management Plan 2008-2011 as attached at Appendix 9.2.8, including the summary of recommended actions as outlined in the report;*
- (iv) *ADVERTISES the Town's Draft Strategic Waste Management Plan 2008-2013 for public comment for a period of 28 days, commencing after 9 January 2009;*
- (v) *AUTHORISES the Chief Executive Officer to make minor/non material changes to the document prior to the plan being advertised;*
- (vi) *RECEIVES a further report on the Town's Draft Waste Minimisation Plan 2008-2013 at the close of the consultation period; and*
- (vii) *ADVISES the Mindarie Regional Council of its decision.*

COUNCIL DECISION ITEM 9.2.8

Moved Cr Farrell, Seconded Cr Youngman

That the recommendation be adopted.

Debate ensued.

Cr Burns returned to the Chamber at 9.13pm.

Debate ensued.

MOTION PUT AND CARRIED (8-0)

(Cr Doran-Wu was an apology for the remainder of the meeting for personal reasons.)

PURPOSE OF REPORT:

The purpose of this report is to inform the Council of the Town of Vincent Draft Strategic Waste Minimisation Plan and seek the Council's approval "in-Principle" prior to the plan being advertised.

BACKGROUND:

At its Ordinary meeting held on 6 November 2007, the Council received a waste management update report, where the following decision was made (in part).

"That the Council;

(iv) RECEIVES a further report/s on the:

(b) preparation of the Waste Management Strategy."

As part of the Waste Authority (previously the Waste Management Board) and Department of Environment and Conservation (DEC) program for the development of Zero Waste Plans, all Local governments within Western Australia were requested to develop Strategic Waste Management Plans.

It was suggested that the development of such plans be developed, where ever possible, by groups of local governments as opposed to by individual local governments. As an incentive to local government, funding was provided to cover the cost of the development of the plans.

The MRC received the funding on behalf of the member councils and engaged a consultant to work with individual Councils and develop a Strategic Waste Management Plan for the MRC and individual Strategic Waste Management Plans for each member Council.

Note: The MRC has adopted the name Strategic Waste "Minimisation" Plan (SWMP) as an emphasis on waste minimisation as opposed to purely waste management.

The SWMP development process consisted of Phase 1, the completion of an online baseline data survey (completed by August 2007) which the DEC assessed and then provided some recommendations for waste management improvements in the Local Government region.

Phase 2 of the program consisted of the development of a SWMP in response to the data collected in Phase 1 and the recommendations made by the DEC. The program involved the submission of the Phase 2 plans to the DEC by 30 September 2008, with the DEC anticipating taking at least four (4) months to assess the plans before providing feedback to the local governments.

Note: At the time of submission of the plans, it was clearly indicated to the DEC that the SWMP were in draft format and were yet to be adopted by the Regional Council and the respective Member Councils.

The status of the finalised SWMPs will enable individual or groups of local government to apply for Waste Authority funding for various waste minimisation projects.

Note: Should a local government had chosen not to develop a Strategic Waste Management (minimisation) Plan, SWMP that Local Government would be unable to apply for any future funding available under the *Zero Waste Plans program*.

The SWMP and associated recommendations and funding requirements will not be binding on the Town (or any other Council's) but rather act as guidelines for future waste minimisation activities. The plan is intended to be reviewed and updated on a regular basis in order to maintain relevance in an ever-changing waste management environment.

The SWMP plan developed as part of the current program has a five-year lifespan 2008 to 2013, beyond that the intention is that the plan would be rewritten for a further five-year horizon.

At the MRC Council meeting held in October 2008 the Council considered a report on the MRC SWMP (Revision 1) and resolved (in part) as follows:

"That council:

- (ii) *RECEIVES the Strategic Waste Minimisation Plan (revision 1) and AUTHORISE the Administration to obtain public comment on the Plan;*
- (iii) *AUTHORISES the Administration to request Member Councils to review and obtain public comment on the individual Member Council Strategic Waste Minimisation Plans preferably by the end of March 2009;*
- (iv) *INCORPORATES relevant public comment into the final Strategic Waste Minimisation Plan documentation and present to Council for adoption."*

DETAILS:

MRC Strategic Waste Minimisation Plan Development:

In 2005 the MRC developed a Regional Waste Management Plan (RMWP) covering aspects of joint waste management activities amongst the member councils and the regional Council. The RWMP included an extensive Regional Waste Education Plan.

The MRC business operates under the auspices of its Strategic Plan which is updated and reviewed on a regular basis. This plan provides strategic direction for the business over a five-year period and more recently over a 20 year period.

The MRC SWMP was developed in accordance with the requirements set out by the DEC as part of the Zero Waste Plan program as well as direction established by the MRC Strategic Plan, Regional Waste Management Plan and the Regional Waste Education Plan.

Recommendations from all of the 7 member council individual plans and the Tamala Park Operations Plan have been rolled into the MRC SWMP.

'Draft' Town of Vincent Strategic 'Waste Minimisation' Plan:

The adoption of the Waste Avoidance and Resource Recovery Act of 2007 and the subsequent requirement for local governments to develop Strategic Waste Minimisation Plans comes at a very important time for local governments throughout Australia and in particular for the Town of Vincent as a member of the MRC.

The development of the SWMP coincides with:

- The conversion of the Town's kerbside recycling system for packaging and paper from a crate based system to one utilising 240L wheelie bins.
- A period of growth in the Town's population through the popularity of inner City living.
- The progression to Alternative Waste Technology to process a large portion of the Town's household waste.

- The foreshadowed introduction of Climate Change legislation by the Federal Government which will apply a financial carbon pollution penalty to waste and transport industries.
- A realisation that the Regional landfill site at Tamala Park will run out of tipping capacity by approximately 2021.

The Town has developed its waste collection and recycling services to mimic those provided to low density suburban households. With the Town's population made up of smaller family units and living increasingly in high density dwellings the types of waste and the quantity recovered for recycling will vary markedly from published data based on suburban data.

The commercial recycling service has to compete directly with strategically targeted commercial recycling collections and the Town's service only collects a limited range of materials. The commercial waste stream is not suited to recycling by the new Alternative Waste Technology at Neerabup.

Actions that need to be taken in pursuit of "Towards Zero Waste by 2020" are based on recognition that:

- All members of the MRC will be working to optimise the same waste streams as each other and to do this in an efficient and cost effective manner there is a need for the members to collaborate closely.
- The members of the MRC need to create a new forum with resources for the development of best practice collections, promotions and data management.

After eighteen (18) years of working together to develop best practice Waste Disposal the Strategic Waste Minimisation Plan calls for the members to work together to produce best practice Waste Minimisation in the Region.

The SWMP document represents Phase 2 of the development of a Strategic Waste Management Plan for the Town as a member of the MRC.

The SWMP will assume a legal status in accordance with the provisions of Division 3, Section 40-44 of the Waste Avoidance and Resource Recovery Act 2007 at a time to be proclaimed.

While Draft SWMP represents the first version of a plan for the 5 year period 2008 to 2013, it should be considered that the management of waste is an essential feature of life in our (local and global) community and will transcend the life of:

- The period of any elected member's tenure.
- The period of any employee's career.
- The life of any person living in the Town of Vincent.

Therefore the development and delivery of Zero Waste projects should reflect the needs and aspirations of future generations and not short term goals.

In the preparation of the SWMP the consultant considered the following:

- The Mindarie Regional Council's Regional Waste Management Strategy, 2006 2011.
- The Green Paper on the Carbon Pollution Reduction Scheme, July 2008.
- The Extended Producer Responsibility Policy Statement, Department of Environment and Conservation, June 2005.
- Robin Murray, Zero Waste, Feb 2002, Greenpeace Environmental Trust.
- Helen Spiegel man, Bill Sheehan, The Future of Waste Biocycle January 2004.

- The introduction of Alternative Waste Technology in the Mindarie Regional Council region for the recycling of household waste.
- The potential for new emerging Waste to Energy technologies to consume mixed plastics for conversion to liquid fuel and the combustion of post consumer wood waste in to electrical energy.

The Town's (and individual Member Council's) SWMP and the MRC SWMP include the following information:

- Purpose and objectives.
- Regional/District profile.
- Corporate/Community profile.
- Key activities.
- Waste infrastructure.
- Summary of waste collection and recycling data.
- Key issues.
- Recommended actions.
- Action planning.
- Monitoring and review.

Recommended actions:

1. Constraints to recycling and waste minimisation in the MRC:

Recommended Action

That the Town collaborates with the members to:

1. *Modify the draft Mindarie Regional Council Establishment Agreement – Designated Function - to allow:*
 - *The Mindarie Regional Council to overtly develop programs that reduce the amount of waste going to landfill, in addition to “The orderly and efficient treatment and/or disposal of waste delivered etc”.*
 - *Encourage the Mindarie Regional Council to place waste minimisation/recycling objectives ahead of any associated with land filling.*

Recommended Action

That the Town:

1. *Commit to closer co-operation in the development and delivery of “Best Practice” waste services in the Mindarie Regional Council catchment.*
2. *Support the establishment of a new forum where member Local Governments can investigate the standardisation of waste minimisation service delivery with a view to optimising those services to deliver the best outcomes in pursuit of “Towards Zero Waste by 2020”.*

2. Limited market demand:

Recommended Action

That the Town:

1. *Advise the new Waste Authority that while Local Government is an effective and efficient collector and manager of waste materials, it is not in Local Government's charter, within its risk profile or skills base to carry the cost by default for the collection, processing and recycling of the myriad manufactured materials in the municipal waste stream.*

2. *Maintain pressure on the Minister for the Environment to make brand owners and manufacturers responsible for the recovery, recycling and reuse of all the manufactured products that they put in to the market.*
3. *Lobby the Federal Government through State and Federal Local Government Associations to level the playing field to increase the competitiveness of recycled products for use in manufacturing with virgin materials.*

3. High Cost of Recovering Materials:

Recommended Action

That the Town:

1. *Actively lobby the State and Federal:*
 - *Members of parliament representing the Town of Vincent electorates;*
 - *The Ministers for the Environment;*
 - *The Western Australian Local Government Association and the Australian Local Government Association;**to introduce Extended Producer Responsibility as the principal means for the recycling of branded and manufactured materials in the waste stream.*

4. Reduce Cost Shifting by Introducing Extended Producer Responsibility (EPR)

Recommended Action

That the Town requests the Waste Authority and the Minister to:

1. *Introduce EPR schemes to recycle all manufactured and branded products;*
2. *Recognise that Local Government collection systems can be used by brand owners at the brand owner's expense;*
3. *Not allow hazardous or manufactured materials into the market place without a comprehensive recovery and recycling program for the product that is funded by the manufacturer/brand owner.*

5. Lack of State Government Promotions:

Recommended Action

The Town recommends that:

1. *Waste Smart WA (the new Waste Authority) is empowered to run promotions 2. separate from the State's general sustainability promotion campaigns.*
2. *The State promotions should:*
 - *Include a focus on adults (the largest demographic group) in the community as opposed to focussing only school children.*
 - *Outline the state and national goals for the "Towards Zero Waste Campaign" being conducted in Western Australia.*
 - *Acknowledge the role that Local Government is making to the campaign through the substantial investments being made in new recovery programs and processing facilities.*
 - *Treat the public as mature adults and be realistic about recycling waste e.g.*
 - *Publish and publicise the problems that exist with current recycling schemes.*
 - *Publish and promote the cost and effort that taxpayers and ratepayers are expected to make by recycling and contrast this with industry's role and responsibilities.*
 - *Inform the public about alternative methods of reducing waste to landfill by schemes such as Extended Producer Responsibility.*

6. Improving Existing Service Efficiencies:

Recommended Action 1

That the Town:

(Short Term)

1. *Request the Mindarie Regional Council to investigate the provision of a comprehensive Materials Recovery Facility suitable for use by the members.*

(Long Term)

2. *Actively lobby the State Members of parliament representing the Town of Vincent electorates and The Minister for the Environment to:*
 - *Reduce the financial burden on the Town's ratepayers for the provision of expensive recycling infrastructure by providing financial support for major items of recycling infrastructure used by Local Governments to recycle organic and non manufactured waste and;*
 - *Taking appropriate action to transfer the cost of recycling branded/manufactured materials to the manufacturer and consumer.*

Recommended Action 2

That the Town:

1. *Recognise that both household waste streams are now recycling streams and that these services be rebranded as such.*
2. *Approach the Mindarie Regional Council and the member councils with a view to conducting a review in to the nature of the materials to be placed in to each of the two recycling waste streams presently being collected in most member council areas.*
3. *Collaborate with other member Local Governments to identify and adopt a best practice for household waste recycling service(s) delivery.*

7. Commercial Waste:

Recommended Action

That the Town:

Conduct an internal review of its commercial waste collection objectives, obligations and methods in light of decreasing airspace, competition from commercial collectors and the opportunities that may come from utilising the Mindarie Regional Council Alternative Waste Technology facilities for organic rich commercial waste.

8. Bulk Verge Collections:

Recommended Action 1

The Town recommends that consideration be given to:

1. *Introducing the co-ordinated collection of serviceable household goods by charity prior to each hardwaste collection as a minimum feature of the Town's hardwaste collections or;*
2. *Investigate contracting the collection of all bulky hardwaste to charities. The charities could recover what is suitable for re use and the balance could be recycled or send to Tamala Park for land filling.*
3. *Promote the role of the Charities who remove hardwaste to the business community in the Town, on the basis of a direct negotiation between the parties and no obligation on the Town of Vincent to contribute financially.*
4. *The recycling of Waste Electrical and Electronic Equipment be listed as a priority class of waste to be managed through Extended Producer Responsibility.*

Recommended Action 2

The Town recommends that members:

1. *Recognise that the waste received from casual tipping at the Recycling Centre of Balcatta is waste generated from throughout the region and should be described as Mindarie Regional Council casual waste not as City of Stirling casual waste.*

The Town recommends that the Mindarie Regional Council:

2. *Investigate the introduction of excavators to “pick” through bulky waste delivered by member local governments and casual tippers with the objective of removing recyclable materials to slow the consumption of landfill airspace.*
3. *Collaborate with the City of Stirling to investigate the use of mechanised means (such as moving floors) to:*
 - (a) *Improve the safety of client tipping waste and;*
 - (b) *Reduce the amount of waste sent to landfill by recovering recyclable materials from the bulky waste stream.*
4. *Commence the redesign of the Tamala Park Transfer Station and amend the tipping policy and fees structure to increase the amount of waste recycled.*

9. Public Place And Events Recycling

Recommended Action

That the Town:

1. *Collaborates with the Keep Australia Beautiful Council (WA) to evaluate different forms of collecting discarded materials for recycling at Public place events.*
2. *Require public place event organisers to provide a waste management, minimisation and recycling plan for all major events.*
3. *Support the introduction of container deposit legislation in to Western Australia and lobby State government, where possible.*

10. Infrastructure Works And Services Waste:

Recommended Action

That the Town:

1. *Conduct an internal review of its infrastructure waste collection objectives, obligations and methods with an objective of recording and reporting data on the current state of recycling programs and;*
2. *Review tender specifications for waste removal and disposal, contracts for works done by the private sector, with a strong emphasis on increasing the amount of waste being recycled;*
3. *Review tender specifications to encourage an increased use of recycled materials in Council funded infrastructure works.*

11. Corporate Recycling:

Recommended Action

That the Town:

1. *Develop (or engage a suitable service provider) to audit the waste produced from all of the Town’s premises.*

2. *Investigate the introduction of weighing equipment and suitable recording equipment on its waste and recycling collection vehicles so that the Town can provide detailed waste collection.*
3. *Review the mix of waste in the waste receptacles to optimise the collection of materials for recycling.*

12. Human Resources, Skills, Training And Management:

Recommended Action

The Town will:

1. *Maintain the currency of all corporate information and data sets contained in the Town's Strategic Waste Minimisation Plan*
2. *Review the administration of the Town's Waste and Recycling Services and Waste Minimisation program delivery.*
3. *Request the MRC member Local Governments to establish a forum where technical officers can develop and share knowledge and foster best practice service delivery.*
4. *Investigate the appointment of an officer to:*
 - *Co-ordinate the implementation of Local Government focussed recommendations from this SWMP.*
 - *Work with Local Governments on areas of training and co-ordinating some form of officer/employee exchanges among the member councils.*
 - *The gathering, analysis and reporting on waste collected, recycled and disposed of for and on behalf of the member Local Governments.*

13. Waste Management, Recycling Policy And Programs:

Recommended Action

The Town will:

1. *Review the following programs and develop new policies, procedures and service delivery for: -*
 - *The provision of waste storage, collection and recycling systems and services in the planning phase of new premises to be built or converted in the Town of Vincent;*
 - *Recycling the maximum amount of materials resulting from the demolition of buildings in the Town of Vincent;*
 - *The increased use of recycled building materials in private and public building programs in the Town of Vincent;*
 - *Waste and recycling services to all commercial premises in the Town of Vincent, including an investigation in to finding a private sector partner with which to develop a demonstration recycling program for a complete office tower and residential tower which could showcase how to Increase the range of materials that higher density premises can divert from landfill beyond the current limited focus on paper, cardboard and packaging. Eg Composting food and organic wastes and recycling programs for fluorescent lights and dry cell batteries.*
 - *The separation of waste at source into simple and logical streams as outlined in part 2 of this report at page 30 and discussed in detail in Appendix No. 4.*

14. Communication With the Community:

Recommended Action

The Town will continue to develop its communications program with its residential and business community by existing and new programs/mediums with a focus on:

- 1. Keep all recycling messages as simple as possible so as to minimise confusion (Consider the use of audio visual mediums).*
- 2. Develop an honest dialog with the community about the state of recycling programs in Western Australia.*
- 3. Contribute to the development of any community education program through the Mindarie Regional Council network.*
- 4. Support the Earthcarers program run through the Mindarie Regional Council and identify what potential exists to expand their work to include non residential premises in the Town.*

15. Statistics and Reporting:

Recommended Action

That the Town will:

- 1. Develop a reporting hierarchy on key elements of its Strategic Waste Minimisation Plan. See model included in Part 3, Monitoring and Review, "Periodic Performance Monitoring".*
- 2. Publish in its Annual Report the progress it is making towards a Zero Waste Environment.*
- 3. Conduct a regular analysis of the weight of waste collected from residential properties, public places and commercial premises for recycling and disposal to landfill or Alternative Waste Technology.*
- 4. Maintain the recycling records that were developed as part of the Strategic Waste Minimisation Plan.*

16. Direct Environmental Impact

Recommended Action

The Town recommends that:

Responsibility for Household Hazardous Waste Management:

- 1. Household Hazardous Waste be managed by way of EPR and that the application of EPR to the management of Hazardous Household Waste be the first (a flagship) program to introduce the concept and benefits of EPR to the Western Australian community.*
- 2. The State Government of Western Australia be asked to direct the Water Authority of WA and the Health Dept of WA to become actively involved with promoting the correct disposal of Household Hazardous Waste and the purchase by the public of less hazardous products.*
- 3. The Town of Vincent in collaboration with the Mindarie Regional Council support the high profile "Act Now" campaign to recover as much toxic material from the community prior to the commencement of processing household waste in Stage 1 of the regional AWT. The campaign is the subject of a more detailed description in the Regional*
- 4. Zero Waste Plan but will incorporate access to a regular cycle of drop off points throughout the Mindarie Regional Council catchment and two dedicated regional drop off centres (Tamala Park and the Balcatta Recycling Centre).*

Old and Unused Medicines:

5. *The MRC Hazardous Household Waste cleanup program also promotes the safe disposal of old medicines through local chemist shops through the OPAL program and the correct disposal of “sharps”.*

Asbestos Cement:

6. *The Town of Vincent continues to support the subsidised disposal of asbestos cement products delivered by householders to Tamala Park and it will call upon the State Government to reimburse Local Governments expenses associated with the safe disposal of asbestos cement.*

CONSULTATION/ADVERTISING:

The Town’s Draft Strategic Waste Management Plan 2008-2011 will be advertised for public comment for a period of 28 days after 9 January 2009. (Due to the festive season holidays).

LEGAL/POLICY:

The Health Act 1911 empowers the Town to collect household refuse.

STRATEGIC IMPLICATIONS:

In accordance with the objective of Strategic Plan 2006-2011 – *Key Result Area 1.1.4 Minimise negative impacts on the community and environment; and 1.1.4(e) “Prepare a Waste Minimisation Strategy that is aligned with State legislation and the Mindarie Regional Council’s Strategic direction”.*

SUSTAINABILITY IMPLICATIONS:

Waste of different types and quantities is generated by everyday consumption of goods by individuals, organisations and corporations. The local council is left to collect the waste and has tried to ensure there is some sustainability in its practices where by the material is separated and treated differently depending on what it is. The costs of the waste collection are left to the ratepayers who are not always the consumers of the waste. The community are required to “do the right thing” with their waste where appropriate measures have been put in place for separation of collection however they do not get to say what collections they would like to have. The effect of the waste on the environment is increasing due to demand for more things and limit of resources to manufacture products. Many items are produced that can not be reused or recycled.

The Strategic Waste Minimisation Plan is similar to the action 5.1 “*develop a Waste Management Plan*” in the Towns Sustainable Environment Plan 2007- 2012. The sustainable implications of the management of waste that are covered in the SWMP will move the Town into a new dimension for waste management where by the environment, community and economics are a concern when collection and generation of all wastes the Town must deal with are managed.

FINANCIAL/BUDGET IMPLICATIONS:

Funding for the development of Phase 1 and Phase 2, SWMP’s was provided to the MRC by the DEC with remaining funds being available for the implementation of actions as recommended in the SWMP.

As mentioned in the report the status of the finalised SWMP’s will enable individual or groups of local government e.g. The MRC to apply for Waste Authority funding for various waste minimisation projects.

The first round of funding for the implementation of actions identified in the SWMP's commenced in October 2008 however to date there has been no indication of the amount of funding available (the announcement has been delayed due to recent State elections).

There has however been an indication from the DEC that funding will typically be allocated on a population basis; hence, the Mindarie Regional Council should receive a significant portion of available funding to implement the actions identified in the regions SWMP's.

COMMENTS:

The Town's SWMP prepared by a consultant appointed by the MRC and prescribes a baseline, setting out where the Town is positioned with regards to waste management and waste minimisation activities as at mid-2008. This information forms the baseline data from which future successes can be measured. These plans also provide a useful summary document on current waste management activities.

The MRC has requested that each member Council review its respective SWMP plan and advertise them for public comment. Following the advertising period the updated endorsed, plan will be provided to the MRC and will be incorporated in the MRC regional Plan.

Should there be any material changes to the various SWMP's, the DEC will be advised accordingly.

There will also be a need to establish an individual and regional implementation model and will determine the way forward after all SWMP's have been adopted.

9.3.1 Financial Statements as at 31 October 2008

Ward:	Both	Date:	11 November 2008
Precinct:	All	File Ref:	FIN0026
Attachments:	001		
Reporting Officer(s):	B. Tan		
Checked/Endorsed by:	M Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That the Council:

- (i) **RECEIVES** the Financial Statements for the month ended 31 October 2008 as shown in Appendix 9.3.1.

COUNCIL DECISION ITEM 9.3.1

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED (8-0)

(Cr Doran-Wu was an apology for the remainder of the meeting for personal reasons.)

PURPOSE OF REPORT:

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

BACKGROUND:

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

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

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

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

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

DETAILS:

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

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

Comments on the financial performance are set out below.

Operating Statement and Detailed Summary of Programmes/Activities

Operating Result

The operating result is Operating Revenue – Operating Expenses

YTD Actual	-	-\$13.7 million
YTD Budget	-	-\$12.3 million
Variance	-	-\$1.4 million
Full Year Budget	-	-\$4.9 million

Summary Comments:

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

Operating Revenue

YTD Actual	-	\$23.9 million
YTD Budget	-	\$23.4 million
YTD Variance	-	\$0.5 million
Full Year Budget	-	\$32.8 million

Summary Comments:

The total operating revenue is currently 2% over the year to date budget.

Major variances are to be found in the following programmes.

Governance - 27% over budget

Education and Welfare - 35% under budget

Transport - 15% over budget

Economic Services - 15% over budget

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

Operating Expenditure

YTD Actual	-	\$11.0 million
YTD Budget	-	\$11.7 million
YTD Variance	-	-\$0.7 million
Full Year Budget	-	\$33.7 million

Summary Comments:

The operating expenditure is currently operating at 6% under the first quarter year to date budget.

The major under expenditure is located in the following programmes.

Law Order & Public safety – 14% below budget

Education & Welfare – 11% below budget

Economic Services – 14% below budget

Other Property & Services – 22% below budget

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

Capital Expenditure Summary

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

Capital Works shows total expenditure including commitment for year to date at the 31 October 2008 of \$2,344,070 which represents 17 % of the revised budget of \$14,087,936.

	Budget	Revised Budget	Actual to Date	%
Furniture & Equipment	163,850	209,755	59,494	28%
Plant & Equipment	1,520,700	1,220,700	240,592	20%
Land & Building	3,952,834	4,424,369	619,710	14%
Infrastructure	8,502,612	8,233,112	1,424,274	17%
Total	14,139,996	14,087,936	2,344,070	17%

Summary Comments:

There was only small account activity in the first quarter of the financial year however the Capital Works activity has increased during October with the receipt of the Rates income in September.

Balance Sheet and Statement of Changes in Equity

The statement shows the current assets of \$28,848,329 and non current assets of \$141,208,664 for total assets of \$170,056,993.

The current liabilities amount to \$8,946,680 and non current liabilities of \$13,946,458 for the total liabilities of \$22,893,139. The net asset of the Town or Equity is \$147,163,855.

Restricted Cash Reserves

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

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

General Debtors

Other Sundry Debtors are raised from time to time as services are provided or debts incurred. Late payment interest of 11% per annum may be charged on overdue accounts. Sundry Debtors of \$1,369,385 is outstanding at the end of October 2008.

Of the total debt \$121,937 (8.9%) relates to debts outstanding for over 60 days, of which \$88,233 is related to Cash in lieu Parking.

The Debtor Report identifies significant balances that are well overdue.

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

Rate Debtors

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

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

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

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

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

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

Rates outstanding as at 31 October 2008 was \$4,867,515 which represents 26% of the outstanding collectable income compared to 33% at the same time last year.

Summary Comments:

The reduced percentage amount of outstanding rates in comparison to last year is due to the fact that the Rates Notices were distributed approximately one (1) month earlier than last year and a more efficient debt collection process.

The minimum rates are under budget due to increased valuations following the revaluation which has reduced the number of minimum rates assessments and resulted in the increased number of general rates.

The Interim rates are under budget due to significant refunds of contested valuation with the Valuer General office.

Statement of Financial Activity

The closing surplus carry forward for the year to date 31 October 2008 was \$13,510,722.

Net Current Asset Position

The net current asset position \$13,510,722.

Beatty Park – Financial Position Report

As at 31 October 2008 the operating deficit for the Centre was \$39,061 in comparison to the annual deficit of \$532,109.

The cash position showed a current cash surplus of \$105,001 in comparison annual budget estimate of a cash deficit of \$73,080. The cash position is calculated by adding back depreciation to the operating position.

Variance comment Report

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

9.3.2 Amended Fees and Charges for 2008/2009 – Planning and Development (Local Government Planning Fees) Regulations 2000.

Ward:	-	Date:	17 November 2008
Precinct:	-	File Ref:	FIN0025
Attachments:	001		
Reporting Officer(s):	M Rootsey, D. Abel		
Checked/Endorsed by:	John Giorgi	Amended by:	

OFFICER RECOMMENDATION:

That the Council APPROVES by ABSOLUTE MAJORITY, the Amended of Fees and Charges to Planning and Development (Local Government Planning Fees) Regulations 2000 as shown in Appendix 9.3.2.

COUNCIL DECISION ITEM 9.3.2

Moved Cr Farrell, Seconded Cr Burns

That the recommendation be adopted.

MOTION PUT AND CARRIED
BY AN ABSOLUTE MAJORITY (8-0)

(Cr Doran-Wu was an apology for the remainder of the meeting for personal reasons.)

PURPOSE OF REPORT:

To present the amended the Fees and Charges for Planning and Development as proposed by the Western Australian Planning Commission from 10 October 2008.

BACKGROUND:

The Annual Fees and Charges for financial year 2008/09 were approved by *ABSOLUTE MAJORITY* at the Ordinary Meeting of Council on 13 May 2008 item No 10.3.4 and subsequently adopted in the Annual Budget 2008/09 which was approved on the 2 July 2008.

DETAILS:

The Town received correspondence from the Western Australian Planning Commission on the 9 October 2008 which reads as follows:

“Please find attached Planning Bulletin 93 Planning and Development (Local Government Planning Fees) Regulations 2000. The planning bulletin outlines changes to the Planning and Development (Local Government Planning Fees) Regulations 2000. Planning Bulletin 93 supersedes planning bulletin 84.

The existing regulations have been amended to correct errors in the schedule and to increase the 2007/08 fees to reflect the Consumer Price Index of approximately 3.4 percent. The regulations will be gazetted on 10 October 2008 and can be changed from this date once adopted by the local government.”

CONSULTATION/ADVERTISING:

N/A.

LEGAL/POLICY:

In accordance with Local Government Act (1995) S6.16, 6.17 and 6.18.

STRATEGIC IMPLICATIONS:

The new and amended charges have been included in the preparation of the Draft 2008/2009 Budget.

SUSTAINABILITY IMPLICATIONS:

N/A.

FINANCIAL/BUDGET IMPLICATIONS:

The fees are to be increased by Consumer Price Index (CPI) representing a 3.4% increase. This will have an impact on the income received from Development Application fees and any increase will be estimated and reflected in the mid year budget review.

COMMENTS:

The recommendation that the Amended Fees and Charges for Planning and Development (Local Planning Fees) Regulation 2000 is supported.

9.3.3 Beatty Park Leisure Centre Car Park and Morriston Street, between Vincent Street and Richmond Street, North Perth - Introduction of a Three Hours (3P) Parking Time Restriction

Ward:	South	Date:	26 November 2008
Precinct:	Smith's Lake, P6	File Ref:	LEG0026, LEG0036
Attachments:	001		
Reporting Officer(s):	J MacLean, D Morrissy		
Checked/Endorsed by:	M Rootsey, John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *APPROVES, the introduction of a three hours (3P) parking time restriction to the whole of the area of Beatty Park Leisure Centre Car Park that is currently unrestricted, as shown in Plan 2623-PP-01;*
- (ii) *APPROVES IN PRINCIPLE, the introduction of a three hours (3P) parking time restriction to both sides of Morriston Street; between Vincent Street and Richmond Street, North Perth, as shown in Plan 2623-PP-02;*
- (iii) *AUTHORISES the Chief Executive Officer to advertise the proposal to introduce parking time restrictions, as indicated in (ii), above for a period of twenty one (21) days; and*
- (iv) *NOTES:*
 - (a) *that a report will be submitted to the Council, at the conclusion of the public consultation process; and*
 - (b) *that Residential Parking Permits will be available to the residents in Morriston Street, North Perth.*

Moved Cr Youngman, Seconded Cr Messina

That the recommendation be adopted.

AMENDMENT

Moved Cr Youngman, Seconded Cr Farrell

That clauses (i) and (ii) be amended as follows:

- “(i) *APPROVES, the introduction of a ~~three~~ four hours (~~3P~~) parking time restriction to the whole of the area of Beatty Park Leisure Centre Car Park that is currently unrestricted, as shown in Plan 2623-PP-01;*
- (ii) *APPROVES IN PRINCIPLE, the introduction of a ~~three~~ four hours (~~3P~~) parking time restriction to both sides of Morriston Street; between Vincent Street and Richmond Street, North Perth, as shown in Plan 2623-PP-02;”*

Debate ensued.

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

The Presiding Member, Mayor Nick Catania ruled that he would consider and vote on the amendment in two parts.

CLAUSE (i) PUT AND CARRIED (5-3)

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

(Cr Doran-Wu was an apology for the remainder of the meeting for personal reasons.)

CLAUSE (ii) PUT AND LOST (0-8)

(Cr Doran-Wu was an apology for the remainder of the meeting for personal reasons.)

MOTION AS AMENDED PUT AND CARRIED (8-0)

(Cr Doran-Wu was an apology for the remainder of the meeting for personal reasons.)

COUNCIL DECISION ITEM 9.3.3

That the Council;

- (i) *APPROVES, the introduction of a four hours (4P) parking time restriction to the whole of the area of Beatty Park Leisure Centre Car Park that is currently unrestricted, as shown in Plan 2623-PP-01;*
- (ii) *APPROVES IN PRINCIPLE, the introduction of a three hours (3P) parking time restriction to both sides of Morriston Street; between Vincent Street and Richmond Street, North Perth, as shown in Plan 2623-PP-02;*
- (iii) *AUTHORISES the Chief Executive Officer to advertise the proposal to introduce parking time restrictions, as indicated in (ii), above for a period of twenty one (21) days; and*
- (iv) *NOTES:*
 - (a) *that a report will be submitted to the Council, at the conclusion of the public consultation process; and*
 - (b) *that Residential Parking Permits will be available to the residents in Morriston Street, North Perth.*

PURPOSE OF REPORT:

To regulate the parking in the Beatty Park Leisure Centre car park and in the adjacent Morriston Street, North Perth by introducing time restrictions.

BACKGROUND:

Beatty Park Leisure Centre Car Park

For some time, it has been apparent that a number of drivers, who do not utilise the facilities at the Beatty Park Leisure Centre, make use of the free, unrestricted parking, at the Centre, for all-day parking. This reduces the number of car bays which are available for Centre patrons. Anecdotally, some drivers park at the Centre and walk either to the Leederville area, or to Charles Street to catch a bus into the City. It is suspected that up to 25% of the car park users, are not using the facilities at Beatty Park Leisure Centre, at any specific time, but utilise the all day free car parking facilities, to enable them to go to work, without the need to pay for parking.

DETAILS:

Beatty Park Leisure Centre has a car park, which caters for 266 vehicles, immediately adjacent to the main building and which has no parking restrictions in place. The decision for the facilities to remain unrestricted, within the grounds and in the adjacent streets, was based on the concern that, if the Centre introduced parking restrictions, patrons would take their business elsewhere. However, if the suspicion that around 25% of vehicles belong to persons who are not using the leisure facilities, is valid, this equates to around 66 Vehicles that are incorrectly parking in the car park and in kerbside locations. This creates a situation whereby patrons are unable to find parking to attend the Leisure Centre, so they are taking their business elsewhere.

Morrison Street, North Perth

Morrison Street, also with no parking restrictions in place, adjacent to Beatty Park Leisure Centre, was upgraded a few years ago, to accommodate right-angle parking, which caters for 41 Vehicles, but it was decided that, since at the time it was not heavily used, it was appropriate to retain it as an unrestricted parking facility. The street has been used as an overflow parking area, for occasions when the Centre Car Park was full.

However, because the Town has progressively introduced parking time restrictions in a number of areas that are close to Beatty Park Leisure Centre, drivers have relocated to the Centre Car Park and Morrison Street, because these locations continue to be unrestricted. Consequently, the Centre Car Park and Morrison Street have become more and more congested in recent months, to the extent that it is often impossible to find a parking spot.

While it is suspected that up to 25% of car park users in these two locations are not making use of the Beatty Park Leisure Centre, it is extremely difficult to confirm that this is the case. It can however be confirmed that there are a number of drivers who park in the Leisure Centre Car Park and walk to Charles Street, presumably to catch a bus.

There have also been recent suggestions that patrons and visitors of Beatty Lodge, 235 Vincent Street, West Perth, also make use of the free parking facilities at Beatty Park Leisure Centre and Morrison Street, to overcome their parking shortfalls.

The Centre Manager supports the proposal to introduce time restrictions, as detailed in this report.

Leisure Centre Study Tour 2008

The recent Leisure Centre Study Tour of facilities in the eastern states, by the Chief Executive Officer, Beatty Park Leisure Centre Manager and Assistant Manager, revealed that many centres have time restrictions in their car parks. Few problems have been encountered by patrons. Several Centres also had paid parking. In these cases, the patron using the centre pays for car parking and then redeems their parking voucher upon entering the Centre. (This concept will be further explored when the Centre redevelopment is carried out). The introduction of time restrictions is a recommendation, arising from the Leisure Centre Study Tour 2008.

The Town is currently investigating the upgrade and refurbishment of Beatty Park Leisure Centre and, when the final plans have been adopted, it may then be appropriate to further revise how parking is managed. It is suggested that, if paid parking was introduced, patrons of the leisure centre could use their parking fee, as part of their entry fee to the Centre. This would ensure that immediate patrons would not have to pay for their parking, but those who use the car park and do not attend Beatty Park Leisure Centre, pay an appropriate fee. However, this will be considered as part of the redevelopment process.

CONSULTATION/ADVERTISING:

It is suggested that, if the approves the above recommendations, it would be appropriate to seek comment from surrounding residents, about the proposal to time restrict Morrision Street. This will have an added effect of promoting the fact that the car parking facilities are for use by patrons of Beatty Park Leisure Centre and not for local businesses and residents, while also canvassing the public for their comments. Residential parking permits will be available to the residents in Morrision Street, North Perth.

LEGAL/POLICY:

There is no legal impediment to the introduction of parking time restrictions to Beatty Park Leisure Centre, or Morrision Street, between Vincent Street and Richmond Street, North Perth.

Enforcement

Rangers would undertake patrols of the areas, as part of their normal duties. However, it is also proposed that the Centre Manager, Assistant Manager Aquatics and Operation and other senior centre personnel will be gazetted as authorised persons to assist in the administration of the Local Law time restriction and also to act when a Ranger is unavailable (e.g. during patrol of peak periods, when Ranger is off duty).

STRATEGIC IMPLICATIONS:

This is in keeping with the Town's Strategic Plan 2006-11

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

SUSTAINABILITY IMPLICATIONS:

Not Applicable.

FINANCIAL/BUDGET IMPLICATIONS:

If the proposal is adopted, there will be a cost associated with the installation of parking restriction signage. It is estimated that this will cost in the region of \$2,500. The expenditure will be partly offset from revenues received from infringement notices.

COMMENTS:

It has been established that parking in Beatty Park Leisure Centre Car Park and in nearby Morrision Street, between Vincent and Richmond Street, has become extremely congested and negatively impacts on the number of bays which are available for patrons. While it is difficult to confirm, it is suggested that up to 25% of the current users of these parking facilities do so because parking is free and unrestricted. By introducing parking time restrictions in both locations, it will prevent those who catch a bus into the City from continuing to use the facilities. The above recommendation is recommended for approval.

9.4.2 Delegated Authority – 2008-2009 Council Recess Period

Ward:	-	Date:	25 November 2008
Precinct:	-	File Ref:	-
Attachments:	-		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That pursuant to Section 5.42 of the Local Government Act 1995, the Council APPROVES BY AN ABSOLUTE MAJORITY, delegated authority to the Chief Executive Officer to deal with any items of business (other than those requiring an Absolute Majority) that may arise from 17 December 2008 to 9 February 2009, subject to:

- (i) the action taken being in accordance with the Officer's recommendation;*
- (ii) the Chief Executive Officer being authorised to make minor amendments to the Officer Recommendation which may be necessary, as a result of responses received from Council Members;*
- (iii) reports being issued to all available Council Members for a period of three (3) days prior to approval and a simple majority of the responses received be accepted;*
- (iv) items being displayed in the Town of Vincent Administration Centre, the Library and on the Town's website for a period of three (3) days prior to approval;*
- (v) a report summarising the items of business dealt with under delegated authority being submitted for information to the Council at its meeting to be held in February 2009; and*
- (vi) a delegation register of items being kept and made available for public inspection during the period that the delegation applies.*

COUNCIL DECISION ITEM 9.4.2

Moved Cr Farrell, Seconded Cr Burns

That the recommendation be adopted.

Debate ensued.

**MOTION PUT AND CARRIED
BY AN ABSOLUTE MAJORITY (8-0)**

(Cr Doran-Wu was an apology for the remainder of the meeting for personal reasons.)

PURPOSE OF REPORT:

To obtain the Council's approval for Delegated Authority to deal with matters during the Council recess period 2008-2009.

BACKGROUND:

The Council will be in recess from 17 December 2008 to 9 February 2009. Therefore, it will be necessary to make arrangements to enable items of business that may arise during that period to be dealt with. This procedure has operated satisfactorily in previous years and is similar to that which operated during the 2007-2008 recess period, other than that it requires a Council Member to provide a written response, in the form of a Summary Sheet. For ease of processing, a Summary Sheet (which summarises the reports and indicates "Approval/Refusal") will be provided with the reports.

CONSULTATION/ADVERTISING:

Whilst there is no statutory requirement to do so, items being processed under delegated authority will be advertised for a period of three (3) days.

LEGAL/POLICY:

The Local Government Act 1995 states:

*"Delegation of some powers and duties to CEO
5.42(1) A local government may delegate to the CEO the exercise of any of its powers or the discharge of any of its duties under this Act (other than those referred to in section 5.43 and this power of delegation)."*

Matters requiring an Absolute or Special Majority decision of the Council cannot be approved under Delegated Authority.

STRATEGIC IMPLICATIONS:

This is in keeping with the Town's Strategic Plan 2006-2011 - Objective 4 – "*Leadership, Governance & Management*" – 4.1.1 – *Provide good strategic decision-making, governance, leadership and professional management and 4.1.2 – Manage the organisation in a responsible, efficient and accountable manner.*

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The Council is in recess from 17 December 2008 until 9 February 2009. A Council resolution is required to approve of matters which may arise under delegated authority (other than those matters which require an Absolute Majority decision).

In keeping with the Council's philosophy of providing a high standard of customer service, it is appropriate to continue processing ratepayer requests and development applications. Where possible, these should be determined as soon as practicable, in order to minimise any delays or inconvenience.

In keeping with the Town's previous practice, reports will be issued to all available Council Members for a period of three (3) days, (usually on a Thursday evening). The reports will be placed on the Town's webpage on the Friday (usually by midday). Responses from Council Members are required to be received by the Chief Executive Officer by midday on the Monday (following issue). The item will be processed if a simple majority of the written responses received is achieved. The procedure is similar to that which was approved for the 2007-2008 period, other than that approval will only be taken by the Town's Administration, if a simple majority of the written responses received is obtained. Furthermore, the Chief Executive Officer will be authorised to make minor amendments to the Officer Recommendation, which maybe necessary, as a result of responses received from Council Members.

It is therefore recommended that the Council approve of the arrangements to be made to deal with items of business that may arise during the 2008-2009 recess period.

9.4.4 Town of Vincent Trading in Public Places Local Law 2008 - Amendment No. 2 (2008)

Ward:	Both Wards	Date:	26 November 2008
Precinct:	All Precincts	File Ref:	LEG0026
Attachments:	001		
Reporting Officer(s):	J MacLean		
Checked/Endorsed by:	R Boardman, John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *pursuant to Section 3.12 of the Local Government Act 1995 APPROVES BY AN ABSOLUTE MAJORITY an amendment to the Town of Vincent Trading in Public Places Local Law 2008;*
- (ii) *under the powers conferred by the Local Government Act 1995 and under all other powers enabling it, the Council of the Town of Vincent resolved on 2008 to make the “Town of Vincent Trading in Public Places Amendment Local Law No. 2 (2008)”;*

In this local law, the Town of Vincent Trading in Public Places Local Law 2008 as published in the Government Gazette on 15 April 2008 is amended as follows;

- 1. *The following Table of Contents be deleted –*

“Division 4 – Display of Advertising Signs on a Footpath

- 2.22 Definitions*
- 2.23 Permit period*
- 2.24 Sign permit*
- 2.25 Matters to be considered in determining application*
- 2.26 Obligations of permit holder*
- 2.27 Safety of persons*
- 2.28 Removal of sign for works*
- 2.29 Removal of sign or item*
- 2.30 Unlawful placement of sign or item”;*

and substituted with the following –

“Division 4 – Display of Goods on a Footpath

- 2.22 Definitions*
- 2.23 Permit period*
- 2.24 Goods permit*
- 2.25 Matters to be considered in determining application*
- 2.26 Obligations of permit holder*
- 2.27 Safety of persons*
- 2.28 Removal of goods for works*
- 2.29 Removal of goods*
- 2.30 Unlawful placement of goods”*

2. *The Division 4, Clauses 2.22 to 2.30 inclusive be deleted and substituted with the following –*

“Division 4 - Display of Goods on a Footpath

2.22 Definitions

In this Division, unless the context otherwise requires:

“permit holder” means the person to whom a goods permit has been issued;

“goods permit” means a permit to display goods;

“goods” has the meaning given to it in the Act.

2.23 Permit period

The local government may grant approval for the display of goods for one year or three years, whichever the applicant chooses on the application for a goods permit.

2.24 Goods permit

(1) A person shall not display goods on a footpath unless that person is the holder of a valid goods permit.

(2) Every application for a goods permit shall –

(a) state the full name and address of the applicant;

(b) specify the proposed permitted area of the goods;

(c) be accompanied by an accurate plan and description of:

(i) the proposed goods; and

(ii) the proposed location of the goods and the area in a radius of approximately 10 metres around that location showing on a scale of approximately 1:100 the location of all carriageways, footpaths, verges, street furniture, bins, light poles, parking signs, traffic lights, other impediments to pedestrian traffic and premises abutting any verge or footpath.

(d) a colour photograph or similar representation of the goods.

2.25 Matters to be considered in determining application

In determining an application for a permit for the purpose of this Division, the local government may consider in addition to any other matter it considers relevant, whether or not –

(a) the goods would –

(i) obstruct the visibility or clear sight lines of any person at an intersection of thoroughfares; or

(ii) impede pedestrian access; and

(b) the goods, may obstruct or impede the use of the footpath for the purpose for which it was designed.

2.26 Obligations of permit holder

The permit holder shall –

- (a) maintain the goods or goods display in a safe condition at all times;*
- (b) display the permit number provided by the local government in a conspicuous place on or near the goods or goods display and whenever requested by an authorised person to do so, produce the goods permit to that person;*
- (c) ensure that the goods are of a stable design and is not readily moved by the wind, and do not cause any hazard or danger to any person using a thoroughfare;*
- (d) only display goods on a footpath which immediately abuts and not extending more than 1 metre from the building, which is occupied by the owner of the goods or in a location approved by the local government and specified in the permit; and*
- (e) ensure the free passage of persons using the footpath.*

2.27 Safety of persons

A person shall not cause or permit goods to be displayed in such a condition, which in the opinion of an authorised person, causes or is likely to cause injury or danger to any person or damage to the clothing or possessions of any person.

2.28 Removal of goods for works

A permit holder shall ensure that goods are removed from any footpath to permit the footpath to be swept or to permit any other authorised work to be carried out when directed to do so by an authorised person.

2.29 Removal of goods

A person shall remove goods which do not comply with the requirements of this local law, from any footpath when directed to do so by an authorised person;

2.30 Unlawful placement of goods

- (1) A person who places, causes or permits to be placed on any footpath any goods which do not comply with the requirements of this local law, commits an offence.*
- (2) A person who places, causes or permits to be placed on any footpath any goods which obstructs or may obstruct the use of the footpath commits an offence, unless the person proves they had lawful authority to so place the goods.”*

3. *The existing Schedule 1 be deleted and substituted with the following –*

“SCHEDULE 1

PRESCRIBED OFFENCES

<i>Clause No</i>	<i>Description of Offence</i>	<i>Modified Penalty</i>
		\$
2.2 (1)	<i>Conducting stall in public place without a permit</i>	250
2.3 (1)	<i>Trading without a permit</i>	250
2.8(1)(a)	<i>Failure of stallholder or trader to comply with terms or conditions of permit</i>	250
2.8 (1)(b)	<i>Failure of stallholder or trader to display or carry permit</i>	100
2.8 (1)(c)	<i>Stallholder or trader not displaying valid permit</i>	100
2.8 (1)(d)	<i>Stallholder or trader not carrying certified scales when selling goods by weight</i>	100
2.8 (3)	<i>Stallholder or trader engaged in prohibited conduct</i>	250
2.10(1)	<i>Performing in a public place without a permit</i>	250
2.11 (2)	<i>Failure of performer to move onto another area when directed</i>	100
2.14	<i>Failure of performer to comply with obligations</i>	100
2.16	<i>Establishment or conduct of outdoor eating area without a permit</i>	250
2.18	<i>Failure of permit holder of outdoor eating area to comply with obligations</i>	250
2.20 (1)	<i>Use of furniture of outdoor eating area without purchase of food or drink from permit holder</i>	100
2.20 (2)	<i>Failure to leave outdoor eating area when requested to do so by permit holder</i>	100
2.24(1)	<i>Displaying goods on a footpath without a permit</i>	250
2.26 (a)	<i>Failing to maintain goods in a safe and serviceable condition at all times</i>	100
2.26 (b)	<i>Refusing to conspicuously display the permit number on or near the goods or goods display</i>	50
2.26 (c)	<i>Failure to display goods in accordance with conditions of permit</i>	100
2.26 (d)	<i>Displaying the goods more than 1 metre from the adjacent building or in a location not approved by the local government</i>	100
2.26 (e)	<i>Failing to ensure the free passage of persons using the footpath</i>	100
2.27	<i>Permitting goods to be displayed in an unsafe or dangerous manner</i>	250
2.28	<i>Refusing or failing to remove goods to allow sweeping or cleaning</i>	100
2.29	<i>Refusing or failure to remove goods when requested to do so</i>	250
2.30 (1)	<i>Placing or permitting goods contrary to the requirements of the local law</i>	250

2.30 (2)	<i>Placing or permitting goods so as to obstruct a footpath without lawful authority</i>	250
3.7 (1) & (2)	<i>Failure to comply with a condition of a permit</i>	250
3.12	<i>Failure to produce a permit when requested to do so</i>	100
5.3	<i>Carrying out works in thoroughfare without permission</i>	250
6.1 (1)	<i>Failure to obey a lawful direction of an authorised person</i>	250
6.2	<i>Failing to leave local government property when directed to do so</i>	250
7.1(2)	<i>Failure to comply with notice</i>	250
7.1	<i>All other offences not described above</i>	100

”

(iii) *in accordance with the provisions of section 3.12 of the Local Government Act 1995 gives a Statewide public notice (advertisement);*

(a) *advising that a copy of the proposed local laws may be inspected or obtained from the Town’s Administration & Civic Centre, 244 Vincent Street, Leederville and Town Library, 99 Loftus Street, Leederville; and*

(b) *seeking submissions on the proposed amended local laws for a period of not less than six (6) weeks;*

(iv) *APPROVES Policy No. 3.9.13 Relating to the Display of goods on a Footpath, to regulate goods ~~and signs~~ on footpaths, how Permits are considered and processed, as shown in Appendix 9.4.4 and authorises this to be advertised for a period of twenty-one (21) days for public consultation; and*

(v) *NOTES that a further report will be submitted to the Council at the conclusion of the statutory consultation period.*

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

COUNCIL DECISION ITEM 9.4.4

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Maier, Seconded Cr Ker

That clause 1.0 of the Guidelines and Procedures of the Policy (page 2 of 6) be amended to delete the following paragraph:

“The Town shall not give approval for the display of foodstuffs.”

AMENDMENT PUT AND CARRIED (5-3)

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

(Cr Doran-Wu was an apology for the remainder of the meeting for personal reasons.)

Debate ensued.

Note: The Chief Executive Officer advised the Council that health regulations do not permit food to be displayed on a footpath. The regulations take precedence over a local law and policy.

The Presiding Member, Mayor Nick Catania stated that in view of the Chief Executive Officer's advice, the amendment should be revoked, as state laws take precedence over the Town's local law. He therefore supported a motion to revoke the previous amendment and requested a councillor to move a motion to revoke the amendment.

PROCEDURAL MOTION

Moved Cr Messina, Seconded Cr Youngman

That the above amendment to the Policy be REVOKED.

Debate ensued.

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

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

(Cr Doran-Wu was an apology for the remainder of the meeting for personal reasons.)

MOTION PUT AND CARRIED
BY AN ABSOLUTE MAJORITY (7-1)

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

(Cr Doran-Wu was an apology for the remainder of the meeting for personal reasons.)

PURPOSE OF REPORT:

To obtain Council approval to amend the Town of Vincent Trading in Public Places Local Law and the Town of Vincent Local Government Property Local Law, to remove inconsistencies and to ensure that the legislation reflects the Town's needs.

BACKGROUND:

The Town of Vincent Trading in Public Places Local Law and the Town of Vincent Local Government Property Local Law were advertised in the Government Gazette on 15 April 2008 and both came into effect on 29 April 2008. These Local Laws replaced a number of previous pieces of now repealed local legislation and, for the most part, they represented the needs of the community as a whole.

DETAILS:

However, in the area of "A" Frame advertising signage, which was part of both Local Laws, there were a number of minor inconsistencies. As a result, it is recommended that the display of "Goods" was more appropriate for the Trading in Public Places Local Law, while the display of advertising signs was more appropriate for the Local Government Property Local Law.

Since their introduction, the Applications for goods displays have been considered, assessed and issued under the Trading in Public Places Local Law, while applications for signs have been considered, assessed and issued under the Local Government Property Local Law. This is based on the belief that "goods", which are displayed for sale, would be considered as "Trading", while advertising signs would create an "obstruction" to a footpath, which would be considered "Local Government Property".

The suggested amendment will result in all matters relating to signs being included in the Town's Local Government Property Local Law. This will avoid confusion when administering the two Local Laws.

Applications for the display of goods on footpaths will be processed as a "goods permit".

Proposed Policy

To ensure consistency in how applications are dealt with, it is recommended that the Policy be approved in principle, showing details, such as dimensions, locations and prohibitions. The new local law will require goods to only be displayed immediately adjacent to and not extending any further than 1 metre from the adjacent building which is occupied by the owner of the goods. This is consistent with the Town's new Policy relating to Outdoor Eating Areas, whereby tables and chairs are placed immediately adjacent to the building. If the requirements are set out in a Council Policy, applicants will be assessed in a transparent and accountable way.

CONSULTATION/ADVERTISING:

Since the above recommendations include an amendment to the Town of Vincent Trading in Public Places Local Law and the Town of Vincent Local Government Property Local Law, it is a requirement of the Local Government Act that the proposals are advertised statewide for a period of six (6) weeks.

LEGAL/POLICY:

Clause 3.12 of the Local Government Act 1995 sets out the procedure for amending a local law. The first stage of an amendment is for the Council to approve (in principle) the amendment, which will then be advertised for public comment.

STRATEGIC IMPLICATIONS:

This is in keeping with the Town's Strategic Plan 2006-11
"4.1.2 Manage the Organisation in a responsible, efficient and accountable manner."

SUSTAINABILITY IMPLICATIONS:

Not Applicable.

FINANCIAL/BUDGET IMPLICATIONS:

Other than the advertising expenditure (approximately \$500), there will be no costs associated with this recommendation

COMMENTS:

The Town of Vincent Trading in Public Places Local Law and the Town of Vincent Local Government Property Local Law provide a legislative framework for how and where goods and signs are displayed throughout the Town. The above recommendation, to have only one local law dealing with the display of advertising signs, is an appropriate way to ensure consistency in the Town's approach. The display of goods will remain in the Trading in Public Places Local Law. The above is recommended for approval.

9.4.5 Town of Vincent Local Government Property Local Law 2008 - Amendment No. 2 (2008)

Ward:	Both Wards	Date:	26 November 2008
Precinct:	All Precincts	File Ref:	LEG0036
Attachments:	001		
Reporting Officer(s):	J MacLean		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *pursuant to Section 3.12 of the Local Government Act 1995 APPROVES BY AN ABSOLUTE MAJORITY an amendment to the Town of Vincent Local Government Property Local Law 2008;*
- (ii) *under the powers conferred by the Local Government Act 1995 and under all other powers enabling it, the Council of the Town of Vincent resolved on 2008 to make the “Town of Vincent Local Government Property Amendment Local Law No. 2 (2008)”;*

In this local law, the Town of Vincent Local Government Property Local Law 2008 as published in the Government Gazette on 15 April 2008 is amended as follows;

1. *“PART 3 – PERMITS” of the Table of Contents be amended as follows –*
 - (a) *after “3.2 Application for permit”, insert – “3.2A Relevant considerations in determining application for permit”;*
 - (b) *after “3.3 Decision on application for permit”, insert – “3.3A Grounds on which an application may be refused”;*
 - (c) *after “3.11 Cancellation of permit”, insert – “3.11A Suspension of permit holders rights and privileges”;*
 - (d) *after “3.11A Suspension of permit holders rights and privileges”, insert – “3.11B Planning approval”;*
 - (e) *after “6.1 Definitions”, insert – “6.1A Permit period”;*
2. *“PART 6 – ADVERTISING SIGNS ON THOROUGHFARES” of the Table of Contents be amended as follows:*
 - (a) *after “6.1A Permit period”, insert – “6.1B Sign permit”;*
 - (b) *after “6.5 Conditions on election sign”, insert:*
 - “6.6 Obligations of permit holder;*
 - 6.7 Safety of persons;*
 - 6.8 Removal sign for works;*
 - 6.9 Removal of sign which does not comply;*
 - 6.10 Unlawful placement of signs;”*

3. *Part 3 Clause 3.2(5) be deleted and substituted with the following –*
- “(5) The local government may refuse to consider an application for a permit –*
- (a) which is not in accordance with subclause (2);*
 - (b) which, in the case of an application for a sign permit, is not in accordance with clause 3.2(2);*
 - (c) which is not accompanied by the plans and specification and the application fee;*
 - (d) which is not properly completed; or*
 - (e) where any required plan, specification or photograph does not in the opinion of the CEO or an authorised person, contain sufficient information or is not sufficiently clear to enable the local government to properly consider the application.”;*
4. *after Clause 3.2, insert the following –*
- “3.2A Relevant considerations in determining application for permit*
- (1) Where a clause of this local law refers to matters which the local government is to have regard to in determining an application for a permit, the local government shall have regard to those matters prior to making a decision on an application for a permit under clause 3.5 and, in addition, may have regard to the following matters:*
- (a) the desirability of the proposed activity;*
 - (b) the location of the proposed activity;*
 - (c) the principles set out in the Competition Principles Agreement; and*
 - (d) such other matters as the local government may consider to be relevant in the circumstances of the case.”;*
5. *Clause 3.3 be amended to insert the following new subclauses –*
- “(4) Where a clause of this local law refers to conditions which may be imposed on a permit or which are to be taken to be imposed on a permit, the clause does not limit the power of the local government to impose other conditions on the permit under subclause (1) (a).*
- (5) Where a clause of this local law refers to the grounds on which an application for a permit may be or is to be refused, the clause does not limit the power of the local government to refuse the application for a permit on other grounds under subclause (1) (b).”;*

6. *after Clause 3.3, insert the following new Clause –*

“3.3A Grounds on which an application may be refused

The local government may refuse to approve an application for a permit under this Division on any one or more of the following grounds –

- (a) that within the preceding 5 years the applicant has committed a breach of any provision of this local law, or of any other written law relevant to the activity in respect of which the permit is sought;*
- (b) that the applicant is not a fit and proper person to hold a permit;*
- (c) that –*
 - (i) the applicant is an undischarged bankrupt or is in liquidation;*
 - (ii) the applicant has entered into any composition or arrangement with creditors; or*
 - (iii) a manager, an administrator, a trustee, a receiver, or a receiver and manager has been appointed in relation to any part of the applicant's undertakings or property; or*
- (d) such other grounds as the local government may consider to be relevant in the circumstances of the case.”;*

7. *after Clause 3.11, insert the following new Clauses –*

“3.11A Suspension of permit holder rights and privileges

- (1) The rights and privileges granted to a permit holder on the issue of a permit, shall be automatically suspended, where the public liability insurance required as a condition of a permit, lapses, is cancelled or is no longer current.*
- (2) The rights and privileges granted to a permit holder on the issue of a permit, may be suspended by the local government for the purpose of and during the carrying out of any works by or on behalf of the State, or an agency or instrumentality of the Crown, or the local government, in or adjacent to the area the subject of the permit.*

3.11B Planning approval

The requirement for a permit under this local law, is additional to the requirement if any, for a planning approval.”

8. *Clause 6.1 be amended as follows:*
- (a) *delete the existing definition of “advertising sign” and substituted with the following new definition of “advertising sign”;*
- ““advertising sign” means a free-standing sign which may or may not be permanently attached to a structure or fixed to the ground, and includes a ground based sign, a sandwich board sign and an “A” frame sign, that is used or intended to be used for the purpose of advertising any premises, services, business, function, event, product or thing;”*
- (b) *after the definition of “advertising sign”, insert the following new definition –*
- “““A” frame sign” means a folding sign which is hinged at the top to provide a stable structure when open;”*
- (c) *after the definition of “election sign”, insert the following new definition –*
- ““permit holder” means the person to whom a sign permit has been issued;”*
- (d) *after the definition of “sign”, insert the following new definition –*
- ““sign permit” means a permit to display a sign.”;*
9. *after Clause 6.1 insert the following new clauses –*
- “6.1A Permit period*
- The local government may grant approval for the erection or display of an advertising sign for one year or three years, whichever the applicant chooses on the application for a sign permit.*
- 6.1B Sign permit*
- (1) *A person shall not display an advertising sign on a footpath unless that person is the holder of a valid sign permit.*
- (2) *Every application for a sign permit shall –*
- (a) *state the full name and address of the applicant;*
- (b) *specify the proposed permitted area of the advertising sign;*
- (c) *be accompanied by an accurate plan and description of:*
- (i) *the proposed advertising sign; and*

- (ii) *the proposed location of the proposed advertising sign and the area in a radius of approximately 10 metres around that location showing on a scale of approximately 1:100 the location of all carriageways, footpaths, verges, street furniture, bins, light poles, parking signs, traffic lights, other impediments to pedestrian traffic and premises abutting any verge or footpath.*
 - (d) *a colour photograph or similar representation of the advertising sign.”;*
- 10. *Clause 6.3 be amended to insert the following new subclauses –*
 - “(f) *the advertising sign would –*
 - (i) *obstruct the visibility or clear sight lines of any person at an intersection of thoroughfares; or*
 - (ii) *impede pedestrian access; and*
 - (g) *the advertising sign, may obstruct or impede the use of the footpath for the purpose for which it was designed.”;*
- 11. *after Clause 6.5 insert the following new clauses –*
 - “6.6 *Obligations of permit holder*
 - The permit holder shall –*
 - (a) *maintain the advertising sign in a safe and serviceable condition at all times;*
 - (b) *display the permit number provided by the local government in a conspicuous place on the advertising sign and whenever requested by an authorised person to do so, produce the sign permit to that person;*
 - (c) *ensure that the sign is of a stable design and is not readily moved by the wind, and does not by the nature of its design or anything else cause any hazard or danger to any person using a thoroughfare;*
 - (d) *display an advertising sign on a footpath in the location approved by the local government and as specified by the permit; and*
 - (e) *ensure the free passage of persons using the footpath at all times.*

6.7 Safety of persons

A person shall not cause or permit an advertising sign to be erected or displayed in such a condition, which in the opinion of an authorised person, causes or is likely to cause injury or danger to any person or damage to the clothing or possessions of any person.

6.8 Removal of sign for works

A permit holder shall ensure that an advertising sign, is removed from any footpath to permit the footpath to be swept or to permit any other authorised work to be carried out when directed to do so by an authorised person.

6.9 Removal of sign which does not comply

A person shall remove any advertising sign which does not comply with the requirements of this local law, from any footpath when directed to do so by an authorised person;

6.10 Unlawful placement of signs

A person who places, causes or permits to be placed on any footpath any advertising sign or item which does not comply with the requirements of this local law, commits an offence.

12. Schedule 1 be amended to insert the following new penalty clauses after clause 6.5(2) –

“

CLAUSE	DESCRIPTION	MODIFIED PENALTY \$
6.1B (1)	<i>Displaying advertising sign on a footpath without a permit</i>	250
6.6 (a)	<i>Failing to maintain an advertising sign in a safe and serviceable condition at all times</i>	100
6.6 (b)	<i>Refusing to conspicuously display the permit number on an advertising sign</i>	50
6.6 (c)	<i>Failure to display a sign in accordance with conditions of permit</i>	100
6.6 (d)	<i>Failing to display the advertising sign in the approved location</i>	100
6.6 (e)	<i>Failing to ensure the free passage of persons using the footpath</i>	100
6.7	<i>Permitting an advertising sign to be displayed in an unsafe or dangerous manner</i>	250
6.8	<i>Refusing or failing to remove an advertising sign to allow sweeping or cleaning</i>	100

- | | | |
|------|--|-----|
| 6.9 | <i>Refusing or failure to remove an advertising sign or item when requested to do so</i> | 250 |
| 6.10 | <i>Placing or permitting an advertising sign contrary to the requirements of the local law</i> | 250 |

”;

(iii) *in accordance with the provisions of section 3.12 of the Local Government Act 1995 gives a Statewide public notice (advertisement);*

(a) *advising that a copy of the proposed local laws may be inspected or obtained from the Town’s Administration & Civic Centre, 244 Vincent Street, Leederville and Town Library, 99 Loftus Street, Leederville; and*

(b) *seeking submissions on the proposed amended local laws for a period of not less than six (6) weeks;*

(iv) *APPROVES draft Policy No. 3.9.14 Relating to the Display of Signs on a Footpath, to regulate signs on thorough fares, how Permits are considered and processed as shown on Appendix 9.4.5 and authorises this to be advertised for a period of twenty-one (21) days for public consultation; subject to the draft Policy being amended as follows:*

(a) *on page 2 of 7, clause 1.0(i) be amended to read as follows:*

”

(i) *Notwithstanding other requirements the Town shall not approve an advertising sign with a maximum size which exceeds (height) ~~1500~~ 1000mm by (width) 900mm by (depth) 900mm.”*

(b) *on page 3 of 7, clause 3.1 be amended to read as follows:*

”

**In those locations where the road is subject to a clearway restriction the ~~goods display~~ advertising sign shall be located against the property line as shown in figure 2.”*

(c) *on page 4 of 7, clause 3.2 be amended to read as follows:*

*”3.2 For reasons of public safety the Town will permit the ~~goods display~~ advertising sign to be located adjacent to the building line in the following locations as shown in figure 2:
.....”*

(d) *on page 4 of 7, clause 3.5 be amended to read as follows:*

“3.5 Only one advertising sign is displayed for each building (~~except multi-story buildings with a shop-front width in excess of 10 metres or premises with a frontage on two streets, when a maximum of two (2) signs may be permitted~~);”

(e) on page 6 of 7, clause 6.0 be amended to read as follows:

“6.0 Goods Displays

All goods displays are to be displayed in accordance with the Town of Vincent Trading in Public Places Local Law. Goods ~~Displays~~ Displays cannot be approved as a part of an Advertising Sign permit application, and such applications are to be referred separately to the Town's Rangers and Community Safety Services.”

(f) on page 7 of 7, clause 8.0 be amended to read as follows:

"

Routine inspections will be undertaken of ~~goods displays~~ advertising signs to determine compliance with the Local Law, Policy, and conditions of an advertising sign permit.”

(v) *NOTES that a further report will be submitted to the Council at the conclusion of the statutory consultation period.*

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

COUNCIL DECISION ITEM 9.4.5

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

MOTION PUT AND CARRIED
BY AN ABSOLUTE MAJORITY (7-1)

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

(Cr Doran-Wu was an apology for the remainder of the meeting for personal reasons.)

PURPOSE OF REPORT:

To obtain the Council's approval to amend the Town of Vincent Trading in Public Places Local Law and the Town of Vincent Local Government Property Local Law, to remove inconsistencies, and to ensure that the legislation reflects the Town's needs.

BACKGROUND:

The Town of Vincent Trading in Public Places Local Law and the Town of Vincent Local Government Property Local Law were advertised in the Government Gazette on 15 April 2008 and both came into effect on 29 April 2008. These Local Laws replaced a number of previous pieces of now repealed local legislation and, for the most part, they represented the needs of the community as a whole.

DETAILS:

However, in the area of “A” Frame advertising signage, which was part of both Local Laws, there were a number of minor inconsistencies. As a result, it is recommended that the display of “Goods” was more appropriate for the Trading in Public Places Local Law, while the display of advertising signs was more appropriate for the Local Government Property Local Law.

Since their introduction, the Applications for goods displays have been considered, assessed and issued under the Trading in Public Places Local Law, while applications for signs have been considered, assessed and issued under the Local Government Property Local Law. This is based on the belief that “goods”, which are displayed for sale, would be considered as “Trading”, while advertising signs would create an “obstruction” to a footpath, which would be considered “Local Government Property”.

The suggested amendment will remove all references to the display of signs, from the Town's Trading in Public Places Local Law and include this in the Town of Vincent Local Government Property Local Law.

Proposed Policy

To ensure consistency in how applications are dealt with, it is recommended that the Policy be approved in principle, showing details, such as dimensions, locations and prohibitions. If the requirements are set out in a Council Policy, applicants will be assessed in a transparent and accountable way.

CONSULTATION/ADVERTISING:

Since the above recommendations include an amendment to the Town of Vincent Trading in Public Places Local Law and the Town of Vincent Local Government Property Local Law, it is a requirement of the Local Government Act that the proposals are advertised statewide for a period of six (6) weeks.

LEGAL/POLICY:

Clause 3.12 of the Local Government Act 1995 sets out the procedure for amending a local law. The first stage of an amendment is for the Council to approve (in principle) the amendment, which will then be advertised for public comment.

STRATEGIC IMPLICATIONS:

This is in keeping with the Town's Strategic Plan 2006-11
“4.1.2 Manage the Organisation in a responsible, efficient and accountable manner.”

SUSTAINABILITY IMPLICATIONS:

Not Applicable.

FINANCIAL/BUDGET IMPLICATIONS:

Other than the advertising expenditure (approximately \$500), there will be no costs associated with this recommendation

COMMENTS:

The Town of Vincent Trading in Public Places Local Law and the Town of Vincent Local Government Property Local Law provide a legislative framework for how and where goods and signs are displayed throughout the Town. The above recommendation, to have only one local law dealing with the display of advertising signs, is an appropriate way to ensure consistency in the Town's approach. The display of goods will remain in the Trading in Public Places Local Law. The above is recommended for approval.

**9.4.6 Town of Vincent Parking and Parking Facilities Local Law 2007
Amendment No. 2 (2008)**

Ward:	Both	Date:	24 November 2008
Precinct:	All	File Ref:	LEG0047
Attachments:	001		
Reporting Officer(s):	J Maclean		
Checked/Endorsed by:	John Giorgi	Amended by:	

OFFICER RECOMMENDATION:

That the Council:

- (i) **APPROVES BY AN ABSOLUTE MAJORITY** an amendment to the Parking and Parking Facilities Local Law 2007, to incorporate a clause to deal with vehicles that are stopped in an area, designated as being No Stopping, during specified periods;
- (ii) *Under the powers conferred by the Local Government Act 1995 and all other powers enabling it, the Council of the Town of Vincent resolved on2008 to make the Parking and Parking Facilities Amendment Local Law No 2,(2008).*

**"LOCAL GOVERNMENT ACT 1995 (as amended)
TOWN OF VINCENT PARKING AND PARKING FACILITIES LOCAL LAW
AMENDMENT LOCAL LAW NO 2, 2008**

AMENDS the Town of Vincent to Parking and Parking Facilities Local as follows:

- (a) *The existing clause 5.1 be deleted and replaced with the following:*
"5.1 "No stopping" and "no parking" signs, and yellow edge lines
(1) No stopping
(a) _____ A driver shall not stop on a part of a carriageway, or in an area, to which a "no stopping" sign applies.
(b) _____ Where a sign specifies times during which a "no stopping" restriction is in operation, a driver shall not stop on that part of a carriageway, or in that area, during the specified times."
- (b) *The existing Schedule 2 is deleted and replaced by the Schedule 2, as shown on Appendix 9.4.6, to this report:*
- (iii) *in accordance with the provisions of Section 3.12 of the Local Government Act 1995 as amended, the Council gives a Statewide advertisement, indicating where and when the proposed amendment may be viewed and seeking public comment on the proposed amendments to the Town of Vincent Parking Facilities Local Law; and*
- (iv) *NOTES that a further report will be submitted to the Council after the expiry of the statutory consultation period.*

COUNCIL DECISION ITEM 9.4.6

Moved Cr Ker, Seconded Cr Farrell

That the recommendation be adopted.

**MOTION PUT AND CARRIED
BY AN ABSOLUTE MAJORITY (8-0)**

(Cr Doran-Wu was an apology for the remainder of the meeting for personal reasons.)

PURPOSE OF REPORT:

To amend the Town's Parking and Parking Facilities Local Law to include a clause that is specific to Clearway parking restrictions, so that the Town can differentiate between "No Stopping At All Times" and "No Stopping - Restricted Periods" and to amend the existing Schedule 2 of the Local Law.

BACKGROUND:

The Town of Vincent Parking and Parking Facilities Local Law 2007 was gazetted on 21 November 2007. While the local law is operating well, it has been established that, from a statistical perspective, it is difficult to assess how many offences occur for Clearway restrictions, because the current clause, simply refers to a contravention of a "No Stopping" restriction. In the same way, it has also been discovered that the original Schedule 1 did not include a specified penalty, for clause 4.13(1), which is used to deal with offending vehicles that do not display a valid ticket, in a Car Park.

DETAILS:

Since the current Parking and Parking Facilities Local law was introduced, adopted and Gazetted, the Town has identified two areas where it is difficult to differentiate how many infringement notices have been issued for specific offences. The above amendments are primarily introduced to simplify the reporting process and to allow for a more detailed analysis of offences.

In the case of drivers, who have been issued with an infringement notice for a "No Stopping" offence, the only current way to differentiate between "No Stopping" and "No Stopping - Restricted Periods (Clearway Offences)" is to download a list of the issued infringement notices and then look at the entry relating to the signs that are in place. It should be noted that the signage is different for each offence, but the current offence of "No Stopping" does not show the differences. By creating a specific offence of "No Stopping - Restricted Periods", it will be much easier to assess usage and offence patterns and to compile the quarterly figures, for report to the Council.

In the same way, drivers who leave their vehicle in an area governed by a paid parking restriction, without purchasing the required ticket, are issued an infringement notice for "Fail to Display a Valid Ticket". However, this clause does not indicate whether it is a kerbside location, or a parking station. Unless a list of infringement notices is downloaded and an officer separates the infringement notices according to their locations, it is not possible to establish how many infringement notices are issued in each area.

The above recommendations will ensure that, when staff make assessments of usage rates and offence rates, as well as compile the Rangers' Quarterly Statistics, for report to the Council, less time is spent on separating notices into different offence codes and locations.

CONSULTATION/ADVERTISING:

There is a Statutory requirement to follow a specific procedure, including six (6) weeks Statewide Advertising. When the Council approves the above proposal, it will be necessary to amend the Clause 5.1 and Schedule 1 of the Parking and Parking Facilities Local Law (2008) and, to comply with the Local Government Act 1995, an advertisement must be placed in a newspaper with a Statewide publication, seeking public comment and explaining where and when the proposed amendment may be inspected.

At the completion of a statutory 6-week period, a further report must be provided to the Council, outlining any public objections, comments and suggestions and seeking a final approval for the proposed amendment. When the Council gives this approval, the amendment must be advertised in the Government Gazette and it then takes 14 days before becoming enforceable.

LEGAL/POLICY:

Clause 3.12 of the Local Government Act 1995 sets out the legal requirements for a Local Law Amendment.

STRATEGIC IMPLICATIONS:

The above is in keeping with Part 2.1.4(b) - *“Implement parking management strategies that provide assistance to businesses, while maintaining the Town's commitment to the whole community”*.

SUSTAINABILITY IMPLCATIONS:

N/A

FINANCIAL/BUDGET IMPLICATIONS:

Other than the advertising costs, there will be no other financial implications. The indicative cost is around \$500.00.

COMMENTS:

The Town has identified that, from a statistical perspective, there are two specific areas, where it is not possible to differentiate between similar offences. It is considered beneficial to be able to assess usage and offence rates, as well as assist in the compilation of the Rangers' Quarterly Statistics, by creating a new offence and by amending the Penalties Schedule to better reflect information. The report is recommended for approval.

9.4.7 Federal Government - Regional and Local Community Infrastructure Programme (RLCIP) 2008-2009

Ward:	All	Date:	25 November 2008
Precinct:	All	File Ref:	FIN0180
Attachments:	001		
Reporting Officer(s):	R Lotznicker, M Rootsey, John Giorgi		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) **RECEIVES** the report concerning the Federal Government Regional and Local Community Infrastructure Programme 2008-2009;
- (ii) **NOTES** that;
 - (a) the Town of Vincent has been advised that it will receive \$183,000;
 - (b) a separate confidential report is included in this Agenda concerning the Town's proposal to submit an application to the Regional and Local Community Infrastructure Programme - Strategic Projects;
- (iii) **APPROVES BY AN ABSOLUTE MAJORITY** to;
 - (a) amend the Town of Vincent Budget 2008-2009 to include the Federal Government Grant of \$183,000; and
 - (b) the following two project to be carried out during 2008-09 financial year, using the RLCIP funding;
 - Hyde Park Glendower Street Playground \$100,000
 - Beatty Park Pavilion - Upgrade/Universal Access \$83,000

COUNCIL DECISION ITEM 9.4.7

Moved Cr Farrell, Seconded Cr Burns

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Maier, Seconded Cr Lake

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

- “(iii)(b) the following two project to be carried out during 2008-09 financial year, using the RLCIP funding;*
- ~~Beatty Park Pavilion~~ North Perth Town Hall - Upgrade/Universal Access \$83,000”

Debate ensued.

The Chief Executive Officer advised the Council that the main reason for recommending Beatty Park Pavilion in preference to the North Perth Town Hall, is that he has had discussions with Lotterywest and has been advised that funding is available for heritage listed buildings.

AMENDMENT PUT AND LOST (1-7)

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

(Cr Doran-Wu was an apology for the remainder of the meeting for personal reasons.)

MOTION PUT AND CARRIED
BY AN ABSOLUTE MAJORITY (8-0)

(Cr Doran-Wu was an apology for the remainder of the meeting for personal reasons.)

PURPOSE OF REPORT:

To inform Council that the Town of Vincent received \$183,000 in the recent announcement by the Federal Government to immediately commit \$300 million of infrastructure grants to local governments across Australia as part of the Regional and Local Community Infrastructure Programme 2008/09 and approve of a project which meets the guidelines.

BACKGROUND:

In May 2008, the Federal Government announced in its budget speech the allocation of \$300 million to local governments across Australia to address the infrastructure needs of local communities. It was stated at the time that funding would be delivered through the *Regional and Local Community Infrastructure Program* in 2009-10.

In September of this year, the Prime Minister also announced his plan to establish an Australia Council of Local Governments (ACLG) with the purposes of:

- fostering stronger relations between the two spheres of government;
- discussing progress towards constitutional recognition of local government;
- tackling immediate issues with urban congestion; and
- developing a means of providing sufficient infrastructure needs to local communities.

The first meeting of the ACLG occurred in Canberra last week. The Town of Vincent Mayor attended the meeting.

DETAILS:

The Prime Minister announced at the ACLG meeting (held on Tuesday 18 November 2008) that funds under the *Regional and Local Community Infrastructure Program* would become immediately available to local governments, explaining the following:

“The initial \$300 million injection into the program will be delivered by 30 June 2009 in two programs.

- *\$250 million will be allocated to each council and shire, based on a formula that recognises need and population growth, but with a minimum allocation of \$100,000.*

The funding will be allocated to new initiatives to repair and build community facilities – initiatives that are over and above those already planned and budgeted.

Those initiatives might include upgrades to local sporting grounds, refurbishing a community centre or local pool, upgrading a streetscape, building a tourism information centre or building an indoor sports centre.

To claim their allocation, councils will be required to submit proposals that are ready-to-go and meet program guidelines.

- *Second, the Commonwealth will invite bids for a further \$50 million to be invested in larger-scale local projects such as new sports stadiums, entertainment precincts and cultural centres that require a larger Commonwealth contribution - \$2 million or more.*

With these investments, the Government aims to leverage greater investment such as from States or groups of local governments, to deliver a stronger economic boost to local communities.

Local governments have the capacity to roll-out smaller-scale infrastructure projects quickly.

We will be asking local government to implement a speedy rollout of infrastructure investment to deliver both immediate economic benefits and long-term community benefits.

Monies from both funds will need to be expended by the end of September next year.”

Guidelines

Application guidelines were released on Friday 20 November 2008 and these are shown at Appendix 9.4.7A \$183,000 has been allocated to the Town under the first phase of the program.

List of Grants

A list of grants for Western Australia Local Governments is shown at Appendix 9.4.7C.

Possible Projects Recommended for Approval

Since the announcement of the Town's grant, the Town's Chief Executive Officer and Directors have reviewed a number of projects which met the Grant Guidelines which can be achieved relatively quickly within the prescribed timeline.

Several options have been developed which include:

Buildings

- *Project 1: Beatty Park Pavilion*
- *Estimated Cost: \$88,500.00*
- *Description: Upgrading of pavilion to provide universal accessible access to all. This building in addition to being used by sporting clubs is frequently booked to other users for other recreational pursuits / hobbyists etc and is not accessible at present to all users.*

- *Project 2: North Perth Lesser hall*
- *Estimated Cost: \$94,500.00*
- *Description: Upgrading of hall and surrounds to provide universal accessible access to all. This building is frequently used by various regular and casual hirers and has been given a high priority to upgrade due to its high level of use and demand for an accessible facility of this size.*

- *Project 3: North Perth Town hall*
- *Estimated Cost: \$81,000.00*
- *Description: upgrading of hall and surrounds to provide universal accessible access to all. This building is again frequently used by various regular and casual hirers and has also been identified and prioritised for upgrade.*

Playgrounds

- *Project 1: Hyde Park (Glendower Street Playground)*
- *Estimated Cost: \$102,000.00*
- *Description: Replace existing playground equipment with new specialised items from Denmark (not component type previously used within the Town) and install rubber softfall to provide adequate accessibility. Numerous calls are received by staff in regards to the upgrade of both playgrounds at Hyde Park given the high level of use they receive particularly over the weekends.*

- *Project 2: Kyilla Park Playground*
- *Estimated Cost: \$65,000*
- *Description: upgrade of playground equipment to comply with latest Australian Standards and installation of rubber softfall to provide adequate accessibility*
- *Project 3: Kyilla Park – Installation of Fitness track and BBQ facilities*
- *Estimated Cost: \$118,000*
- *Description: officers are currently liaising with the Kyilla Park Primary school flowing requests to install a fitness track and BBQ at the adjacent Kyilla Park. Will include fitness items and rubber softfall.*

Accessible Toilet

- *Project: Automatic Public toilet (Exeloo)*
- *Estimated Cost: \$183,000*
- *Description: Supply and installation of an additional public toilet facility within the Town. i.e. Barlee St carpark (officers receive many calls complaining that there are no public toilets within Mt Lawley Shopping precinct following demolition of the toilet within the carpark some years back)*

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

The funds are required to be used in accordance with the guidelines.

STRATEGIC IMPLICATIONS:

Objective 1.1.5 Enhance and maintain parks and community facilities;

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

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:

The report relates to potential funding for infrastructure projects at the Town from the Federal Government. 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.

9.4.8 Certified Practising Accountants (CPA) 2009 International Public Sector Convention – Sydney, New South Wales 18 – 20 March 2009

Ward:	-	Date:	25 November 2008
Precinct:	-	File Ref:	ADM0031
Attachments:	-		
Reporting Officer(s):	M Rootsey		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council AUTHORISES the Director Corporate Services and up to one (1) Council Member..... to attend the CPA International Public Sector Convention to be held in Sydney, New South Wales on 18 – 20 March 2009 at an estimated cost of \$3,754.00 each.

COUNCIL DECISION ITEM 9.4.8

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

The Presiding Member, Mayor Nick Catania called for nominations from Council Members, however none were received.

As no nominations from a Council Member was made, the Motion therefore reads as follows;

That the Council AUTHORISES the Director Corporate Services to attend the CPA International Public Sector Convention to be held in Sydney, New South Wales on 18 - 20 March 2009 at an estimated cost of \$3,754.00.

MOTION PUT AND CARRIED (8-0)

(Cr Doran-Wu was an apology for the remainder of the meeting for personal reasons.)

PURPOSE OF REPORT:

The purpose of the report is to obtain approval to attend the CPA 2009 international Public Sector Convention to be held in Sydney, New South Wales from 18 -20 March 2009.

BACKGROUND:

The International Public Sector Convention is a biennial event that will provide an insight into the opportunities and challenges critical to the delivery of outcomes in the Public Sector. It will also be invitation to discover and learn solutions to tackle a diverse range of public sector issues.

The public sector landscape and outlook continues to evolve and be responsive to community expectations and demands. With the continuing impact of an ageing population, environmental and social pressures and uncertain global outlook the public sector must be responding to emerging social demands.

The 2009 International Public Sector Convention will provide information on the future trends and opportunities to add value in the roles as public sector finance professionals.

The event features an exceptional line of international and national speakers who will speak on a diverse range of topics essential to the development of the public sector.

The Keynote addresses at the convention include the following topics:

- Public Sector 2020 – International Challenges and Opportunities.
- Formulating and Implementing Good Governance – Keys to Success.
- Is it really a man's world? A look at the changing role of women in government.
- Dealing with the after effects of a natural disaster – international perspectives.
- Insights into the future global economy.
- Dealing with the challenges and uncertainties of a less-than-perfect world.

There are over thirty-nine (39) concurrent sessions, topics include:

- Local and international panel discussion: An insight into public sector performance reporting.
- International perspective: Public sector accountability and reform.
- Exploring the evolution of on-line services – opportunities for the public sector.
- Valuation and depreciation of public sector assets using consumption based depreciation.
- Financial reporting for the public sector.
- Doing more with less – managing budgetary cut-backs in the public sector.

A copy of the Program is "Laid on the Table".

As can be seen the Convention will cover a wide range of financial and management issues related to the Public Sector. Many of which will have implications for the Town of Vincent both now and in the future.

This is a significant international event for the finance professionals in the public sector. The Director Corporate Services is qualified Certified Practising Accountant (CPA) and as such is required to complete a required number of professional developments hours in a year. The attendance at this Convention would make a significant contribution to the required hours.

It is also a major opportunity to network with other finance professionals in the public sector.

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) states:

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

Previous Attendance

The Town's Director Corporate Services has previously attended the National Public Sector Convention held in Brisbane in 2007.

The Director Corporate Services Contract of Employment entitles the Director Corporate Services to attend one inter - state conference per annum.

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area Four of the Strategic Plan 2006 - 2011 – 4.2.2 “*Improve employee performance, recognition and reward*”.

SUSTAINABILITY IMPLICATIONS:

N/A.

FINANCIAL/BUDGET IMPLICATIONS:

	Costs
Conference Registration*	\$1,705.00
Accommodation (4 nights) *	\$1,022.00
Airfare (economy class)	\$607.00
Expenses allowance (4 days) (\$105 per day)	\$420.00
	<hr/>
	\$3,754.00

* *Early Bird Registration before December 19 2008, CPA Member cost. The non-member cost is \$2,090.00.*

* *Delegates are eligible to receive 10% off accommodation at the Novotel Darling Harbour (\$1,136.00 – 10%).*

COMMENTS:

The National Public Sector Convention is major event for the finance professionals in the Public Sector. The line up of speakers is of the highest quality and with a wide range of topics to be covered, it will be most beneficial for the Director Corporate Services to attend this Convention.

The Director Corporate Services is a Certified Practising Accountant (CPA). He will benefit from attendance at the convention from the knowledge obtained on the current and future financial issues and trends in the public sector.

Accordingly, the Chief Executive Officer supports the attendance of the Director Corporate Services at this Convention.

It is recommended that approval be granted for the Director Corporate Services and up to one (1) Elected Member (if a nomination is received) to attend the CPA National Public Sector Convention to be held in Sydney, New South Wales from 18 - 20 March 2009.

9.4.9 Council Confidential Reports Released for Public Information

Ward:	Nil	Date:	25 November 2008
Precinct:	Nil	File Ref:	ADM0016
Attachments:	001		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

RECOMMENDATION:

That the Council NOTES that the Chief Executive Officer has made public the Confidential Reports, as shown in Appendix 9.4.9;

COUNCIL DECISION ITEM 9.4.9

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Maier, Seconded Cr Lake

That the recommendation be amended as follows:

“That the Council:

- (i) NOTES that the Chief Executive Officer has made public the Confidential Reports, as shown in Appendix 9.4.9; and*
- (ii) REQUESTS a further report showing the items decided since 1 January 2005 which are still confidential and the reason that the items remain confidential.”*

Debate ensued.

The Chief Executive Officer advised the meeting that the matter is already well progressed and that in response to a pre-council meeting query from Cr Maier, all Council Members were advised by email that:

- approximately 82 reports from 1994-2008 are still considered confidential;
- the Chief Executive Officer’s staff are researching the Confidential Items and it is envisaged that based on the current work load and priorities, the matter will be completed by the end of January 2009.

AMENDMENT PUT AND LOST ON THE CASTING VOTE OF THE PRESIDING MEMBER (4-5)

<u>For</u>	<u>Against</u>
Cr Burns	Presiding Member, Mayor Nick Catania (two votes – deliberative and casting vote)
Cr Ker	Cr Farrell
Cr Lake	Cr Messina
Cr Maier	Cr Youngman

(Cr Doran-Wu was an apology for the remainder of the meeting for personal reasons.)

MOTION PUT AND CARRIED (8-0)

(Cr Doran-Wu was an apology for the remainder of the meeting for personal reasons.)

PURPOSE OF REPORT:

The purpose of the report is to inform the Council that the Chief Executive Officer has made public a number of Confidential reports.

BACKGROUND:

The Chief Executive Officer has reviewed the nature of previous confidential reports and has determined that a number be made public, as the information is no longer considered “confidential”.

LEGAL:

Confidential information is governed by the Town of Vincent Local Laws relating to Standing Orders and also the Local Government Act 1995 (Section 5.91 – 5.97).

The need to balance the public’s access to information whilst at the same time ensuring that the Council’s position is not jeopardised, harmed or compromised requires confidential reports to be submitted to Council from time to time.

Under the Local Government Act, the Chief Executive Officer has the legal responsibility to ensure the Council’s position (whether legal, financial or other is not jeopardised, harmed or compromised in any way). Council Members also have a similar responsibility.

STRATEGIC IMPLICATIONS:

This is in keeping with the Town’s Strategic Plan 2006-2011 – Objective 4 – “*Leadership, Governance & Management*” – 4.1.1 – *Provide good strategic decision-making, governance, leadership and professional management.*

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

These reports are no longer considered confidential as action has been taken or completed. These reports will be included into the Minutes and the information released to the public. Previous minutes will be indexed and appropriately marked to identify the reports as public documents and where they can be located. It should be noted that this work will occur during the festive season period, due to the workload involved.

10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

11. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil.

12. REPRESENTATION ON COMMITTEES AND PUBLIC BODIES

Nil.

13. URGENT BUSINESS

Nil.

PROCEDURAL MOTION

At 9.37pm Moved Cr Ker, Seconded Cr Youngman

That Council proceed “behind closed doors” to consider confidential items 14.1 and 14.2 as this matter relates to;

- *a contract entered into, or which may be entered into the by Local Government and which relates to a matter to be discussed at the meeting; or*
- *legal advice obtained, or which may be obtained by the local government and which relates to a matter to be discussed at the meeting; and/or*
- *information that has a commercial value to a person.*

PROCEDURAL MOTION PUT AND CARRIED (8-0)

(Cr Doran-Wu was an apology for the remainder of the meeting for personal reasons.)

Journalists Phynea Papal and Andrei Buters departed the Council Chamber. There were not members of the public present.

14.1 CONFIDENTIAL REPORT – No. 71 (Lot: 199 D/P: 93039) Edward Street, East Perth - Proposed Storage Silo Addition to Existing General Industry (Hanson Concrete Batching Plant) - State Administrative Tribunal (SAT) Review Matter No. DR 405 of 2008

Ward:	South	Date:	24 November 2008
Precinct:	Claisebrook North	File Ref:	PRO4024; 5.2008.377.1
Attachments:	-		
Reporting Officer(s):	R Rasiah		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report relating to No. 71 (Lot: 199 D/P: 93039) Edward Street, East Perth - proposed Storage Silo Addition to Existing General Industry (Hanson Concrete Batching Plant) - State Administrative Tribunal (SAT) Review Matter No. DR 405 of 2008; and*
- (ii) *INVITES the Mayor, Director Development Services and a Senior Planning Officer to represent the Town at the Mediation at SAT on 19 December 2008 or an alternative date if the matter is rescheduled.*

COUNCIL DECISION ITEM 14.1

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

MOTION PUT AND CARRIED (8-0)

(Cr Doran-Wu was an apology for the remainder of the meeting for personal reasons.)

DETAILS:

The Chief Executive Officer is of the opinion that this report is of a confidential nature as it relates to the Town's position regarding a review application to the State Administrative Tribunal, contains legal advice obtained, or which may be obtained by the local government and which relates to a matter to be discussed at this meeting. In accordance with Section 5.23 of the Local Government Act the report is to be kept confidential until determined by the Council to be released for public information.

LEGAL:

The Local Government Act 1995, Section 5.23(2) prescribes that a meeting or any part of a meeting may be closed to the public when it deals with a range of matters.

The Town of Vincent Local Law Relating to Standing Orders states the following:

“2.15 Confidential business

- (1) *All business conducted by the Council at meetings (or any part of it) which are closed to members of the public is to be treated in accordance with the Local Government (Rules of Conduct) Regulations 2007.*

The confidential report is provided separately to Council Members, the Chief Executive Officer and Directors.

At the conclusion of these matters, the Council may wish to make some details available to the public.

14.2 Confidential Report: Federal Government - Regional and Local Community Infrastructure Programme (RLCIP) - Strategic Projects 2008-2009

Ward:	All	Date:	25 November 2008
Precinct:	All	File Ref:	FIN0181
Attachments:	-		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report concerning the Federal Government Regional and Local Community Infrastructure Programme - Strategic Projects 2008-2009 and that \$50 million will be available on a nationally competitive basis;*
 - (ii) *APPROVES of an application for grant to be submitted for the following project;*
 - 1. *Beatty Park Leisure Centre Redevelopment - Replacement of 50 metre Outdoor Pool, Upgrade of Pool Surrounds, limited Upgrade of Plant Room at an estimated cost of \$3,450,000;*
- OR;*
- 2. *Litis Stadium Redevelopment and Headquarters/Office Accommodation for Football West at an estimated cost of \$3,500,000; and*
- (iii) *AUTHORISES the Chief Executive Officer (in liaison with the Mayor) to prepare and submit the application for the approved Grant.*

COUNCIL DECISION ITEM 14.2

Moved Cr Farrell, Seconded Cr Youngman

That the recommendation be adopted.

Debate ensued.

Cr Farrell departed the Chamber at 9.52pm.

Debate ensued.

Cr Farrell returned to the Chamber at 9.53pm.

Debate ensued.

AMENDMENT

Moved Cr Maier, Seconded Cr Youngman

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

- “(ii) *APPROVES of an application for grant to be submitted for the following project;*
 - 1. *Beatty Park Leisure Centre Redevelopment - Replacement of 50 metre Outdoor Pool, Upgrade of Pool Surrounds, limited Upgrade of Plant Room at an estimated cost of \$3,450,000;*

OR:

2. — ~~*Litis Stadium Redevelopment and Headquarters / Office Accommodation for Football West at an estimated cost of \$3,500,000; and*~~

Debate ensued.

AMENDMENT PUT AND LOST (3-5)

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

(Cr Doran-Wu was an apology for the remainder of the meeting for personal reasons.)

Debate ensued.

MOTION PUT AND CARRIED (7-1)

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

(Cr Doran-Wu was an apology for the remainder of the meeting for personal reasons.)

Note: The Chief Executive Officer advised that this report is now released to the public as the Council has determined the matter.

PURPOSE OF REPORT:

To inform Council of the recent announcement by the Federal Government to commit \$50 million of infrastructure grants to local governments across Australia as part of the Regional and Local Community Infrastructure Programme 2008/09 - **Strategic Projects** and authorise the Chief Executive Officer to process and submit a grant application.

BACKGROUND:

In May 2008, the Federal Government announced in its budget speech the allocation of \$300 million to local governments across Australia to address the infrastructure needs of local communities. It was stated at the time that funding would be delivered through the *Regional and Local Community Infrastructure Program* in 2009-10.

In September of this year, the Prime Minister also announced his plan to establish an Australia Council of Local Governments (ACLG) with the purposes of:

- fostering stronger relations between the two spheres of government;
- discussing progress towards constitutional recognition of local government;
- tackling immediate issues with urban congestion; and
- developing a means of providing sufficient infrastructure needs to local communities.

The first meeting of the ACLG occurred in Canberra last week. The Town of Vincent Mayor attended the meeting.

DETAILS:

The Prime Minister announced at the ACLG meeting (held on Tuesday 18 November 2008) that funds under the *Regional and Local Community Infrastructure Program* would become immediately available to local governments, explaining the following:

“The initial \$300 million injection into the program will be delivered by 30 June 2009 in two programs.

- *\$250 million will be allocated to each council and shire, based on a formula that recognises need and population growth, but with a minimum allocation of \$100,000.*

The funding will be allocated to new initiatives to repair and build community facilities – initiatives that are over and above those already planned and budgeted.

Those initiatives might include upgrades to local sporting grounds, refurbishing a community centre or local pool, upgrading a streetscape, building a tourism information centre or building an indoor sports centre.

To claim their allocation, councils will be required to submit proposals that are ready-to-go and meet program guidelines.

- *Second, the Commonwealth will invite bids for a further \$50 million to be invested in larger-scale local projects such as new sports stadiums, entertainment precincts and cultural centres that require a larger Commonwealth contribution - \$2 million or more.*

With these investments, the Government aims to leverage greater investment such as from States or groups of local governments, to deliver a stronger economic boost to local communities.

Local governments have the capacity to roll-out smaller-scale infrastructure projects quickly.

We will be asking local government to implement a speedy rollout of infrastructure investment to deliver both immediate economic benefits and long-term community benefits.”

Guidelines

Application guidelines for strategic projects were released on Friday 20 November 2008 and these are shown at Appendix 14.2A. Key criteria of the guidelines are:

- A minimum Commonwealth contribution of \$2 million.
- Larger projects and projects which include partnership funding will be given preference.
- Projects will be allocated funding on a nationally competitive basis.
- Projects will be assessed on a tight timetable.
- There is a limit of one application per Council or group of Councils.
- Eligible projects must be additional and "ready-to-proceed".
- The project must be ready to commence construction within six months of signing the Federal Agreement; or
- The project must be additional stages of projects that are currently underway, i.e. swimming pools, sports stadiums.
- Funding **will not** be available for activities such as ongoing costs or related infrastructure covered by the Roads to Recovery or Black Spots programs.

Projects Recommended for Approval

Since the announcement of the Town's grant, the Town's Chief Executive Officer and Directors have reviewed a number of large projects which meet the Grant Guidelines and which can be achieved relatively quickly within the prescribed timeline. These include:

1. BEATTY PARK LEISURE CENTRE REDEVELOPMENT (1ST PREFERENCE)

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

This project was originally estimated to cost \$20 million.

Concept plans:

Below is a summary of the proposed works to be undertaken at the Beatty Park Leisure Centre as part of the redevelopment of the Centre.

- New two level building, on the East side, the ground level accommodating a new entry reception, retail area, dry lounge, lift and a large gymnasium. The lower level would house patron's toilet/change area, two aerobics and one spin area, centralised staff area and kitchen service zone.
- New hydrotherapy (hot pool) area on the north side of the existing building.
- Upgrade of existing 50m x 8 lane pool, by widening to 10 lanes.
- Upgrade of diving pool with new base depth of 3.7 metres.
- Major upgrade of existing car park layout and increased car parking. (Deletion of decked car park is recommended.)
- Upgrade of existing toilets and change rooms.
- Refurbishment of existing toilets/change rooms on North side of indoor pool as five new family toilet/change facilities
- New spa toilets and change rooms.
- Upgrade of existing water treatment plant and Plant room.
- Replace two concrete slides with new fibreglass slides.
- Repainting of indoor pool interior and exterior.
- Repaint existing outdoor stadium.
- Close off access stairs to underwater viewing area (in the indoor pool) and provide spectator seating instead.
- Relocate swim school.
- Upgrade lawn and landscaping areas to outdoor pool area.
- Minor upgrade to leasehold areas, for use by recreation and associated professionals.
- Conversion of gas heating to geothermal heating. (*New recommended item.*)

Recommended changes to concept plans:

Following the recent Leisure Centre Study Tour carried out by the Chief Executive Officer, Beatty Park Leisure Centre Manager and Assistant Manager - Aquatics and Operations and after a review of the submissions received, it is considered that the concept plans should be revised as follows;

No.	Recommended Change	Justification for Change
1.	Increase in size of Gymnasium from 537m ² to approximately 850m ² .	Increased Gymnasium size will enable the current membership to be increased from 1,800 to 3,000, with resultant increased revenue.
2.	Increase in size of Aerobics Room from 253m ² to approximately 500m ² .	Increased Aerobics Room size will enable the current membership to be increased from 1,800 to 3,000, with resultant increased revenue.
3.	Increase in size of "Spinning Room" for cycling from 110m ² to approximately 250m ² .	Increased Spinning Room size will enable the current membership to be increased from 1,800 to 3,000, with resultant increased revenue.
4.	Deletion of Multi-Deck Car Park and reconfiguration of existing car park along Vincent Street to accommodate approximately 80 additional car bays.	Deletion of Multi-Deck Car Park will satisfy a considerable number of objections received, save costs of approximately \$1.4 million (as opposed to reconfiguration of the car park of approximately \$350,000).
5.	New Hydrotherapy Pool on northern frontage.	The current location of the Hydrotherapy room requires their own new change rooms, consultation rooms, offices, etc. The new location will have closer interaction with the Indoor Pool area, save costs by reducing the number of lifeguards required and save costs of constructing the additional change rooms, offices and toilets (as these are already being proposed in this northern area.)
6.	New Learn to Swim Pool of approximately 120m ² on the western end of the Dive Pool.	A new Learn to Swim Pool will enable a greater number of participants, which will result in an annual income. It should be noted that the Swim School is at capacity at present.
7.	New Mezzanine Floor for Cardio of approximately 150m ² .	Increased Mezzanine Floor size will enable the current membership to be increased from 1,800 to 3,000, with resultant increased revenue.

8.	New Mezzanine Floor for Administration Offices of approximately 150m ² .	Increased Mezzanine Floor size will enable the offices to be moved from the basement level, which are considered difficult to access by visitors, undesirable and insufficient in size. The existing basement area to be changed to staff room amenities - which is adjoining the male and female staff change rooms. In view of the increased number of staff, a larger staff room will be required to comply with legislative requirements.
9.	Conversion of Gas Heating to Geothermal Heating at estimated cost of \$1.5 million.	The use of Geothermal heating has an initial high capital cost, however the payback period will be approximately five (5) years. The cost of gas is increasing annually and as has been demonstrated, supply cannot be guaranteed at all times. In addition, the use of Geothermal heating is in keeping with the Town's environmental and sustainability objectives. Grant funding should also be available and will be explored.
10.	Replacement of Outdoor 50 Metre Pool and Dive Pool by utilisation of a pre-engineered Modular Panel Stainless Steel Pool, with hard PVC Coating.	The use of modular pools (which have a 25 year guarantee) can be installed in approximately six months - as compared to one year by traditional methods - thereby reducing the close-down period. In addition, a modular pool has an estimated cost of \$1.5 million as compared to approximately \$2.5 million. (Three Modular Pools were recently installed at Challenge Stadium - Perth.)

Costing

The changes to the original concept plan have been made for the following reasons:

1. To incorporate Best Practice and Design in Leisure Centres.
2. Improved Facilities for Patrons.
3. Improved Facilities for Employees.
4. Cost savings by use of alternative design.
5. Increase annual revenue.
6. Reduced future operating costs.
7. Improved environmental/sustainable objectives.

It is recommended that the Council approval of the pools and associated items as a project. (Refer Appendix 14.2B.)

The estimated costs for the pools are as follows:

Cost Estimate	Original Budget	Revised Budget Nov 2008
Upgrade Existing 50m Pool	\$2.0m	\$1.5m
New Walls <i>Included</i>	-	-
New pool Tanks	\$0.3m	\$0.3m
New Plant	\$1.0m	\$1.0m
Demolition	\$0.1m	\$0.1m
Refurbished Plant Room	\$0.3m	\$0.3m
New Learn to Swim Pool	\$0.25m	\$0.25m
ESTIMATED TOTAL PROJECT COSTS	\$3.7m	\$3.45m

Justification for Project

Grant Criteria	Rating
<ul style="list-style-type: none"> A minimum Commonwealth contribution of \$2 million. 	Complied. The grant application for \$3.45 million will be part of the overall project.
<ul style="list-style-type: none"> Larger projects and projects which include partnership funding will be given preference. 	Complied. The redevelopment project is considered reasonably large. The opportunity for partnership funding from the State Government is currently being explored with the Department for Sport and Recreation (DSR). If this project is approved by the Council, the matter will be further progressed.
<ul style="list-style-type: none"> Projects will be allocated funding on a nationally competitive basis. 	Noted. There are approximately 577 local governments in Australia who will be competing for the \$50 million.
<ul style="list-style-type: none"> Projects will be assessed on a tight timetable. 	Projects reasonably advanced-concept plans advertised for community consultation. Concept Design being refined by Working Group.
<ul style="list-style-type: none"> Eligible projects must be additional and "ready-to-proceed". 	This project is considerably well advanced and, if successful, the new pools could be commenced as early as May/June 2009.
<ul style="list-style-type: none"> The project must be ready to commence construction within six months of signing the Federal Agreement. 	Project commencement date is achievable.

Project Assessment

This project is considered to be extremely desirable as it will have considerable benefits to the Town and its ratepayers and residents, by upgrading of infrastructure and improvement of the Swimming Facility. Beatty Park Leisure Centre also is considered a regional facility and users/patrons come from throughout the metropolitan area.

Preliminary discussions with the DSR reveal that they are most supportive of the project, the request for State Government funding will need to be the subject of a separate application. It is recommended that this be the Council's first preference.

2. LITIS STADIUM REDEVELOPMENT AND HEADQUARTERS/OFFICE ACCOMMODATION FOR FOOTBALL WEST (2ND PREFERENCE)

Football West recently approached the Town seeking the Town's support to establish a headquarters/office accommodation on a part of Litis Stadium or the adjoining Britannia Reserve. (Refer Appendix 14.2C for site plan.)

Football West are currently located on Gibney Reserve, Maylands and the existing office accommodation is a Pavilion previously occupied by the former Junior Soccer Association of Western Australia. The building is too small and inadequate for their existing requirements.

Concept:

Football West require a new building of approximately 1,000m² which includes;

- Office space
- Reception
- Meeting Rooms
- Store Rooms
- Training Room

Football West have met with Floreat Athena Soccer Club who have provided the Town with a letter advising that they support "in principle" Football West relocating to Litis Stadium and the comprehensive upgrade of the existing facilities.

Football West propose to enter into a formal legal agreement with Floreat Athena Soccer Club, which will involve use of the Stadium facilities for Soccer events, training, coaching sessions and the like.

Cost Estimate	
New Building (1,000m ²) (@ \$2,000/m ²)	\$2,000,000
Upgrade of new Change Room Facilities and/or new Change Rooms	\$750,000
Upgrade of Spectator Facilities, including seating	\$250,000
Upgrade of Playing Pitch	\$250,000
Upgrade of Lighting	\$250,000
Indicative Total	\$3,500,000

Grant Criteria	Rating
<ul style="list-style-type: none"> A minimum Commonwealth contribution of \$2 million. 	<p>Complied. The grant application will be for \$3.5 million.</p>
<ul style="list-style-type: none"> Larger projects and projects which include partnership funding will be given preference. 	<p>Complied. The redevelopment project is considered reasonably large. The opportunity for partnership funding from the State Government is currently being explored with the Department for Sport and Recreation (DSR).</p>
<ul style="list-style-type: none"> Projects will be allocated funding on a nationally competitive basis. 	<p>Noted. There are approximately 577 local governments in Australia who will be competing for the \$50 million.</p>
<ul style="list-style-type: none"> Projects will be assessed on a tight timetable. 	<p>Project is in its early stage and only two preliminary discussions have been held with Football West. No discussions have been held with Floreat Athena Soccer Club, at this stage - as the request from Football West to investigate the project was only recently received.</p>
<ul style="list-style-type: none"> Eligible projects must be additional and "ready-to-proceed". 	<p>This project is in at an early stage and not ready to proceed. To prepare concept designs and indicative costings will cost approximately \$30,000 for architect and consultant fees. There are no Town funds allocated for this project and information obtained by the Chief Executive Officer reveals that the Concept Plans cannot be completed in time for submission to the Federal Government by 23 December 2008.</p>
<ul style="list-style-type: none"> The project must be ready to commence construction within six months of signing the Federal Agreement. 	<p>Project commencement could be achieved within six months, however there will need to be further discussions with all parties.</p>

Project Assessment

This project is considered to be most desirable as it will have considerable benefits to Football West, Floreat Athena Soccer Club and the Town - primarily by upgrading of infrastructure, which is owned by the Town. Preliminary discussions with the DSR reveal that there is a "high probability" to obtain State Government funding. It is recommended that this project be the Town's second preference.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

The funds are required to be used in accordance with the guidelines.

STRATEGIC IMPLICATIONS:

Objective 1.1.5 *Enhance and maintain parks and community facilities;*
1.1.6 *Enhance and maintain the Town's infrastructure to provide a safe, healthy, sustainable and functional environment; and*
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:

The report relates to potential funding for infrastructure projects at the Town from the Federal Government. The Town's budget will need to be amended to reflect the grants monies which will be received.

COMMENTS:

The Federal Government funding will enable the Council to commence a major project, which will generate employment, stimulate the economy and also benefit the community. However, the Chief Executive Officer is cognisant that the competition for the \$50 million will be extremely high. Notwithstanding, the Council should approve of the Officer Recommendation and authorise the Chief Executive Officer to process and submit a grant application for the Council approved project.

PROCEDURAL MOTION

At 10.08pm **Moved Cr Ker, Seconded Cr Youngman**

That an "open meeting" be resumed.

PROCEDURAL MOTION PUT AND CARRIED (8-0)

(Cr Doran-Wu was an apology for the remainder of the meeting for personal reasons.)

15. CLOSURE

The Presiding Member, Mayor Nick Catania, declared the meeting closed at 10.08pm with the following persons present:

Mayor Nick Catania, JP	Presiding Member
Cr Anka Burns	South Ward
Cr Steed Farrell (<i>Deputy Mayor</i>)	North Ward
Cr Ian Ker	South Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Izzi Messina	South Ward
Cr Noel Youngman	North Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Development Services
Rick Lotznicker	Director Technical Services
Mike Rootsey	Director Corporate Services
Anita Radici	Executive Assistant (Minutes Secretary)

No Members of the Public or journalists present.

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 2 December 2008.

Signed:Presiding Member
Mayor Nick Catania

Dated this day of 2008