



TOWN OF VINCENT

"Enhancing and celebrating our diverse community"

MINUTES

23 JUNE 2009

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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 23 June 2009, commencing at 6.00pm.

1. DECLARATION OF OPENING

The Presiding Member, Deputy Mayor Steed Farrell, declared the meeting open at 6.02pm.

2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE

(a) Apologies:

- Mayor Nick Catania – apology due to work commitments (attending National General Assembly in Canberra).
- Cr Noel Youngman – apology due to being unwell.
- John Giorgi, Chief Executive Officer – apology due to work commitments (attending National General Assembly in Canberra).
- Rob Boardman, Director Development Services – apology due to personal commitments (annual leave).
- Rick Lotznicker, Director Technical Services – apology due to personal commitments (annual leave).

(b) Present:

Cr Steed Farrell (Deputy Mayor)	Presiding Member, North Ward
Cr Anka Burns	South Ward (from 6.11pm)
Cr Helen Doran-Wu	North Ward
Cr Ian Ker	South Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Izzi Messina	South Ward
Mike Rootsey	A/Chief Executive Officer Director Corporate Services
Jim Maclean	A/Director Development Services
Craig Wilson	A/Director Technical Services
Helen Smith	A/Manager Planning Building & Heritage Services
Anita Radici	Executive Assistant (Minutes Secretary)
Phynea Papal	Journalist – “ <i>The Guardian Express</i> ” (until approximately 6.54pm)

Approximately 13 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. Angelo Tangredi of 392 Fitzgerald Street, North Perth. Stated that he applied for a permit soon after he opened last year and the cheque was cashed however a week later a Ranger went out to sight it and said it was fine however two weeks later he came back out and said that his superior said it was not fine and that everything was to be removed off the footpath otherwise there was a \$1,000 fine and impounding the goods as well as having to build a platform to put everything out on the footpath. Advised that he does not have a problem following rules and regulations however not one other store in the area has done so and they still have stock out on the footpaths which he has taken photographs of. Advised that particularly where he is there is a 3m width and he cannot see what the problem is or how his stationery stock is anymore dangerous than the tables and chairs from the café next to him. Wanted to address Council as he does not want to live in fear that he is going to get a \$1,000 fine and would like a permit approved which he is happy to pay for as he did previously. Stated that on 6 November he received a Notice to remove the stock and he is still awaiting on something further from the Town as to why. Stated on 13 November he received a letter stating that it is a public store out on the footpath and safety etc. however no other stores have platforms to put their stock on. Submitted photographs.

The Presiding Member, Deputy Mayor, Cr Farrell advised that these questions would be taken on notice for the A/Director Development Services.

2. Marie Slyth of 89 Carr Street, West Perth – Petition 5.1. Stated she received a letter regarding their submission. Believed everyone in the street that signed the petition are very considered and anxious and she would not like to see them all move if the streetscape is not ultimately declared. Stated that Cr Messina at one stage said to her that there is a mixture in most streets now however there are many people in the Town that still love old style historic character streetscapes and they worked very hard in the Vision 2024 to keep that.
3. Vincent Gerich of 62 Paddington Street, North Perth – Item 9.1.9. Stated the proposal is immediately to the rear of his house (which faces north) and garden. Stated the proposal is to be approximately 8m high and in places only 1m from his rear fence. Believes the building setback requirements are 1.8m. Stated his house has only a short rear block 9.2m from the same fence hence, at the lowest point of the Winter Solstice (which was only a day or two ago), the shade comes within 2m of his house from the proposed residence and covers about 90% of his garden depriving them of the winter, autumn and spring sun they enjoy for a large part of year. Believes it will also make it very difficult to maintain a lawn and garden which they currently have and enjoy. Objected to the development as it affects his family's lifestyle as much of their family living is at the rear of their house and on the back verandah enjoying the winter sunshine, which now up to 90% of will be covered in shade and understands this is within the rules. Stated instead of having a pleasant outlook of trees, they will be looking at a brick wall and roof of about 8m tall and according to the plans, the roof is to be colourbond which, depending on its colour, can be very glary and unpleasant on the eyes. Stated that his privacy will be affected by the balcony. Believes his property will be devalued because of the loss of privacy and outlook. Stated if the development goes ahead, he would like to see the rules regarding setbacks adhered to and the roof to at least not be colourbond. Stated he finds it unfortunate that 2-storey houses are allowed to be built on 278m² blocks so close to other existing residences.

Cr Burns entered the Chamber at 6.11pm.

4. Morris Scampoli of 43 Clieveden Street, North Perth for over 22 years and has lived in North Perth all his life – Item 9.1.9. Objected in principle to the proposal as he is a strongly believer in maintaining the character of the area however, understands that it is well within the Council’s Guidelines. Advised that he received a letter from Council in April specifically referring to the non-compliance requirements of the development which allowed for his comments. His main concerns are with the non-compliance of the building setbacks as required with the R-Codes for both the ground and upper floors. Advised his response to Council was that he would prefer the building setbacks to be in accordance with the R-Codes as quoted by Council in the letter so as to ensure that privacy is as best as possibly enhanced. Noted that the Officer has not supported his concerns in the Agenda which he was surprised at, as the Officer stated that this is “*not considered to have an undue impact on the adjoining property and amenity of the street*”. Objected to this as he and his family will now have to live with the 2-storey dwelling adjoining their backyard and that view for the rest of their days at Clieveden Street. Believes the development does have an impact on his property and would appreciate the Council to at least ensure that the specific building setback requirements (as outlined in the original letter and R-Codes) are met. Urged Council to reconsider the proposal.

5. Brett Kazmer of 121 Shakespeare Street, Mt Hawthorn – Item 9.1.6. Stated that he previously submitted plans for a garage at the rear of his property with an entrance from Ellesmere Street, as have another 4 properties in their immediate vicinity. Stated upon Town Planning advice they were told they would have to set it back approx. 2m from Ellesmere Street, the secondary road and also 1m in from the laneway which would severely impact on their backyard and liveable space which, as a young family, did not suit their requirements. Advised that they were going to push to get this to Council however, they were advised by Town Planners that they could utilise the carport in the front which could be supported and approved under delegated authority. Advised that after much revision of the plans, which has taken about 1 year, it was much to his surprise that he has had to come forward to Council for approval and is now concerned that it will not get through. Believes there are not any issues with the other alterations. Stated that they have gone through several edits of the plans and taken advice from the Town Planners and Engineers and believes they met their requirements. Urged Council to support this matter as they have tried to consider the streetscape appeal. Stated none of the neighbours have objected to either set of plans.

There being no further speakers, public question time was closed at approx. 6.16pm.

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. APPLICATIONS FOR LEAVE OF ABSENCE

- 4.1 Cr Steed Farrell requested leave of absence from 13 to 17 July 2009 (inclusive), due to personal commitments.

Moved Cr Lake, Seconded Cr Doran-Wu

That Cr Steed Farrell’s request for leave of absence, due to personal commitments, be approved.

CARRIED (7-0)

(Mayor Catania and Cr Youngman were apologies for the meeting.)

- 4.2 Cr Helen Doran-Wu requested leave of absence from 10 to 23 July 2009 (inclusive), due to personal commitments.

Moved Cr Ker, Seconded Cr Messina

That Cr Helen Doran-Wu's request for leave of absence, due to personal commitments, be approved.

CARRIED (7-0)

(Mayor Catania and Cr Youngman were apologies for the meeting.)

5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND PRESENTATIONS

The A/Chief Executive Officer read out a summary of the following petitions:

- 5.1 Petition organised by Mr B. Vance of Carr Street, West Perth and submitted by Ms M. Slyth of Carr Street, West Perth, along with 19 signatures from residents of Carr Street, stating that they do not object to their street(s) being included on the recognised Streetscapes List as proposed in Amendment No. 43 to the Town of Vincent Planning and Building Policies - Further Draft Policy - Residential Streetscapes.

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

Moved Cr Ker, Seconded Cr Messina

That the Petitions be received and referred to the A/Director Development Services for investigation and report.

CARRIED (7-0)

(Mayor Catania and Cr Youngman were apologies for the meeting.)

The A/Chief Executive Officer advised that Cr Messina had declared a financial interest in Petition 5.2. The extent of his interest being that the subject petition is in relation to his place of employment.

Cr Messina departed the Chamber at 6.18pm.

- 5.2 Petition received from Ms A. Hughes and Mr J. Heim of Alma Road, North Perth along with 39 signatures objecting to the use of "Gelati Factory" at 1/400 Fitzgerald Street, North Perth being changed from "shop" to "light industry" (food manufacturing) and refrigerated storage addition to existing commercial building – application for retrospective approval.

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

Moved Cr Ker, Seconded Cr Doran-Wu

That the Petitions be received and referred to the A/Director Development Services for investigation and report.

CARRIED (6-0)

(Mayor Catania and Cr Youngman were apologies for the meeting. Cr Messina was absent from the Chamber and did not vote.)

Cr Messina returned to the Chamber at 6.20pm.

- 5.3 Further petition received from Mrs G. Georgiu of Mardella Street, Coolbinia, along with 37 signatures, opposing the installation of a total medium strip at the intersection of Adair Parade, Menora/Walcott Street and Hunter Street, North Perth.

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

Moved Cr Ker, Seconded Cr Maier

That the Petitions be received and referred to the A/Director Technical Services for investigation and report.

CARRIED (7-0)

(Mayor Catania and Cr Youngman were apologies for the meeting.)

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Minutes of the Ordinary Meeting of Council held on 9 June 2009.

Moved Cr Burns, Seconded Cr Ker

That the Minutes of the Ordinary Meeting of Council held 9 June 2009 be confirmed as a true and correct record.

CARRIED (7-0)

(Mayor Catania and Cr Youngman were apologies for the meeting.)

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

7.1 Special Meeting of Council

Please be advised that a Special Meeting of Council will be held on Wednesday 1 July 2009, commencing at 6.00pm, to consider and adopt the Town of Vincent Budget 2009/2010.

8. DECLARATIONS OF INTERESTS

- 8.1 Cr Burns declared a Financial interest in Item 9.3.1 – Investment Report. The extent of her interest being that she is a shareholder and her father is a director in the North Perth Community Bank in which the Town has investment shares.
- 8.2 Cr Messina declared a Financial interest in Item 9.3.1 – Investment Report. The extent of his interest being that he is a director and shareholder of the North Perth Community Bank in which the Town has shares.
- 8.3 Cr Messina declared a Financial interest in Petition 5.1. The extent of his interest being that the subject petition is in relation to his place of employment.

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

Nil.

10. REPORTS

The Presiding Member, Deputy Mayor Steed Farrell, requested that the A/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 9.1.9 and 9.1.6.

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 9.1.1 and 9.3.4.

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

Item 9.3.1.

Presiding Member, Deputy Mayor Steed Farrell, 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 Messina	Items 9.1.2 and 9.2.3.
Cr Ker	Nil.
Cr Doran-Wu	Nil.
Cr Lake	Item 9.1.3.
Cr Burns	Nil.
Cr Maier	Items 9.1.10, 9.2.6 and 9.2.8.
Cr Farrell	Nil.

The Presiding Member, Deputy Mayor Steed Farrell, requested that the A/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, 9.1.5, 9.1.7, 9.1.8, 9.1.11, 9.1.12, 9.2.1, 9.2.2, 9.2.4, 9.2.5, 9.2.7, 9.2.9, 9.2.10, 9.2.11, 9.3.2, 9.3.3, 9.4.1 and 9.4.2.

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

Items 14.1 and 14.2.

The A/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, 9.1.5, 9.1.7, 9.1.8, 9.1.11, 9.1.12, 9.2.1, 9.2.2, 9.2.4, 9.2.5, 9.2.7, 9.2.9, 9.2.10, 9.2.11, 9.3.2, 9.3.3, 9.4.1 and 9.4.2.

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

Items 9.1.9 and 9.1.6.

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

Moved Cr Ker, Seconded Cr Messina

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

Items 9.1.4, 9.1.5, 9.1.7, 9.1.8, 9.1.11, 9.1.12, 9.2.1, 9.2.2, 9.2.4, 9.2.5, 9.2.7, 9.2.9, 9.2.10, 9.2.11, 9.3.2, 9.3.3, 9.4.1 and 9.4.2.

CARRIED (7-0)

(Mayor Catania and Cr Youngman were apologies for the meeting.)

9.1.4 Nos. 188-194 (Lot: 27 D/P: 96829), Stirling Street, corner Edward Street, Perth- Proposed Subdivision

Ward:	South	Date:	12 June 2009
Precinct:	Beaufort; P13	File Ref:	139430 7.2009.11.1; PRO4220
Attachments:	001		
Reporting Officer(s):	R Narroo		
Checked/Endorsed by:	H Smith, J MacLean	Amended by:	-

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, it RECOMMENDS APPROVAL of the application submitted by MGA Town Planners on behalf of the owner Scope Property Group Pty Ltd for proposed Subdivision, at Nos.188-194 (Lot: 27 D/P: 96829) Stirling Street corner Edward Street, Perth, and as shown on plans stamp-dated 17 February 2009, subject to the following conditions:

- (i) all buildings and effluent disposal systems, having the necessary clearance from the new boundaries as required under the relevant legislation;*
- (ii) support of the subdivision is not construed as support for the demolition of the existing building and/or any development on the proposed lots;*
- (iii) if any portion of the existing building is to be demolished to facilitate the proposed subdivision, Planning Approval and/or Demolition Licence is to be obtained from the Town for the demolition of the existing building prior to the clearance of the Diagram or Plan of Survey by the Town;*
- (iv) all buildings and structures that have been granted Planning Approval and/or Demolition Licence for demolition being demolished and materials removed from the site and the site made good. A separate Planning Approval and/or Demolition Licence is required from the Town prior to the commencement of any demolition works;*
- (v) a Restrictive Covenant pursuant to Section 129BA of the Transfer of Land Act 1893 (as amended) is to be registered on the Certificate of Title of the proposed Lot comprising 2776 square metres pursuant to which the Owner, for itself and its successors in title to the Land covenants with the Town that no new development shall occur on the proposed Lot comprising 2776 square metres if that proposed development would cause the overall site development potential for lots (Lot comprising 2776 square metres and Lot comprising 1181 square metres), taken together as if they were one lot, to exceed the overall site development capacity under the Town Planning Scheme No 1 and the Town's associated policies.*

The Restrictive Covenant lodged pursuant to this condition will provide that if the Town is satisfied (acting reasonably) that the level of development on Lot comprising 1181 square metres, taken independently of Lot comprising 2776 square metres, no longer exceeds the level of development permitted under the relevant Town Planning Scheme and associated policies and therefore is no longer

dependent on excess development potential from Lot comprising 2776 square metres, the Town will grant its written approval to the discharge of the Restrictive Covenant on receipt of a written request from a registered proprietor of land affected by the Restrictive Covenant to do so, subject to payment of the Town's costs and expenses associated with the removal of the Restrictive Covenant;

- (vi) *the existing right of carriageway easement is to be modified to reflect the proposed new two lots;*
- (vii) *the land being filled and/or drained at the subdivider's cost to the satisfaction of the Town and any easements and/or reserves necessary for the implementation thereof, being provided free of cost. The maximum permitted amount of fill and height of associated retaining walls is 500 millimetres above the existing pre-subdivision ground level, and any greater amount of fill or higher retaining wall requires a separate Planning Approval to be applied to and obtained from the Town of Vincent;*
- (viii) *the street verge trees on Stirling Street and Edward Street, being retained and measures being taken to ensure their identification and protection to the satisfaction of the Town prior to commencement of site works; and*
- (ix) *the existing building must have sufficient building setback Fire Separation to Building Codes of Australia (BCA) requirements to the newly created boundary (New Fire Source Feature). External opening to be fire protected to BCA C3.2 and C3.4.*

COUNCIL DECISION ITEM 9.1.4

Moved Cr Ker, Seconded Cr Messina

That the recommendation be adopted.

CARRIED "EN BLOC" (7-0)

(Mayor Catania and Cr Youngman were apologies for the meeting.)

Landowner:	Scope Property Group Pty Ltd
Applicant:	MGA Town Planners
Zoning:	Metropolitan Region Scheme: (MRS) Town Planning Scheme No. 1 (TPS 1): Residential/Commercial (R80)
Existing Land Use:	Office under construction
Use Class:	Office
Use Classification:	"AA"
Lot Area:	3957 square metres (proposed two new lots comprising 2776 square metres and 1181 square metres)
Access to Right of Way	East side, 6 metres wide, sealed, right of carriageway easement

BACKGROUND:

9 March 1998

The Council at its Ordinary Meeting resolved to conditionally approve demolition of the existing building and construction of a two (2) storey shop/office/warehouse.

- 11 November 1998 The Western Australian Planning Commission issued a conditional subdivision approval.
- 22 April 2008 The Council at its Ordinary Meeting resolved to conditionally approve additional four-storey mixed use development comprising sixteen (16) multiple dwellings, twelve (12) offices and basement car parking to existing shop/office/warehouse.
- 21 October 2008 The Council at its Ordinary Meeting resolved to conditionally approve a four-storey mixed use development comprising (16) multiple dwellings, four (4) offices and basement car parking, to existing and approved shop/office/warehouse.

DETAILS:

The proposal involves the subdivision of the subject site.

The applicant's submission is "*Laid on the Table*". The applicant provided the following justification for the subdivision.

"A mixed use development has been approved for this land comprising the existing commercial building fronting Stirling Street and an office/residential building at the Stirling Street/Edward Street corner. Units within each building are to be created on strata and since there are two buildings, it makes sense that there should be two strata schemes.

As it is not possible to have two strata schemes on the one freehold lot, a subdivision of the land into two sites is required. It is recognised that easements for access etc will be required and instruments put in place to ensure the overall development remains in compliance with Council's Scheme standards."

Council approved two buildings as stages 1 and 2 on the subject site, Lot 27. The first stage consisted of a two storey office building located on the proposed Lot comprising 2776 square metres. The second stage consists of a mixed use development (office and multiple dwellings) on proposed Lot comprising 1181 square metres. The office building for Stage 1 (Lot comprising 2776 square metres) is under construction. However, Stage 2 (mixed use development) construction has not yet started.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Minimum site area	125 square metres for a multiple dwelling-R 80	Area of lot at the corner between Edward Street and Stirling Street = 1181 square metres Area of Lot along Stirling Street = 2776 square metres	No variation- Noted.
Plot Ratio	N/A	N/A	Noted.
Consultation Submissions			
There was no consultation as Town's Community Consultation Policy No. 4.1.5 does not require such application to be advertised.			

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

COMMENTS:

The main issue is the proposed subdivision of the existing Lot 27. As proposed by the proponent, the approved mixed-use building for the Lot comprising 1181 square metres would not comply with the Town's Planning Scheme requirements with respect to plot ratio and density. For the Lot comprising 2776 square metres however, after construction of the approved office development, this lot would still have the potential to be developed further. In terms of parking, the proposed subdivision will not create any loss of parking for any of the approved developments on the proposed new lots, as parking for each building is self-contained on each of the proposed lots. It is noted that physically, the appearance of the buildings will not change; however, the mixed-use development on the smaller lot would not comply with the plot ratio and density requirements as a result of the subdivision.

Given the owners of the subject site's predicament with respect to restrictions on strata schemes, and for the Town to ensure the subdivision will not compromise the Town's Town Planning Scheme requirements; legal advice on the proposal was sought. The advice received, indicated that a restrictive covenant could be placed on the proposed two new lots which would control the development potential of both lots during the 'life' of the Town's current Town Planning requirements, but also, without impacting on any future development potential of the two sites.

The implication of the legal advice is to require that no new development would be supported on the proposed Lot comprising 2776 square metres if that proposed development would result in the overall site development potential for lots (Lot comprising 2776 square metres and Lot comprising 1181 square metres) taken together as if they were one lot, to exceed the overall development potential under the Town' Planning Scheme No. 1 and the Town's associated policies. However, if in the future, the Scheme requirements change, where the level of development on Lot comprising 1181 square metres, taken independently of Lot comprising 2776 square metres, no longer exceeds the level of development permitted under the relevant Town Planning Scheme and associated Policies, then Lot comprising 1181 square metres could be developed further.

In light of the above, the subdivision is supported subject to conditions including the legal agreement to address restricting the development potential of the proposed lots.

9.1.5 No. 99 (Lot 1 STR: 48216) Brisbane Street, corner Lindsay Street, Perth - Proposed Change of Use from Eating House and Ancillary Art Gallery to Single House (Application for Retrospective Approval) and Proposed Alterations and Additions (Including proposed External Colour Scheme)

Ward:	South	Date:	15 June 2009
Precinct:	Beaufort; P13	File Ref:	PRO3324 5.2009.153.1
Attachments:	001 ; 002		
Reporting Officer(s):	S Kendall, H Au		
Checked/Endorsed by:	H Smith, J MacLean	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by owner V Karabuva for proposed Change of Use from Eating House and Ancillary Art Gallery to Single House (Application for Retrospective Approval) and Proposed Alterations and Additions (Including proposed External Colour Scheme), at No. 99 (Lot 1 STR: 48216) Brisbane Street, corner Lindsay Street, Perth, and as shown on plans stamp-dated 30 April 2009, subject to the following conditions:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) any new street/front wall, fence and gate between the Brisbane Street boundary and Lindsay Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency;*
 - (e) the solid portion adjacent to the Lindsay Street boundary from the above truncation(s) can increase to a maximum height of 1.8 metres, provided that the fence and gate have at least two (2) significant appropriate design features to reduce the visual impact. Examples of design features may include significant open structures, recesses and/or planters facing the street at regular intervals, and varying materials; and the incorporation of varying materials, finishes and/or colours are considered to be one (1) design feature. Details of these design features shall be submitted to and approved by the Town prior to the issue of a Building Licence;*

- (iii) *within 28 days of this issue of this approval 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:*

"The Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the development. 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 within 14 days of being endorsed by the Town;

- (iv) *within 28 days of the issue date of the 'Approval to Commence Development', a Building Licence shall be submitted to and approved by the Town of Vincent demonstrating:*

- (a) *the removal and blocking up of one of the two doors, which enable access from the ground floor to the carport, and the construction of an opening between the stairs and the broom cupboard stair;*
- (b) *the removal of the small aluminium sliding window on the ground floor Lindsay Street facade and its replacement with fibro sheeting. The fibro sheeting shall be flush with the existing fibro sheeting;*
- (c) *fibro sheeting being applied to the ground floor window fronting Brisbane Street beneath the horizontal dividing mullion. The windows above the horizontal mullion shall be retained and be visually permeable;*
- (d) *the fibro sheeting, in the location of the former windows to both Lindsay and Brisbane Streets shall be painted out in the proposed lighter grey colour to demarcate the former location of the windows;*
- (e) *the two original timber framed sash windows positioned along the eastern ground level façade of the place shall be retained in-situ; and*
- (f) *the external hot water heaters along the southern elevation either shall be relocated to ensure they are not visible from the street(s), or the external hot water heaters shall be encased in a manner that enables adequate ventilation. The encasement structure shall be painted out to match the colour of the balance of the southern wall.*

All such works are required to ensure compliance with this condition and the painting works shall be undertaken within 28 days of the issue of the Building Licence for the works. The Building Licence plans shall not result in any greater variation to the requirements of the Town's Policies;

- (v) *the pergola shall remain unroofed and be open framed at all times; and*
- (vi) *within twenty eight (28) days of the issue date of this 'Approval to Commence Development', a Building Approval Certificate Application, structural details certified by a Practising Structural Engineer, including plans and specifications of the subject unauthorised works, shall be submitted to and approved by the Town of Vincent Building Services as required under section 374 AA of the Local Government (Miscellaneous Provisions) Act 1960, and regulation 11 A of the Building Regulations 1989.*

COUNCIL DECISION ITEM 9.1.5

Moved Cr Ker, Seconded Cr Messina

That the recommendation be adopted.

CARRIED "EN BLOC" (7-0)

(Mayor Catania and Cr Youngman were apologies for the meeting.)

Landowner:	V Karabuva
Applicant:	V Karabuva
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential/Commercial R80
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	125 square metres
Access to Right of Way	N/A

BACKGROUND:

- 22 August 2006 The Council conditionally approved an application for proposed Change of Use from Single House to Eating House and Ancillary Art Gallery and Additional Multiple Dwelling at the subject place.
- 14 March 2007 The Town issued a Building Licence for the above works.
- 27 February 2009 The Town received an email requesting advice as to whether the owner of the subject land had complied with the above planning approval and Building Licence.
- 17 March 2009 The Town's Officers undertook a site inspection which revealed that the subject development had not been constructed in accordance with the approved plans. The works were considered to be unauthorised and the applicant was advised to either comply with the approved plans and associated conditions, or apply for and obtain a retrospective Planning and Building Approval from the Town within twenty eight (28) days.
- 1 May 2009 The owners of the subject place submitted an application for retrospective approval for the works.

DETAILS:

The proposal involves the proposed Change of Use from Eating House and Ancillary Art Gallery to Single House (Application for Retrospective Approval) and Proposed Alterations and Additions. The proposed alterations and additions include the installation of a pergola on the first floor, the painting of the whole building and the removal of a small portion of an existing internal wall.

As outlined in the background section of this report, the Town's Officers inspected the subject premises on 17 March 2009 where it was revealed the subject development had not been constructed in accordance with the approved plans. The main areas of non-compliance include:

1. The applicant has advised that the property is used solely for residential purposes. This differs from the planning approval, which proposes an eating house and ancillary art gallery on the ground floor;
2. As a result of the above change in land use, the internal layout has been modified from the approved plans to accommodate the residential purpose; and
3. Modifications to the ground floor heritage listed front façade have been undertaken, which were not nominated on the plans.

In support of the application the owner has prepared a written submission, which is partially summarised below and "Laid on the Table":

- *"Due to a change in personal and financial circumstances it became evident that I would not be able to complete the alterations to the ground floor of the building as per the approved plans, nor proceed with opening the eating house and gallery.*
- *The panel of glass to Lindsay Street was replaced with fibro cement and render only after the glass was repeatedly smashed during the night by vandals and drunken people. I cannot afford to repeatedly continue to replace this very large panel of heavy duty glass, which is very expensive, nor can I continue living with the threat of it being smashed again...*
- *I am willing to work with the Council to find ways to achieve this (an active and interactive relationship with the street) without compromising the right to privacy of myself and family... One option I would be willing to explore would be having art displayed in the windows or enlarged photographs of Brisbane Street displayed to highlight the Town's Heritage."*

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Pursuant to Clause 38(5) of TPS 1 Comments
Density	R60 - 180 square metres	125 square metres	Supported - the lot and built form is existing and as a single house will have a lesser impact on the amenity of the area than a shop and multiple dwelling that can be considered under this zoning.
Plot Ratio	N/A	N/A	No Variation.
Open Space	45 per cent	20 per cent	Supported - due to site constraints as a result of the retention of existing built form, there is no opportunity to provide additional open space. The utilisation of the roof space provides an active habitable space for use by the occupants.

Privacy Front balcony	7.5 metre setback or screening	Nil setback to western boundary.	Supported - there is a lesser need to prevent overlooking to areas which are visible from the street.
Dining Room	7.5 metre setback or screening	1.6 metres to western boundary.	Supported - as above.
Pergola			
Minor Nature Development Policy No. 3.5.1	Single storey pergolas do not need planning approval.	Pergola proposed on first floor.	Supported - as the light weight open-framed structure is considered to break up the bulk and massing of the upper floor.
Car parking	2 bays	1 bay	Supported - due to site constraints as a result of the retention of existing built form, there is no opportunity to provide an additional car bay. Furthermore, the proposal is less intensive than the proposal approved by the Council at its Ordinary Meeting held on 22 August 2006, where an eating house and ancillary art gallery and multiple dwelling were proposed.

Consultation Submissions

Support	Nil	Noted.
Objection (3)	<p>The proposal is not in keeping with the heritage values of the place and adjacent properties.</p> <p>The blocked out windows on the ground floor fronting Brisbane Street and the fibro cladding fronting Lindsay Street have a negative impact on the streetscape.</p>	<p>Supported in part – the various unauthorised works are not considered to be in keeping with the heritage values of the place. No comment is being presented on the second storey addition itself as this was approved prior to the place being included on the Town's Municipal Heritage Inventory.</p> <p>Supported - the unauthorised alterations to the existing ground floor windows are not considered to be in keeping with the heritage values of the place. Refer to 'Heritage Services' comments below.</p>

	<p>The materials used for the second storey do not minimise the impact of the new addition and it is an eyesore.</p> <p>The works lowers the values of the nearby properties.</p> <p>The ground floor wall of bedroom 4 is not in line with the centre mullion.</p> <p>Concern that the upper floor is being rented out as a separate tenancy.</p>	<p>Not supported - the second storey addition was approved prior to the place being included on the Town's Municipal Heritage Inventory and relates to a previous approval. The applicant however, is proposing to paint the entire building as part of this application in order to reduce its visual impact.</p> <p>Not supported- as per the Town's Policy No. 4.1.5 relating to Community Consultation, comments received which are based on civil or non-planning matters, such as property values will not be considered.</p> <p>Noted - this stud work is able to be removed and will enable the reinstatement of the original floor plan in the future.</p> <p>Noted - no evidence has been gathered to substantiate this. However, if the owner acts outside this approval and creates an additional separate dwelling on site, the Town will be able to pursue legal action against the owner. It is noted that the applicant has proposed to create an opening along the wall between the two doors accessed from the carport, which separates the ground and upper floors to ensure these are not considered separate tenancies. Furthermore a requirement of the Officer Recommendation is for one of the two doors, which are accessed from the carport, to be removed to further instill this requirement.</p>
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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.

Heritage

As outlined in the background to this report, the second story addition had been approved prior to the place being listed on the Town's Municipal Heritage Inventory. Therefore, the Heritage Officers have not provided comment on the appropriateness of the additions that have been built. Rather, the Heritage Officers are limited to reviewing the "unauthorised" works and the proposed colour scheme and proposed patio.

A Heritage Impact Statement has been undertaken to assess the impact of the proposed development on the cultural heritage value of the subject building. The Statement is attached to this agenda report and is partially summarised below:

- The alterations to the glass windows flanking the main entrance along Lindsay Street and Brisbane Street are considered to be unsympathetic to the building's architectural presentation. Particularly, the different treatments of the windows for privacy and security reasons reduce the integrity and aesthetic presentation of the building.

Whilst it would be the Heritage Officers preferred option to require visually permeable windows to be reinstated to the Lindsay and Brisbane Street facades, it is noted that such a requirement may not provide the most adequate means of privacy and security for the sole residential land use.

It is considered important that the two windows be treated in the same manner to ensure a sense of symmetry and simplicity is maintained. Therefore, the following design solution has been agreed upon between the owner and Town's Heritage Officers to enable privacy and security for the residents, whilst ensuring the aesthetic heritage value is not compromised whilst the place is being utilised for solely residential purposes:

- The removal of the new small sliding window along Lindsay Street;
 - The installation of fibro sheeting to the Brisbane Street frontage below the horizontal mullion, retaining the windows above this mullion; and
 - Painting out of the fibro sheeting in the lighter grey to demarcate the former location of the windows. The fibro sheeting will be able to be removed in the future and windows reinstated should the property be utilised for commercial purposes in the future.
- The applicant undertook paint scrapes to inform the proposed colour scheme for the building, which revealed the original building, had a lime wash and then it was painted several times with a wide selection of other colour schemes including aqua, white and salmon.

The applicant is proposing an alternative palette of colours, which do not reflect the original lime-wash. The applicant is proposing a grey palette with red detail to the windows and parapet. The dark colour is proposed to minimise the visibility of any graffiti which is a problem in the area. Whilst it is considered good conservation practice to match original paint schemes, it is considered the proposed decorative paint scheme reflects the development of the site and character of previous owners who have opted for vibrant and unique colour schemes.

- The applicant proposes a pergola, on the upper floor addressing Brisbane Street, with a height of 2.4 metres. The pergola appears to be visible from both Brisbane and Lindsay Streets; however, it is set back from the original front parapet walls, and is considered to break up the bulk and massing of the upper floor. The proposed pergola, which will be easily removable and reversible, is supported in this instance.

In light of the above, the Town's Heritage and Planning Officers have no objection to the above proposal subject to conditions to address the above matters.

9.1.7 No. 61 (Lot: 103 D/P: 692) Walcott Street, Mount Lawley - Proposed Change of Use from Offices to Medical Consulting Rooms

Ward:	South	Date:	15 June 2009
Precinct:	Forrest; P14	File Ref:	PRO2497; 5.2009.133.1
Attachments:	001		
Reporting Officer(s):	A Reynolds		
Checked/Endorsed by:	H Smith, J MacLean	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by L Buckley for proposed Change of Use from Offices to Medical Consulting Rooms, at No. 61 (Lot: 103 D/P: 692) Walcott Street, Mount Lawley, and as shown on plans stamp-dated 20 April 2009, subject to the following conditions:

- (i) this approval is for Medical Consulting Room use only. Any change of use from Medical Consulting Room shall require Planning Approval to be applied for and obtained from the Town prior to the commencement of such use;*
- (ii) the hours of operation of the Medical Consulting Room shall be limited to the following times: 8.00am to 7:00pm Monday to Friday and 8:00am to 12:00pm on Saturday, and closed on Sundays and Public Holidays. The Town is prepared to consider extended hours provided a new application is submitted to and approved by the Town;*
- (iii) 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;*
- (iv) within 28 days of the date of this approval, one class 3 bicycle parking facility shall be provided at a location convenient to the entrances and within the approved development. Details of the design and layout of the bicycle parking facility shall be submitted and approved prior to installation of such facilities;*
- (v) 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;*
- (vi) any new street/front wall, fence and gate within the Walcott Street setback area including along the side boundaries within this street setback area, shall comply with the 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; and*
 - (g) *the solid portion adjacent to the Walcott Street boundary from the above truncation(s) can increase to a maximum height of 1.8 metres above adjacent footpath level provided that the wall or fence has at least two (2) significant appropriate design features (as determined by the Town of Vincent) to reduce the visual impact – for example, significant open structures, recesses and/or planters facing the street at regular intervals, and varying materials; and the incorporation of varying materials, finishes and/or colours are considered to be one (1) design feature. Details of these design features shall be submitted to and approved by the Town prior to the issue of a Building Licence; and*
- (vii) *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).*

COUNCIL DECISION ITEM 9.1.7

Moved Cr Ker, Seconded Cr Messina

That the recommendation be adopted.

CARRIED "EN BLOC" (7-0)

(Mayor Catania and Cr Youngman were apologies for the meeting.)

Landowner:	L Buckley
Applicant:	L Buckley
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R60
Existing Land Use:	Offices
Use Class:	Consulting Rooms
Use Classification:	"SA"
Lot Area:	582 square metres
Access to Right of Way	South side, 3 metres wide, sealed, Town owned

BACKGROUND:

16 December 2003 The Council at its Ordinary Meeting approved an application for change of use from single house to office building and associated alterations and additions.

DETAILS:

The proposal involves change of use from offices to medical consulting rooms.

The applicant has prepared a submission in support of the application, which is partially summarised below and is "*Laid on the Table*".

The proposed change of use will not amount in any external structural changes and will include the internal conversion of the existing offices to consulting room, reception, administration office, procedure room and examination room. The existing parking situation would not require an increase in the number of onsite bays as the five parking bays including one disabled parking bay currently complies with the requirements of the Town of Vincent Parking and Access Policy 3.7.1. It is proposed that a single medical plastic surgeon specialist will use the subject property for consulting purposes on a sessional basis with the support of 3 additional staff members. It is expected that an average of 20 patients would be seen between normal business hours of operation. Current medical consulting rooms within close proximity to the subject property include 54 Walcott Street and 8 Walcott Street, Mount Lawley. The subject lot is within 50 metres of the Beaufort-Walcott Street intersection and is adjacent to commercial and mixed use zonings under the City of Stirling jurisdiction.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	Noted.
Consulting Room Policy:	Applications for Consulting Rooms in a Residential zone where the lot is within 200 metres of a Local Centre or District Centre zone is not favourable. A minimum of 80 per cent of the total building area is to be dedicated for a residential use.	The subject lot is within 26 metres of a District Centre zone. The use of the building is for the sole purpose of a consulting room.	Supported – see “Comments”. Supported – see “Comments”.
Town of Vincent Economic Development Strategy:	No requirement to add new commercial precincts or nodes as all Vincent’s residents live within 1 kilometre of a commercial centre.	Commercial use in a residential zone.	Supported – see “Comments”.
Non-Residential/Residential Development Interface Policy:	Non-residential developments shall be restricted to District and Local Centre zones.	Commercial use in a residential zone.	Supported – see “Comments”.

Car Parking		
Car parking requirement (nearest whole number) - Consulting Rooms – 3 bays per 1 Consulting Room – requires 3 bays		= 3 car bays
Apply the adjustment factors. ▪ 0.85 (within 400 metres of a bus stop) ▪ 0.85 (within 400 metres of a public car parking place with in excess of 75 car parking spaces)		(0.7225) = 2.17 car bays
Minus the car parking provided on-site		5 car bays
Minus the most recently approved on-site car parking shortfall.		Nil
Resultant surplus		2.83 car bays
Bicycle Parking		
Consulting Room – 1 practitioner Class 2 – 1 space per 8 practitioners = 1.25 space Class 3 – 1 space per 4 practitioners = 0.25 space = 1 x Class 3 space required		
Consultation Submissions		
Support	Nil	Noted.
Objection (1)	Object to all variations associated with the proposal.	Not supported- refer to “Comments”.
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:

Heritage

The subject place at No. 61 Walcott Street, Mount Lawley was constructed circa 1929 in the Interwar Bungalow style of architecture. The place, together with Nos. 49, 51, 53 & 55 as a coherent group of houses, is listed on the Town's Municipal Heritage Inventory (MHI) as a Management Category B – Conservation Recommended.

The subject place was granted conditional approval for the change of use from single house to office building and associated alterations and additions on 2 December 2003.

The Development Application involves change of use from offices to consulting rooms (medical). The proposal has been assessed in accordance with the Town's Heritage Management – Development Guidelines Policy No. 3.6.1 P1, which states “*Development is to comply with the statement of significance and zones of significance outlined in Heritage Assessment, Heritage Impact Statement and/or Place Record Form.*”

The proposal involves the change of use of the existing rooms to consulting room, reception, administration office, procedure room and examination room, with no interior or exterior structural changes. As there are no proposed alterations to the original fabric, it is considered that the proposed change of use will have no adverse impacts on the cultural heritage significance of the place and thus is supported on heritage grounds.

Medical Consulting Room

Although the Town's Consulting Rooms Policy 3.5.22 looks unfavourably upon the location of consulting rooms within residential areas within close proximity to District Centre zones the subject application is considered to be compatible with the use of the surrounding area. The subject property currently functions as a non-residential use and approval will therefore, have a minimal impact on the surrounding residential properties. The external appearance of the building is consistent with the character of the surrounding residential area and this application does not result in any further alterations and additions.

The property is currently operating solely as offices and does not include a residential component. As per the requirements of the Town's Consulting Rooms Policy No. 3.5.22 the subject property would be required to further incorporate a minimum residential component of 80 percent which would restrict the proposed development considerably. The current onsite car parking bays are located at the rear of the property and do not detract from the amenity of the streetscape; no additional car parking is proposed as the current provision is compliant with the Town's Parking and Access Policy 3.7.

Conclusion

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.

9.1.8 No. 335 (Lots 10 and 11 D/P: 2554) Oxford Street, Leederville - Proposed Addition to Existing Single House to Create One Single-Storey and One Two-Storey Multiple Dwelling

Ward:	North	Date:	15 June 2009
Precinct:	Leederville; P03	File Ref:	PRO0050 5.2009.106.1
Attachments:	001		
Reporting Officer(s):	S Kendall		
Checked/Endorsed by:	H Smith, J MacLean	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by J Spaseski on behalf of the owners V & J Spaseski for proposed Addition to Existing Single House to create One Single-Storey and One Two-Storey Multiple Dwelling, at No. 335 (Lots 10 and 11 D/P: 2554) Oxford Street, Leederville, and as shown on existing floor plan stamp-dated 15 May 2009 and, proposed site, ground and first floor plan and elevations stamp-dated 8 June 2009, 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) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating that the proposed two driveways being no closer than 0.5 metre to the northern and southern side boundaries respectively. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (iii) prior to the issue of a Building Licence, the subject land shall be amalgamated into one lot on Certificate of Title; OR alternatively, prior to the issue of a Building Licence the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to amalgamate the subject land into one lot within 6 months of the issue of the subject Building Licence. All costs associated with this condition shall be borne by the applicant/owner(s);*
- (vi) prior to the issue of a Building Licence, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property of the following:*
 - (a) the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities; and*

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

(v) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, traffic and heavy vehicle access, dust and any other appropriate matters, shall be submitted to and approved by the Town;*

(vi) *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;*

(vii) *first obtaining the consent of owners of No. 333 Oxford Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the retaining walls/boundary (parapet) walls facing No. 333 Oxford Street in a good and clean condition;*

(viii) *any new walls, fence and gate, including screens, entry statements and rock walls, between the Oxford 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) *maximum height of piers with decorative capping being 2.0 metres above the adjacent footpath level;*

(c) *the piers having a maximum width of 355 millimetres and a maximum diameter of 500 millimetres;*

(d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and a minimum of fifty percent visually permeable above 1.2 metres;*

(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;*

(ix) *prior to the issue of the Building Licence, the owners of No. 333 (Lot 9) and No. 335 (Lots 10 and 11) Oxford Street, Leederville shall register a grant of easement with the Town as a party to provide a shared pedestrian access/service corridor with a minimum width of 1.5 metres on No. 333 and No. 335 Oxford Street, Leederville. The grant of easement shall be registered on the Certificate(s) of Title of both the subject land and No. 333 Oxford Street and shall be created on site prior to the first occupation of the rear proposed multiple dwelling.*

The legal documentation shall be prepared by the Town's solicitors or other solicitors agreed upon by the Town and are to the satisfaction of the Town. All costs associated with this condition shall be borne by the applicant/owner(s);

- (x) *an interpretative plaque or another appropriate form of interpretation medium that recognises the former use and history of the site, and is visible to the public along the Oxford Street frontage shall be installed prior to the occupation of the development. The design and wording on the plaque or the interpretative medium shall be submitted to and approved by the Town prior to the issue of a Building Licence;*
- (xi) *no development shall occur within 0.5 metre of the western property boundary as a 0.5 metre wide Right of Way widening is a requirement of the Town; and*
- (xii) *a detailed landscaping plan, including a list of plants, the landscaping and reticulation of the Oxford Street verge adjacent to the subject property and the landscaping strip along the northern side of the proposed driveway, 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. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s).*

COUNCIL DECISION ITEM 9.1.8

Moved Cr Ker, Seconded Cr Messina

That the recommendation be adopted.

CARRIED “EN BLOC” (7-0)

(Mayor Catania and Cr Youngman were apologies for the meeting.)

Landowner:	V & J Spaseski
Applicant:	J Spaseski
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R60
Existing Land Use:	Single House
Use Class:	Multiple Dwelling
Use Classification:	"P"
Lot Area:	Lot 10= 564 square metres Lot 11= 124 square metres Total Area = 688 square metres
Access to Right of Way	Western side, 5 metres wide, sealed, Town owned

BACKGROUND:

14 September 2004 The Council at its Ordinary Meeting resolved to conditionally approve the partial demolition of and alterations and additions to existing office and incidental showroom, and additional four (4) three multiple dwellings and associated undercroft car parking, at No. 335 (Lot(s) 10 and Y 11) Oxford Street, Leederville.

11 October 2005 The Council at its Ordinary Meeting resolved to conditionally approve change of use and partial demolition of and alterations and additions to existing office and incidental showroom to create two (2) two-storey multiple dwellings and construction of additional four (4) three-storey multiple dwellings and associated undercroft car parking at No. 335 (Lots 10 and Y 11) Oxford Street, Leederville.

- 13 March 2007 The Council at its Ordinary Meeting resolved to conditionally approve demolition of existing single house, and construction of a mixed use development comprising one (1) grouped dwelling, two (2) single bedroom and eight (8) multiple bedroom multiple dwellings, office building and associated basement car parking and associated facilities at No. 333 and No. 335 Oxford Street, Leederville.
- 8 April 2008 The Council at its Ordinary Meeting resolved to conditionally approve demolition of existing single house and construction of two-three storey mixed use development comprising one (1) office, two (2) two storey multiple dwellings, two (2) single bedroom multiple dwellings and associated basement car parking at No. 333 Oxford Street, Leederville.
- 10 October 2008 The Town under Delegated Authority recommended conditional approval of the amalgamation of Lot 10 and Lot 11 to the Western Australian Planning Commission.
- 18 November 2008 The Council at its Ordinary Meeting resolved to conditionally approve an application for partial demolition of and alterations and additions to existing single house to create four (4) multiple dwellings, one (1) grouped dwelling and associated basement car parking.
- 6 February 2009 The Western Australian Planning Commission conditionally approved an application for amalgamation of Lot 10 and Lot 11.

DETAILS:

The proposal involves the addition of a multiple dwelling to the rear of the former Soldier's Memorial Hall, which has been converted into a residence. The existing dwelling and the proposed dwelling have been assessed as multiple dwellings as the proposed dwelling is located directly above the car parking area of the existing residence.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	4 multiple dwellings at R60	2 multiple dwellings	Noted - no variation.
Plot Ratio	0.7 or 481 square metres	0.82 or 567metres	Supported- the proposal conserves the former Soldier's Memorial Hall, which has value in the evolution of history in the locality, as it had connections with the Mount Hawthorn Returned Servicemen's League (RSL) and functioned as a meeting

			place. A condition requiring interpretation of this Hall has been imposed. In addition, plot ratio variations have been approved by the Council on 14 September 2004 (Plot Ratio= 0.73) and 11 October 2005 (Plot Ratio = 1.18).
Open Space	50 per cent	40.5 per cent	Supported-as previously determined at OMC on 11 October 2005, a variation of 39 per cent was acceptable.
Building Setbacks for Proposed Dwelling: Entry to right of way.	2 metres	1.8 metres	Supported- variation will not have any undue impact as wall will face right of way and a Town of Vincent Parks and Recreation Reserve. Moreover, the existing building on No. 337 Oxford Street has an almost nil setback with the right of way and the development approved for No. 333 Oxford Street was approved with a 0.5 metre setback to the right of way; therefore, the variation will not unduly impact on the right of way, streetscape or adjoining neighbours.
First floor to Right of way	Balcony - 2.5 metres Building walls - 1 metre behind each portion of the ground floor setback	0.5 metres A portion of the living room 0.8 metres in front of garage.	Support - as above and as the western façade has provided articulation through different building materials and a skillion roof form to provide interest to the right of way streetscape.
First floor to southern boundary	2.4 metres	Nil.	Supported- a three storey development with portions of three storey -nil setback was approved on the adjoining southern property, which partially

First floor to northern boundary	5.7 metres	5.4 - 6 metres	<p>corresponds with the subject wall. Therefore, no undue visual impact on the adjoining property. No objection was received from the affected neighbours.</p> <p>Support - the variation is considered minor and not considered to have any undue impact on adjoining affected property and amenity of the right of way.</p>
Solar Access	50 per cent = 282.5 square metres	59 per cent = 333.5 square metres	<p>Supported- as a proposed development of three storeys was approved by the Council on the adjoining lot at No. 333 Oxford Street. Therefore, if the development goes ahead, the overshadowing will not have an undue impact. Moreover, given the adjoining southern site is a narrow east-west oriented site and is as low as the subject site, and the southern site slopes steeply; in such a case, even a relatively low building may cast overshadowing over a greater proportion of a site. No objection was received from the adjoining southern neighbour.</p>
Building on boundary	<p>Maximum height 3.5 metres</p> <p>Average height 3 metres</p>	<p>6.916 metres</p> <p>5.65 metres</p>	<p>Supported- a three storey development with nil setback was approved on the adjoining southern property. Therefore, no undue visual impact on the southern adjoining property.</p>
Building Height	7 metres	<p>8.2 metres at centre of site</p> <p>7.7 metre maximum at right of way</p>	<p>Supported - the existing building on-site is a significant structure. The proposed new building is marginally lower. Accordingly, the height variation is considered acceptable in the context of the height, scale and nature of surrounding buildings.</p>

Pedestrian Access/ Service Corridor	Minimum width of 1.5 metres	0.9 metre	Supported- refer to "Comments" below.
Articulation	No portion of wall greater than 9 metres without horizontal or vertical articulation.	- Southern wall 10.95 metres - Northern wall 12.36 metres	Supported - this wall is on the boundary and it is not considered appropriate to require articulation on boundary walls. Supported - the applicant has provided articulation in the form of different material finishes such as custom mini orb and different renders to reduce the impact of the elevation. This, coupled with the significant 6 metre setback, is considered sufficient in this instance.
Driveways	No closer to 0.5 metres to a side boundary.	Within 0.5 metres to each boundary.	Not supported - conditioned to comply as there is scope to incorporate this 0.5 metre setback along the northern boundary.
Communal Open Space	16 square metres	Nil	Supported - the R Codes require each multiple dwellings to be provided with a balcony area of 10 square metres, and one communal open space area of 16 square metres, and not individual outdoor living areas for each dwelling. Each multiple dwelling has been provided with a balcony area, or equivalent outdoor area, in excess of 10 square metres directly accessible from a habitable room, which is considered adequate to meet the future needs of the residents in dwellings of this size.

Privacy			
Outdoor living area to:			
Northern boundary	7.5 metres	6 metres	Supported - there is a lesser need to prevent overlooking to areas which are visible from the street.
Western boundary	7.5 metres	0.5 metres	Supported - as above.
Living area to western boundary	6 metres	0.5 metres	Supported - as above.
Consultation Submissions			
Support (5)	No comment provided.		Noted.
Objection (1)	<ul style="list-style-type: none"> - The concessions will increase building bulk. - Privacy concerns. - Concerned about building height. 		<p>Not supported - the proposed development has generous northern side setbacks, articulation to reduce the building bulk.</p> <p>Not supported - the proposal almost fully complies with the R Code privacy requirements and the only variations are those spaces which are visible from the street.</p> <p>Not support - refer to "Officer Comment" in above Assessment Table.</p>
Other Implications			
Legal/Policy	TPS 1 and associated Policies, and Residential Design Codes (R Codes).		
Strategic Implications	Nil		
Sustainability Implications	Nil		
Financial/Budget Implications	Nil		

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

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

Technical Services

The proposed service corridor/pedestrian access way on the southern side of the existing building provides sole pedestrian and service access to the rear multiple dwelling (no services will be provided via a right of way, with the exception of sewerage which is already in existence). It also provides access for the attendance of emergency services.

Although right of way (ROW) access is available to the rear unit, this is from an unnamed ROW, with the entire rear boundary of the site given over to secure garaging. Therefore, the ROW does not provide satisfactory access in an emergency situation. Emergency Service providers have asked that access corridors be of a minimum width of 1.5 metres wherever possible. Service corridors must provide sufficient room for the installation and ongoing maintenance of water, power, gas and telecommunications services.

The applicant has submitted an endorsed plan (clearly demarcating the extent of the proposed easement) from the owner of the adjoining property of No. 333 Oxford Street stating they have no objection to the easement as shown on the plan. Therefore, as the applicant has not provided a compliant pedestrian access way, which is contained fully within the site, the requirement for the 1.5 metres pedestrian access way/service corridor being legally secured prior to the issue of a Building Licence has been imposed as a condition of the Planning Approval.

Conclusion

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

9.1.11 Department for Planning and Infrastructure (DPI) - Discussion Paper- Review of the Town Planning Regulations 1967 and the Model Scheme Text (MST)

Ward:	Both	Date:	12 June 2009
Precinct:	All	File Ref:	ORG0016
Attachments:	001		
Reporting Officer(s):	T Woodhouse		
Checked/Endorsed by:	H Smith, J MacLean	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the Discussion paper "Review of the Town Planning Regulations 1967 and the Model Scheme Text" prepared by the Department for Planning and Infrastructure; and*
- (ii) *AUTHORISES the Chief Executive Officer to notify the Department for Planning and Infrastructure and the Western Australian Local Government Association that the Town of Vincent SUPPORTS IN PRINCIPLE the intent and content of the Review of the Town Planning Regulations 1967 and the Model Scheme Text Discussion Paper, as shown in Appendix 9.1.11, subject to the recommendations detailed within this report.*

COUNCIL DECISION ITEM 9.1.11

Moved Cr Ker, Seconded Cr Messina

That the recommendation be adopted.

CARRIED "EN BLOC" (7-0)

(Mayor Catania and Cr Youngman were apologies for the meeting.)

PURPOSE OF REPORT:

The purpose of this report is to inform the Council of the Department for Planning and Infrastructure (DPI) *Review of the Town Planning Regulations and the Model Scheme Text* currently out for discussion, and to provide a summary of the discussion paper to the Council.

BACKGROUND:

The Town received an invitation dated 25 May 2009 from the DPI to formally comment on the *Review of the Town Planning Regulations and the Model Scheme Text Discussion Paper*.

The Town also received an invitation dated 26 May 2009 from the Western Australian Local Government Association (WALGA) seeking comments from Local Government Authorities on the above Discussion Paper, to enable the WALGA to provide the DPI with a joint response from all Local Government Authorities.

DETAILS:

The DPI has prepared the Discussion Paper on the Town Planning Regulations 1967 and the Model Scheme Text, to seek the views of local governments on the operation and effectiveness of the Regulations and associated Model Scheme Text. The review aims to find ways to improve the application of the Town Planning Regulations 1967 and Model Scheme Text, to streamline the planning approval process and to provide greater consistency in planning requirements across the State.

The Town Planning Regulations 1967 govern the preparation and amendment of local planning schemes and related instruments. The Model Scheme Text (MST) is a template document used by local governments to guide preparation of their local planning schemes.

The MST is Appendix B in the Regulations, and so the review of the two planning tools is occurring simultaneously.

The Discussion Paper has been prepared to outline the review of the MST, undertaken by the DPI in 2002 and the internal review which has commenced. The paper has been prepared to provide a basis for further discussion and to invite comment from users of the planning system on the proposed changes to the MST and Regulations.

The review of the Regulations focuses on two issues:

- Scheme making and amendment: Better explaining (and improving) the scheme making and scheme amendment process; and
- Scheme content: Providing a legislative framework to allow for consistency of local planning schemes throughout the State, whilst at the same time maintaining the opportunity for local-specific response to particular local needs.

Officer Comments

The Town's Officers have reviewed the recommendations detailed in the Discussion Paper, in light of experience in the present review of the Town's Town Planning Scheme No. 1 and the various Scheme Amendments that have been initiated by the Town. In sum, the Officers support the proposed new framework to be taken to split the Town Planning Regulations into two separate sets of Regulations based on "Scheme Making and Amendment" and "Scheme Content." Recommendations and observations are detailed under the two subheadings below:

Scheme Making and Amendment - Local Planning Scheme Regulations

- The current Regulations are difficult to read and understand. An improved format is supported particularly with regard to the process in preparing and adopting Local Planning Schemes;
- Opportunity exists to streamline the process for Scheme Amendments and provide greater detail in the steps required by Local Government Authorities with regards to this;
- Consider a reduction in the consultation period for Scheme Amendments;
- Include a diagram or flow chart demonstrating the process for preparing and adopting a Local Planning Scheme as an Appendix to the Town Planning Regulations or within the proposed section dedicated to 'Local Planning Scheme Regulations';

- Include a diagram or flow chart demonstrating the process for preparing and adopting a Scheme Amendment as an Appendix to the Town Planning Regulations or within the proposed section dedicated to 'Local Planning Scheme Regulations;
- Create a standard set of State published practice notes to guide the process relating to Scheme Amendments and the preparation of Local Planning Schemes, to be readily available to Local Government Authorities, similar to those published in Victoria; and
- Create a standard set of State published practice notes to guide the process relating to preparation of Local Planning Strategies, to be readily available to Local Government Authorities, similar to those published in Victoria.

Scheme Content - General Scheme Provision Regulations

- If provisions which do not relate specifically to local planning issues are removed from Local Planning Schemes as proposed, the information does need to be read together so it is important that they are readily cross-referenced to provide context to the local provisions. Examples from Victoria and South Australia show Local Planning Schemes standard information and local content separated, however contained within the one document;
- Support the recommendation to maintain the MST as a standard template for the preparation of local planning schemes;
- Support the transfer of the administrative/operative content of the MST to the proposed section of the Regulations dedicated to General Scheme Provisions, to ensure that the MST can be readily applied by Local Government Authorities in the preparation of the proposed localised elements of Local Planning Schemes;
- Support the restructuring of the information relating to Heritage in Part 7 of the existing MST, particularly the recommendation that 'Heritage Areas' are dealt with as Special Control Areas; and
- Support in part, the proposed amendment to the current Part 7 of the existing MST to provide a right of review to the State Administrative Tribunal for local heritage listing. However further detail on how this will operate in practice will need to be considered. For instance, generally the grounds for objecting to a heritage listing are not related to the identified cultural heritage of the place, rather based on emotive, perceived impacts on property value, which cannot be determined on heritage/planning grounds. Heritage listing relates to identified heritage value in accordance with standard provisions and criteria. Disputes relating to perceived impacts on property value cannot be managed or determined by the content or intent of Local Planning Schemes or associated Policies. Further to this, the operation and preparation of Heritage Lists vary greatly across Local Government Authorities.

CONSULTATION/ADVERTISING:

The DPI is currently seeking comment from local government authorities on the Discussion Paper. The submission period closes on Monday 29 June 2009.

LEGAL/POLICY:

Town Planning and Development Act 2005; Town Planning Regulations 1967 and associated Model Scheme Text; Town of Vincent Town Planning Scheme No. 1; and Local Planning Policies adopted pursuant to clause 47 of the Town Planning Scheme No. 1.

STRATEGIC IMPLICATIONS:

Plan for the Future - Strategic Plan 2009-2014: 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:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

In light of the above, it is requested that the Council receive the report and support the Officer Recommendation to advise the Department for Planning and Infrastructure and the Western Australian Local Government Association of the Town's response to the *Discussion Paper - Review of the Town Planning Regulations and the Model Scheme Text*.

9.1.12 Department for Planning and Infrastructure (DPI) - Discussion Paper- Review of the Planning and Development (Local Government Planning Fees) Regulations 2000

Ward:	Both	Date:	12 June 2009
Precinct:	All	File Ref:	ORG0016
Attachments:	001_002		
Reporting Officer(s):	R Rasiah, T Woodhouse		
Checked/Endorsed by:	H Smith, J MacLean	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report relating to the Discussion Paper “Review of the Planning and Development (Local Government Planning Fees) Regulations 2000” prepared by the Department for Planning and Infrastructure, as shown in Appendix 9.1.12; and*
- (ii) *AUTHORISES the Chief Executive Officer to forward the comments as per Appendix 9.1.12 to the Department for Planning and Infrastructure (DPI) for their consideration.*

COUNCIL DECISION ITEM 9.1.12

Moved Cr Ker, Seconded Cr Messina

That the recommendation be adopted.

CARRIED “EN BLOC” (7-0)

(Mayor Catania and Cr Youngman were apologies for the meeting.)

PURPOSE OF REPORT:

The purpose of this report is to inform the Council of the Department for Planning and Infrastructure’s (DPI’s) discussion paper relating to “*Review of the Planning and Development (Local Government Planning Fees) Regulations 2000*” currently out for discussion.

BACKGROUND:

The Town Planning and Development (Local Planning Fees) Regulations first came into effect in 2000. They were later redrafted as the Planning and Development (Local Government Planning Fees) Regulations 2000.

DETAILS:

The DPI has prepared a discussion paper on the “*Planning and Development (Local Government Planning Fees) Regulations 2000*”, to seek the views of local government authorities on the operation and effectiveness of the Regulations. The review aims to find ways to improve the system of planning related fees, as outlined in the DPI’s cover letter dated 29 May 2009;

“The paper forms part of the work of the Commercial Enterprise & Urban Development (CEUD) Working Group commissioned as part of the Systemic Sustainability Study (SSS). The Working Group is considering a number of key directions for reform, one of which is the review of the Regulations. The discussion paper was approved for distribution by the CEUD Working Group however the Department will be considering the submissions received.

The Regulations provide for, and set a maximum fee for planning related services provided by local governments such as the determination of development applications, the provision of subdivision clearances and determination of applications for home occupation, scheme amendments and structure plans amongst other application types.”

The Regulations determine the planning services provided by local government authorities for which fees could be charged. While the fee prescribed is a maximum fee, local government authorities can choose to impose a fee that is less than the maximum for that service.

The discussion paper poses a number of questions relating to the different sections of the regulations and local government authorities are encouraged to address the questions. The Town's Officers have reviewed the questions, and their responses can be viewed in Appendix 9.1.12.

CONSULTATION/ADVERTISING:

The DPI is currently seeking comment from local government authorities on the Discussion Paper. The submission period closes on Friday 10 July 2009.

LEGAL/POLICY:

Town of Vincent Planning, Building and Heritage Services Fees and Charges 2008/2009.

STRATEGIC IMPLICATIONS:

Nil.

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Town of Vincent Planning, Building and Heritage Services Fees and Charges 2008/2009.

COMMENTS:

The review of the *“Planning and Development (Local Government Planning Fees) Regulations 2000”* is a complex and broad ranging task. For the purpose of preparing a submission from the Town, the Town's Officers have provided detailed responses to the questions raised within the Discussion Paper. The answers provided are on the basis of the Town's own experience in applying the Planning and Development (Local Government Planning Fees) Regulations 2000. It is noted, that it is not considered in the scope of the submission by the Town, to provide comments on alternative options for fee provisions.

In light of the above, it is recommended that the Council supports the Officer Recommendation and forwards the Town's responses to the Department for Planning and Infrastructure for consideration.

9.2.1 Proposed modification of operation times for 15 minute parking bays – Oxford Street, Leederville

Ward:	South	Date:	15 June 2009
Precinct:	Oxford centre (P4)	File Ref:	PKG0015
Attachments:	001		
Reporting Officer(s):	T Blankenburg		
Checked/Endorsed by:	A Munyard, C. Wilson	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the modification of the operating times of the two (2) fifteen (15) minute parking bays in front of 173-179 Oxford Street;*
- (ii) *APPROVES the modification of operating hours of the Fifteen (15) Minute parking bays to be in operation between 8am to 8pm Monday to Sunday, as illustrated on Plan 2658-PP-1;*
- (iii) *PLACES a moratorium on issuing infringement notices for a period of two (2) weeks from the installation of the new parking restriction signs; and*
- (iv) *informs the applicant of the Council's decision.*

COUNCIL DECISION ITEM 9.2.1

Moved Cr Ker, Seconded Cr Messina

That the recommendation be adopted.

CARRIED “EN BLOC” (7-0)

(Mayor Catania and Cr Youngman were apologies for the meeting.)

PURPOSE OF REPORT:

The purpose of this report is to inform the Council of a request by the manager of “Rutherford News” for the Town consider changing the operating hours of the two (2) fifteen minute parking bays in Oxford Street, adjacent their business premises.

BACKGROUND:

The Town received correspondence from the manager of “Rutherford News” on 2 February 2009 requesting the Town consider changing the operating hours of the fifteen (15) minute bays, currently in operation 8am to 5:30pm Monday to Friday and Saturday 8am to 12 noon, to a time more in line with business hours, allowing customers the option of short term parking to facilitate quick purchases. New operating hours of 8am to 8pm Monday to Sunday are being proposed.

DETAILS:

The Manager of the “Rutherford News” sent a letter to the Town requesting the Town investigate the possibility of changing the operating hours of the two (2) fifteen (15) minute bays in front of his premises to be more analogous with the operating times of his shop.

“Directly outside my business are two 15 minute parking bays in operation between 8:30am to 17:30 Monday to Friday and 8:30am to 12noon Saturday. My business is in operation 7 (seven) days a week, from 9am to 8pm. On Saturdays and Sundays when no restrictions are in force, vehicles are very often parked there for over 24 hours. Several of my customers have complained that they are often unable to come into my shop for this reason”

The Town’s officers' recommendation of new operating hours, 8am to 8pm Monday to Sunday, are based partly on the trading hours of “Rutherford News” and partly on the existing parking requirements for the area. The 8pm end time of the restriction will free up the two (2) parking bays at a convenient time for people visiting the entertainment district in Leederville.

CONSULTATION/ADVERTISING:

Consultation letters were delivered to seven (7) businesses adjacent to the parking bays in question. Only one response was received, from the Manager of “Rutherford News”. In light of the lack of negative response from those surveyed, it is inferred that the proposed change will have negligible impact.

LEGAL/POLICY:

There is no legal consequence of the recommendation.

STRATEGIC IMPLICATIONS:

In accordance with the objective of the Plan for the Future - Strategic Plan 2009-2014 - Key Result Area One (1) – 1.1.6 Enhance and maintain the Town’s infrastructure to provide a safe, healthy and functional environment. *“(a) Review, implement and promote the Car Parking Strategy.*

FINANCIAL/BUDGET IMPLICATIONS:

Implementing the new restrictions will require the manufacture of two (2) new signs and replacing the two (2) existing signs, this will cost approximately \$80.00.

COMMENTS:

The proposed change in operation hours will provide an amenity for people to visit nearby businesses and make quick purchases as well as ensuring the turnover of vehicles in the area.

9.2.2 2009 Pride Parade - Temporary Closure of Brisbane Street between Beaufort and William Streets and William Street between Bulwer and Newcastle Streets, Perth

Ward:	South	Date:	17 June 2009
Precinct:	Forrest P14; Beaufort P13 & Hyde Park P12	File Ref:	TES0027 & CMS0040
Attachments:	001		
Reporting Officer(s):	T. Lumbis		
Checked/Endorsed by:	C. Wilson	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) **APPROVES;**
 - (a) *the closure of Brisbane Street, between Beaufort and William Streets, and William Street, between Bulwer and Brisbane Streets, between 6.00pm and 9.30pm, and William Street, between Brisbane and Newcastle Streets from 7.30pm to 9.30pm on Saturday, 31 October 2009, to facilitate the 2009 Pride Parade;*
 - (b) *a Main Roads WA accredited Traffic Management contractor to carry out the required road closures within the Town at the locations shown on attached Plan No. A4-00-063B;*
 - (c) *funding the proposed road closures from the 2009/2010 Parades and Festivals budget allocation, to a maximum of \$4,500, conditional upon the applicant acknowledging the Town of Vincent as a sponsor in all publicity for the parade; and*
 - (d) *a temporary "No Parking" restriction in the same area from 2.00 pm on Saturday, 31 October 2009; and*
- (ii) **REQUESTS that the applicant:**
 - (a) *contacts the Public Events section of the WA Police and completes an application for an Order for a Road Closure in accordance with the Road Traffic Act 1974;*
 - (b) *liaises with the City of Perth regarding the placement of a notice of road closure in "The West Australian" and reimburses the City of Perth for the cost of the advertisement; and*
 - (c) *letter drops all affected residents and businesses along the parade route at least one (1) week prior to the event, advising of the road closures and parking restrictions and providing the event coordinators and the Town's after hours contact details.*

COUNCIL DECISION ITEM 9.2.2

Moved Cr Ker, Seconded Cr Messina

That the recommendation be adopted.

CARRIED "EN BLOC" (7-0)

(Mayor Catania and Cr Youngman were apologies for the meeting.)

PURPOSE OF REPORT:

The purpose of this report is to seek Council's approval to close Brisbane and William Streets, Perth, and sections of the surrounding road network, between the hours of 6.00pm and 9.30pm on Saturday, 31 October 2009, to facilitate the 2009 Pride Parade.

BACKGROUND:

Pride WA has successfully held their annual Pride Parade through the streets of Northbridge for the past 19 years. Last year the parade drew a crowd in excess of 60,000 people, making it one of the largest public events in metropolitan Perth.

To safely accommodate both the participants and spectators alike, a series of coordinated road closures are inserted in Brisbane, William and surrounding streets progressively from 6.00pm to 7.45pm* and withdrawn from about 9.30pm, once the procession has passed into the City of Perth's area south of Newcastle Street.

Note*: Newcastle Street is the last road closure inserted at 7.45pm, 15 minutes prior to the start of the parade.

Since 2000 the Town has engaged the services of a Main Roads WA accredited Traffic Management Contractor to ensure that the road closures are undertaken in accordance with the Australian Standards and Main Roads WA *Traffic Management of Events Code of Practice*.

The City of Perth is responsible for all road closures south of, and including, Newcastle Street.

DETAILS:

As in 2008, the area to be temporarily closed to facilitate the 2009 parade is bounded by Lake, Bulwer, Beaufort and Newcastle Streets and includes some 17 intersections and 27 full and part road closures as shown on attached Plan No. A4-00-063B.

If the road closures were to be undertaken by the Town's staff, it would be necessary to allocate significant staff resources and either acquire or hire a substantial number of new traffic signs and barricades to implement the closures in accordance with the Australian Standards, and Main Roads WA *Traffic Management of Events Code of Practice*. The direct cost to the Town would far exceed that of the cost of engaging a Traffic Management Contractor.

The Town's Rangers are responsible for setting up and enforcing the temporary *No Parking* restrictions.

In acknowledgement of the Town's continuing support for the parade, Pride WA will again confer *Gold Partnership* status on the Town which includes:

- Half page advertisement in the Pride Festival Guide (circulation 10,000+).
- Banner advertisement on the Pride WA website.
- The Town's logo on the Pride WA street banners(s).
- The Town's logo on Pride Festival posters, flyers and newspaper advertisements.

CONSULTATION/ADVERTISING:

As per clause (v) part (b) of the Officer Recommendation, Pride will be requested to liaise with the City of Perth to ensure that the proposed road closures are advertised in accordance with the requirements of the Road Traffic Act 1974. Further, Pride WA has provided an undertaking to letter drop all the affected residents and businesses along the parade route in accordance with clause (v) part (c).

LEGAL/POLICY

The Town is responsible to ensure that all road closures undertaken within its boundaries are in accordance with the relevant Australian Standards and Main Roads WA *Traffic Management of Events Code of Practice* and therefore a suitably qualified and Main Roads WA accredited Traffic Management Contractor will be engaged.

STRATEGIC IMPLICATIONS:

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

SUSTAINABILITY IMPLICATIONS:

N/A.

FINANCIAL/BUDGET IMPLICATIONS:

While an accredited Traffic Management contractor is yet to be engaged, it is expected that the supply and installation of all signage and traffic control devices for the 27 road closures, provision of sufficient staff (accredited traffic controllers) for a period of eight hours (including mobilisation and demobilisation, set up and dismantling), will cost in the order of \$4,200.

COMMENTS:

Traffic Management for large public events has over the past decade become a specialised field. An accredited Traffic Management contractor is more cost effective and better able to provide the level of service required to comply with relevant Australian and Main Roads WA standards than tying up Council resources. Hence most government agencies (including Main Roads WA) and Local Government Authorities, no longer undertake large-scale road closures and traffic management. The Traffic Management Contractor will be required to provide a comprehensive traffic management plan, all signage and barricades and traffic control personnel.

It is therefore recommended that the Council approve the temporary closure of streets as outlined in the main body of the report to accommodate the 2009 Pride Parade on 31 October 2009.

9.2.4 Traffic Management Matter 'Pennant Street, North Perth' - Local Area Traffic Management Advisory Group Considerations

Ward:	North	Date:	17 June 2009
Precinct:	Smith's Lake P6	File Ref:	TES0275
Attachments:	001		
Reporting Officer(s):	C Wilson		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on Traffic Management Matter 'Pennant Street, North Perth' considered by the Local Area Traffic Management Advisory Group;*
- (ii) *APPROVES IN PRINCIPLE the concept plan for the proposed trial of a pedestrian refuge/splitter island at the intersection of Pennant Street and Scarborough Beach Road as a road safety and traffic calming improvement as outlined on attached Plan No. 2657-CP-01, at an estimated cost of \$1,000;*
- (iii) *CONSULTS with residents of Pennant Street for a period of twenty-one (21) days; and*
- (iv) *NOTES that a further report on the matter will be submitted to the Council at the conclusion of the consultation period.*

COUNCIL DECISION ITEM 9.2.4

Moved Cr Ker, Seconded Cr Messina

That the recommendation be adopted.

CARRIED "EN BLOC" (7-0)

(Mayor Catania and Cr Youngman were apologies for the meeting.)

PURPOSE OF REPORT:

The purpose of this report is to advise Council of a proposal to trial a pedestrian/splitter island in Pennant Street at its intersection with Scarborough Beach Road to address residents concerns about the speed and alignment at which vehicles enter Pennant Street and to seek Council's approval in principle for the proposal, as outlined on concept plan No. 2657-CP-01, to be advertised for twenty-one (21) days.

BACKGROUND:

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

A petition, signed by 31 persons, was received from a resident of Pennant Street requesting the Council to consider installing some traffic calming devices to manage the very high speed of traffic using the street as a 'rat run' thereby avoiding congestion points on the surrounding distributor road network.

At its Ordinary Meeting of 16 December 2008 Council referred the matter to the Local Area Traffic Management (LATM) Advisory Group for consideration.

DETAILS:

Pennant Street runs north south between Scarborough Beach Road and Kadina Street, is classified as an Access Road in accordance with the Metropolitan Functional Road Hierarchy, and has a posted speed limit of 50 kph. It has been a residential only parking zone since 2000 and as a consequence very few cars, residents or their visitors, are generally parked in the street. Pennant Street also has a direct link to Loftus Street via Chamberlain Street.

In terms of traffic volume Pennant Street is well within acceptable limits for an Access Road (in accordance with the metropolitan functional road hierarchy). However of greater concern to the residents is the speed of traffic.

LATM Advisory Group Discussions:

Pennant Street was discussed at the LATM Advisory Group meeting held on 4 June 2009, attended by two (2) residents, representing their neighbourhood, to outline their concerns.

At the meeting a general discussion ensued regarding some of the issues and various suggestions to improve Pennant Street were made. The resident's major concern was 'speed'. While the 85% speed was within an acceptable range, 51.8 kph for Howlett Street to Scarborough Beach Road, 46.4 kph for Kadina Street to Chamberlain Street and 45.4 kph in Chamberlain Street, it was the relatively high percentage of motorists exceeding the 50 kph limit that was of most concern.

By way of example 21.3% of south bound traffic, Scarborough Beach Road to Howlett Street, travelled between 50 and 60 kph with a further 3% exceeding 60 kph. In respect of the north bound traffic the figures were 14.1% for the 50-60 kph range and 1.6% for greater than 60 kph.

Amongst the suggestions was the installation of a pedestrian refuge/splitter island to re-align the Scarborough Beach/Pennant Street intersection. The intention is to force drivers to enter Pennant Street, from Scarborough Beach Road, on the correct alignment and at an appropriate speed. As the Pennant Street is not perpendicular to Scarborough Beach Road the 'throat' of the intersection is very wide encouraging motorists to either 'cut the corner' at speed when turning right into Pennant Street or veer over to the wrong side of the road at speed when turning left into Pennant Street. The proposed island would not only improve pedestrian safety but also force drivers to slow down when entering the street, reinforce the give-way control and ensure that vehicles are on the correct side of the road.

Other suggestions discussed included possible traffic calming measures, such as low profile speed humps, particularly in the vicinity of the 'off-set' intersections of Chamberlain and Howlett Streets. However it was agreed that the 'trial' intersection modifications should proceed as a first stage and that the impact be assessed before considering additional measures.

The use of water filled barriers was specifically discussed however these can present other problems including being a visual obstruction for drivers and prone to vandalism, i.e. getting shifted around. Therefore it may be preferable to use 'sand bags' with the appropriate signage and line-marking, or a combination of the two.

The group concluded that the main objective was to reinforce the residential nature of the street.

CONSULTATION/ADVERTISING:

A twenty-one (21) day consultation period with the residents of Pennant Street will be undertaken.

LEGAL/POLICY:

N/A

STRATEGIC IMPLICATIONS:

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

SUSTAINABILITY IMPLICATIONS:

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

FINANCIAL/BUDGET IMPLICATIONS:

The proposed trial will cost in the order of \$1,000 to install and maintain and will be funded from the 2009/10 Traffic Management – Miscellaneous Requests budget.

COMMENTS:

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

In this instance there is data supporting the residents concerns that there is a speed issue in their street. However the data also indicates that the problem is more pronounced for south bound traffic travelling between Scarborough Beach Road and Howlett Street. This is in part attributed to the geometry of the Scarborough Beach Road/Pennant Street intersection, as it does not force drivers to significantly reduce their speed when turning into the street, particularly for the 'right turn in' movement. It was therefore considered that if the intersection was constricted, in accordance with Australian Standards, it would result in lower speeds and a safer street.

9.2.5 Tender No. 394/09 Clearing & Mowing of Specified Areas

Ward:	Both	Date:	11 June 2009
Precinct:	All	File Ref:	TEN0402
Attachments:	-		
Reporting Officer(s):	J. van den Bok		
Checked/Endorsed by:	M. Rootsey, C. Wilson	Amended by:	

OFFICER RECOMMENDATION:

That the Council ACCEPTS the tender submitted by B & M Industrial Horticulturists for the Clearing and Mowing of Specified Areas in accordance with the specifications as detailed in Tender No. 394/09.

COUNCIL DECISION ITEM 9.2.5

Moved Cr Ker, Seconded Cr Messina

That the recommendation be adopted.

CARRIED “EN BLOC” (7-0)

(Mayor Catania and Cr Youngman were apologies for the meeting.)

PURPOSE OF REPORT:

The purpose of this report is to seek the Council’s approval for the tender evaluated as being the best value for money for the Clearing and Mowing of Specified Areas for a three (3) year period.

BACKGROUND:

Tenders for the Clearing and Mowing of Specified Areas for a three (3) year period were advertised in the West Australian on 13 May 2009. Tenders closed at 2.00pm on 27 May 2009 after a fourteen (14) day advertising period and present at the opening of the tenders were Finance Officer, Kara Ball and Property Maintenance Officer, Keith Steicke.

Three (3) tenders were received for Tender No. 394/09.

DETAILS:

Details of all submissions received for Tender No. 394/09 are as follows:-

Clearing/Mowing Council Blocks/Rights of Way

	B&M Industrial Horticulturists		Greenworx**		Manicured Lawns**	
	Week Days Hourly Rates Including GST	Weekend Hourly Rates Including GST	Week Days Hourly Rates Including GST	Weekend Hourly Rates Including GST	Week Days Hourly Rates Including GST	Weekend Hourly Rates Including GST
Labour - including plant	\$115.00	\$135.50	\$59.00	\$75.00	\$63.80	\$95.70
Tipping Fees - (cost per tonne)	\$40.00	\$40.00	\$55.00	\$55.00	\$80.00 m ³	\$80.00 m ³

Clearing/Mowing of Council Verges

	B&M Industrial Horticulturists		Greenworx		Manicured Lawns	
	Week Days Hourly Rates Including GST	Weekend Hourly Rates Including GST	Week Days Hourly Rates Including GST	Weekend Hourly Rates Including GST	Week Days Hourly Rates Including GST	Weekend Hourly Rates Including GST
Labour - including plant	\$95.00	\$115.50	\$59.00	\$75.00	\$66.00	\$99.00
Tipping Fees - (cost per tonne)	\$40.00	\$40.00	\$55.00	\$55.00	\$80.00 m ³	\$80.00 m ³

** Both Greenworx and Manicured Lawns have provided prices based on 1 person operation (including plant & equipment) whilst B & M Industrial Horticulturists have provided their price for a two (2) person team (including plant & equipment).

Tender Evaluation

Selection Criteria

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

Evaluation Criteria	Weighting
Past Experience in similar projects/works	30%
Contract Price	30%
Organisational structure/capacity/resources	20%
Financial capacity	10%
Compliance with Tender Specification	5%
References	5%
TOTAL	100%

Tender Evaluation Panel

The Tender Evaluation Panel consisted of the Manager Parks Services, Acting Manager Financial Services, Acting Coordinator Parks Services and the Acting Supervisor Parks Services.

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

	Weighting	B & M Industrial Horticulturists	Manicured Lawns	Greenworx
Past experience in similar projects/works	30%	30	27	24
Contract Price	30%	30	27.04	29.29
Organisational structure/capacity/resources	20%	20	20	20
Financial capacity	10%	9	10	10
Compliance with tender specifications	5%	5	5	5
References	5%	5	4.5	5
Total	100%	99	93.54	93.29
Rating		1	2	3

As stated above and following confirmation with all tenderers B & M Industrial Horticulturists have provided prices based on a two (2) person team with the associated plant & equipment whilst both Greenworx and Manicured Lawns have provided their prices based on a one (1) person operation with the associated plant & equipment.

B & M Industrial Horticulturists have indicated that if they were to utilise a one person operation that their prices would effectively be halved. However, they do not believe having undertaken this work for the Town over the past six (6) years that this work can be undertaken over the timeframe specified or be undertaken effectively and safely with a one (1) person operation.

The Town's officers concur with the above comments and from past experience and given that all Rights of Way in particular should be cleared by the Prohibited Burning Time (Bush fires Act 1954) being the 1 December each year, a two (2) person operation is preferred.

As indicated above, B & M industrial Horticulturists have undertaken this contract for the Town for the past six (6) years and provided a highly satisfactory service. Their prices for a two (2) person operation have increased minimally and they are well aware of the work requirements.

Manicured Lawns have also undertaken this contract for the Town previously and provided a satisfactory service, however both Manicured lawns and Greenworx are basing this contract on a one (1) person operation which is not considered to be effective. If they were required to undertake the works with a two (2) person team it would effectively double the rate they have provided.

CONSULTATION/ADVERTISING:

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

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

In accordance with the Plan for the Future - Strategic Plan 2009-2014 Key Result Area One – 1.1.5 Enhance and maintain Parks, Landscaping and Community Facilities. *"Ensure all Town service, playgrounds and facilities are universally accessible..."*.

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

The costs associated with the clearing and mowing of specified areas i.e. Verges, Seniors Mowing program, Rights of Ways, Council blocks and Private property (as required) are charged to the respective maintenance accounts and this contract amounts to between \$80,000 and \$100,000 per annum.

COMMENTS:

It is therefore recommended that the Council approves the tender submitted by B & M Industrial Horticulturists for the Clearing and Mowing of Specified Areas in accordance with the specifications as detailed in Tender No. 394/09.

9.2.7 Tender No. 396/09 - Maintenance of Bores, Pumps and Associated Works

Ward:	Both	Date:	11 June 2009
Precinct:	All	File Ref:	TEN0404
Attachments:	-		
Reporting Officer(s):	J van den Bok		
Checked/Endorsed by:	C Wilson; M Rootsey	Amended by:	-

OFFICER RECOMMENDATION:

That the Council ACCEPTS the tender submitted by K.S. Black (W.A.) for the Maintenance of Bores, Pumps and Associated Works in accordance with the specifications as detailed in Tender No. 396/09.

COUNCIL DECISION ITEM 9.2.7

Moved Cr Ker, Seconded Cr Messina

That the recommendation be adopted.

CARRIED “EN BLOC” (7-0)

(Mayor Catania and Cr Youngman were apologies for the meeting.)

PURPOSE OF REPORT:

The purpose of this report is to seek the Council’s approval for the tender evaluated as being the best value for money for the Maintenance of Bores, Pumps and Associated Works for a three (3) year period.

BACKGROUND:

Tenders for the Maintenance of Bores, Pumps and Associated Works for a three (3) year period were advertised in the West Australian on 13 May 2009. Tenders closed at 2.00pm on 27 May 2009 after a fourteen day (14) advertising period and present at the opening of the tenders was Finance Officer, Kara Ball and Property Maintenance Officer Keith Steicke.

Only one (1) tender was received for Tender No. 396/09.

DETAILS:

Details of the only submission received for Tender No 396/09 is as follows:-

Pump Bore No	Reserve	Location	Suburb	K.S Black (inc GST)
1	Ellesmere St Reserve	Selden/Eton Sts	North Perth	\$935.00
2	Menzies Park	Egina/Berryman Sts	Mt Hawthorn	\$1045.00
3	Les Lilleyman Reserve	Ellesmere/London Sts	North Perth	\$990.00

Pump Bore No	Reserve	Location	Suburb	K.S Black (inc GST)
4	Kyilla Park	Selkirk/Hunter Sts	North Perth	\$990.00
5	Woodville Reserve	Fitzgerald St	North Perth	\$990.00
6	North Perth Tennis Club	Namur St	North Perth	Leased Premise
7	Dorrien Gardens	Lawley St	West Perth	Leased Premise
8	Litis Stadium	Britannia Rd	Mt Hawthorn	Leased Premise
9	Leederville Tennis Club	Bourke St	Leederville	Leased Premise
10	Keith Frame Reserve	Loftus/Vincent St	Leederville	\$990.00
11	Leederville Oval	Vincent St	Leederville	\$935.00
12	Loton Park	Bulwer/Lord St	Perth	\$990.00
13	Axford Park	Scarborough Beach Rd	Mt Hawthorn	\$880.00
14	Edinboro St Reserve	Edinboro St	Mt Hawthorn	\$935.00
15	Auckland/Hobart Reserve	Auckland/Hobart St	Mt Hawthorn	\$935.00
16	Braithwaite Park	Kalgoorlie St	Mt Hawthorn	\$935.00
17	Scarborough/Bondi/ Main St	Bondi St	Mt Hawthorn	\$1320.00
18	Forrest Park	Walcott St	Mt Lawley	\$935.00
19	Brigatti Gardens	Broome/Wright St	Mt Lawley	\$880.00
20	Fitzgerald Streetscape	Alma Road Cul-De-Sac	North Perth	\$770.00
21	Members Equity Stadium	Bulwer/Lord St	Perth	Leased Premise
22	Birdwood Square	Bulwer/Beaufort St	Perth	\$935.00
23	Bore/Pump abandoned			
24	Hyde Park	Vincent St	Perth	\$1100.00
25	Hyde Park	Vincent St	Perth	\$935.00
26	Robertson Park	Fitzgerald St	Perth	\$990.00
27	Mick Michael Reserve	Charles/Violet St	West Perth	\$990.00
28	Charles Veryard Reserve	Bourke St	North Perth	\$1045.00
29	Hyde Park	Vincent St	Perth	\$1045.00
30	Britannia Rd Reserve	Britannia Rd	Leederville	\$1045.00
31	Robertson Park Tennis Courts	Fitzgerald St	Perth	\$880.00
32	Beatty Park Reserve	Charles/Vincent St	North Perth	\$880.00
33	Stuart St Reserve	Stuart St	Perth	\$990.00
34	Smith's Lake Reserve	Kayle St	North Perth	\$990.00
35	Leake/Alma St Reserve	Leake St	North Perth	\$990.00

Pump Bore No	Reserve	Location	Suburb	K.S Black (inc GST)
36	Hyde Park	Vincent St	Perth	\$990.00
37	Oxford St Reserve	Oxford St	Leederville	\$935.00
38	Banks Reserve	Joel Terrace	Mt Lawley	\$1045.00
39	Forrest Park Bowling Club	Harold St	Mt Lawley	Leased Premise
40	Britannia Rd Reserve	Bourke St	Leederville	\$935.00
41	Brentham St Reserve	Brentham St	Leederville	\$935.00
42	Banks Reserve	Joel Terrace	Mt Lawley	\$880.00
43	Multicultural Gardens	View St	North Perth	\$935.00
44	Works Depot	Linwood Ct	Osborne Park	\$880.00
45	Browns Dairy	Kadina St	North Perth	\$770.00
46	Ivy Park	Charles St	West Perth	\$770.00
47	Lynton St Reserve	Lynton St	Mt Hawthorn	\$770.00
48	Charles Walcott St Reserve	Charles St	North Perth	\$770.00
49	Brisbane/Wade St Reserve	Brisbane St	Perth	\$770.00
50	Loftus St Streetscape	Loftus St	West Perth	\$770.00
51	Stirling/Brisbane St Reserve	Brisbane St	Perth	\$770.00
52	Albert/Angove Verge	Angove St	North Perth	\$770.00
53	The Avenue Carpark	Leederville Pde	Leederville	\$770.00
54	Avenue Carpark	Leederville Pde	Leederville	\$770.00
55	Shakespeare St Reserve	Shakespeare St	Mt Hawthorn	\$770.00
56	Redfern/Northam St Reserve	Redfern St	North Perth	\$825.00
57	Shalom Dental Clinic	Haynes St	North Perth	\$770.00
58	William St Streetscape	William/Monger Sts	Perth	\$770.00
59	Mt Hawthorn Pre-Primary	Scarborough Beach Rd	Mt Hawthorn	\$880.00
60	Weld Square	Beaufort St	Perth	\$880.00
61	Gladstone St Reserve	Gladstone St	Perth	\$825.00
62	Sutherland St Reserve	Drummond St	West Perth	\$880.00
63	Norwood Park	Summers St	Perth	\$825.00

REQUIREMENT	Tendered Rate (Incl. GST)
Percentage of List Price	
The Tendered percentage to be added or deducted from a manufacturer's List Price for parts that are required to be replaced.	Deduct
GRUNDFOS	5%
LOWARA	5%
METCALF (Turbomaster)	5%
OTHER EQUIVALENT	5%

REQUIREMENT	Tendered Rate (Incl. GST)
Pump Maintenance Rig (two men)	\$110.00/Hour
Onsite Works (one man)	\$66.00/Hour
Electrician	\$66.00/Hour

REQUIREMENT	Tendered Rate (Incl. GST)
Workshop Fitter	\$60.50/Hour
Mobilise/demobilise cable tool drilling rig	\$176.00/Site
Cable tool bore development	\$77.00/Hour
Air surge bore development	\$88.00/Hour
Additional water analysis	\$110.00/Test
Flow test	\$154.00/Test

SCHEDULE OF RATES PER Kg/LITRE FOR DEVELOPING

REQUIREMENT	Tendered Rate (Incl. GST)	
CLEANING AGENT – POLYPHOSPHATE (eg. Calgon)	\$16.50	/Kg
CLEANING AGENT – ACID (eg. Nu Well Pellets)	\$16.50	/Kg
CLEANING AGENT – CHLORIDE (eg. Sodium Hypochlorite)	\$9.90	/Litre
CLEANING AGENT – CHLORINE (eg. Alba, Asca, Adpa)	\$23.10	/Litre or Kg

Tender EvaluationSelection Criteria

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

<i>Evaluation Criteria</i>	<i>Weighting</i>
Past Experience in similar projects/works	30%
Contract Price	30%
Organisational structure/capacity/resources	20%
Financial capacity	10%
Compliance with Tender Specification	5%
References	5%
TOTAL:	100%

Tender Evaluation Panel

The Tender Evaluation Panel consisted of the Manager Parks Services, Acting Manager Financial Services, Acting Coordinator Parks Services and the Acting Supervisor Parks Services.

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

	Weighting	K.S. Black (WA) Pty Ltd
Past experience in similar projects/works	30%	30
Contract Price	30%	30
Organisational Structure/capacity/resources	20%	18
Financial capacity	10%	10
Compliance with tender specifications	5%	5
References	5%	5
Total	100%	98
Rating		1

KS Black WA Pty Ltd has held this contract with the Town of Vincent for the past six (6) years and has provided an excellence service. The company also hold similar tenders for the City of Stirling and City of Swan and their respective operational staff also hold KS Black's work in this field in high regard.

CONSULTATION/ADVERTISING:

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

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

In accordance with the Plan for the Future - Strategic Plan 2009-2014 Key Result Area One – 1.1.5 Enhance and maintain Parks, Landscaping and Community Facilities. *"Ensure all Town service, playgrounds and facilities are universally accessible..."*.

SUSTAINABILITY IMPLICATIONS:

The works associated with this tender are undertaken in accordance with the Towns adopted Bore/Pump maintenance program which ensures that all pumping units and bores are serviced regularly. Subsequently these infrastructure items are kept working to optimum performance and their life cycle is increased.

FINANCIAL/BUDGET IMPLICATIONS:

The cost of works associated with this tender amounts to \$80,000 - \$120,000 per year and is charged to the bore/pump maintenance activity at each respective park/reserve listed on the Council approved annual program.

COMMENTS:

It is therefore recommended that the Council approves the tender submitted by K.S. Black (W.A.) for the Maintenance of Bores, Pumps and Associated Works in accordance with the specifications as detailed in Tender No. 396/09.

9.2.9 Tender No. 398/09 Removal of Trees and Pruning of Trees within Parks & Reserves

Ward:	Both	Date:	12 June 2009
Precinct:	All	File Ref:	TEN0406
Attachments:	-		
Reporting Officer(s):	J. van den Bok		
Checked/Endorsed by:	M. Rootsey; C. Wilson	Amended by:	

OFFICER RECOMMENDATION:

That the Council ACCEPTS the tenders submitted by Dickies Tree Services and Beaver Tree Services for the Removal of Trees and Pruning of Trees within Parks & Reserves in accordance with the specifications as detailed in Tender No. 398/09.

COUNCIL DECISION ITEM 9.2.9

Moved Cr Ker, Seconded Cr Messina

That the recommendation be adopted.

CARRIED “EN BLOC” (7-0)

(Mayor Catania and Cr Youngman were apologies for the meeting.)

PURPOSE OF REPORT:

The purpose of this report is to seek the Council’s approval for the tenders evaluated as being the best value for money for the Removal of Trees and Pruning of Trees within Parks & Reserves for a three (3) year period.

BACKGROUND:

Tenders for the Removal of Trees and Pruning of Trees within Parks & Reserves for a three (3) year period were advertised in the West Australian on 13 May 2009. Tenders closed at 2.00pm on 27 May 2009 after a fourteen (14) day advertising period and present at the opening of the tenders were Finance Officer, Kara Ball and Property Maintenance Officer, Keith Steicke.

Seven (7) tenders were received for Tender No. 398/09.

DETAILS:

Details of all submissions received for Tender No. 398/09 are as follows:-

Parks and Reserves Tree Pruning

	Dickies Tree Service	Beaver Tree Services Pty Ltd	Arbor Centre	Specialised Tree Lopping	Classic Tree Services	Trees need tree surgeons	Darling Range Tree Services
	Cost inc. GST	Cost inc. GST	Cost inc. GST	Cost inc. GST	Cost inc. GST	Cost inc. GST	Cost inc. GST
0-8 metres in height Cost per Tree	\$132.00 Per Tree	\$143.00 Per Tree	\$431.00 Per Tree	\$143.00 Per Tree	\$148.50 Per Tree	\$165.00 Per Tree	\$132.00 Per Tree
8-15 Metres in height Cost per Tree	\$220.00 Per Tree	\$242.00 Per Tree	\$772.00 Per Tree	\$242.00 Per Tree	\$313.50 Per Tree	\$333.00 Per Tree	\$275.00 Per Tree
Over 15 Metres in height Cost per Hour	\$330.00 Per Hour	\$275.00 Per Hour	\$360.00 Per Hour	\$363.00 Per Hour	\$352.00 Per Hour	\$333.00 Per Hour	\$253.00 Per Hour

Tree Removal

	Dickies Tree Service	Beaver Tree Services Pty Ltd	Arbor Centre	Specialised Tree Lopping	Classic Tree Services	Trees need tree surgeons	Darling Range Tree Services
	Cost inc. GST	Cost Inc. GST	Cost Inc. GST	Cost Inc. GST	Cost Inc. GST	Cost Inc. GST	Cost Inc. GST
0-5 Metres in height Cost per Tree	\$176.00 Per Tree	\$165.00 Per Tree	<500mm \$210.00 >500mm \$650.00	\$187.00 Per Tree	\$203.50 Per Tree	\$202.00 Per Tree	\$176.00 Per Tree
5-10 Metres in height Cost per Tree	\$297.00 Per Tree	\$440.00 Per Tree	<500mm \$385.00 >500mm \$770.00	\$264.00 Per Tree	\$357.50 Per Tree	\$326.00 Per Tree	\$396.00 Per Tree
Over 10 Metres in height Cost per Hour	\$363.00 Per Hour	\$286.00 Per Hour	\$360.00 Per Hour	\$385.00 Per Hour	\$363.00 Per Hour	\$333.00 Per Hour	\$308.00 Per Hour

Stump Removal Grinding

	Dickies Tree Service	Beaver Tree Services Pty Ltd	Arbor Centre	Specialised Tree Lopping	Classic Tree Services	Trees need tree surgeons	Darling Range Tree Services
	Cost Inc. GST	Cost Inc. GST	Cost Inc. GST	Cost Inc. GST	Cost Inc. GST	Cost Inc. GST	Cost Inc. GST
Cost per Centimetre of Trunk Diameter	\$1.87	\$1.21	\$2.25	\$1.10	\$2.42	\$2.20	\$1.10

Tender Evaluation

Selection Criteria

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

Evaluation Criteria	Weighting
Past Experience in similar projects/works	30%
Contract Price	30%
Organisational structure/capacity/resources	20%
Financial capacity	10%
Compliance with Tender Specification	5%
References	5%
TOTAL	100%

Tender Evaluation Panel

The Tender Evaluation Panel consisted of the Manager Parks Services, Acting Manager Financial Services, Acting Coordinator Parks Services and the Acting Supervisor Parks Services.

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

	Weighting	Dickies Tree Services	Beaver Tree Services	Treesneed Tree Surgeons	Classic Tree Services	Specialised Tree Lopping	Arbor Centre	Darling Range Tree Services
Past experience in similar projects/works	30%	30	27	27	27	27	30	24
Contract Price	30%	30	29.62	27.93	27.37	29.22	18.09	29.75
Organisational structure/capacity/resources	20%	20	20	20	20	20	20	14
Financial capacity	10%	10	10	10	10	9	10	8
Compliance with tender specifications	5%	4	5	5	5	4.5	5	4
References	5%	5	5	4.5	4.5	4	5	4
Total	100%	99	96.62	94.43	93.87	93.72	88.09	83.75
Rating		1	2	3	4	5	6	7

In assessing the prices submitted for this tender Dickies Tree Services have provided the lowest average over all work requirements followed closely by Darling Range Tree Services and Beaver Tree Services.

The majority of works associated with this tender includes the pruning of trees within parks from 8 to 15 metres in height and the removal of street trees from 0 to 5 metres in height. Both the Dickies Tree Services and Beaver Tree Services have provided the lowest or second lowest prices for these requirements.

In addition, Dickies Tree Services and Beaver Tree Services have held this contract with the Town over the past three (3) years and provided a highly satisfactory service. Dickies Tree Services are normally used for the larger projects where their infrastructure and set up allows them to deal with these jobs quickly and efficiently whereby Beavers Tree Services have been found to be more suitable where a single tree has to be removed or pruned.

Specialised Tree Lopping, Classic Tree Services and Treesneed Tree Surgeons are all reputable companies with a vast amount of experience however it is considered that engaging two (2) contractors will be sufficient for the Town's requirements.

Darling Range Tree Services is a relatively new company that has limited plant & equipment available and the Arbor Centre is well known for providing quality workmanship and tree advice, however their costs are far greater than the other submissions received.

CONSULTATION/ADVERTISING:

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

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

In accordance with the Plan for the Future - Strategic Plan 2009-2014 Key Result Area One – 1.1.5 Enhance and maintain Parks, Landscaping and Community Facilities. *"Ensure all Town service, playgrounds and facilities are universally accessible..."*.

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

The costs associated with the Removal of Trees and Pruning of Trees within Parks & Reserves are charged to the respective park/reserve accounts or the Amenity pruning account as required.

Costs associated with this contract vary from year to year dependant on works programs, storm events etc and therefore can vary from between \$50,000 to \$150,000 per annum.

COMMENTS:

It is therefore recommended that the Council approves the tenders submitted by Dickies Tree Services and Beaver Tree Services for the Removal of Trees and Pruning of Trees within Parks & Reserves in accordance with the specifications as detailed in Tender No. 398/09.

9.2.10 Tender No. 399/09 Specialised Turf Maintenance, Herbicide Applications & Turfing Services

Ward:	Both	Date:	16 June 2009
Precinct:	All	File Ref:	TEN0407
Attachments:	-		
Reporting Officer(s):	J. van den Bok		
Checked/Endorsed by:	M. Rootsey; C. Wilson	Amended by:	

OFFICER RECOMMENDATION:

That the Council ACCEPTS the tenders submitted by Turfmaster Facility Management and Carabooda for Specialised Turf Maintenance, Herbicide Applications and Turfing Services and awards the specific components of the contract as follows and in accordance with the specifications as detailed in Tender No. 399/09;

- (a) *Verti-mowing and Sweeping – Turfmaster Facility Management;*
- (b) *Herbicide Applications - Turfmaster Facility Management;*
- (c) *Fertilising - Turfmaster Facility Management; and*
- (d) *Turfing Services - Carabooda.*

COUNCIL DECISION ITEM 9.2.10

Moved Cr Ker, Seconded Cr Messina

That the recommendation be adopted.

CARRIED “EN BLOC” (7-0)

(Mayor Catania and Cr Youngman were apologies for the meeting.)

PURPOSE OF REPORT:

The purpose of this report is to seek the Council’s approval for the tender(s) evaluated as being the best value for money for Specialised Turf Maintenance, Herbicide Applications and Turfing Services.

BACKGROUND:

Tenders for Specialised Turf Maintenance, Herbicide Applications and Turfing Services for a three (3) year period were advertised in the West Australian on 13 May 2009. Tenders closed at 2.00pm on 27 May 2009 after a fourteen day (14) advertising period and present at the opening of the tenders was Finance Officer, Kara Ball and Property Maintenance Officer Keith Steicke.

Three (3) tenders were received for Tender No 399/09.

In accordance with the specification Section 2.2.1 (ii) Scope of Works for Tender No. 399/09 it is noted as follows:-

2.2.1 Scope of Works

- ii) *With the nature and timing of the services, particularly in respect to turfed areas being required in relation to each other, the Town may look favourably at one (1) Contractor who can provide all services, however, tenders can be submitted for individual portions of the work.*

DETAILS:

Details of all submissions received for Tender No. 399/09 are as follows:-

Thatch Removal by Verti-Mowing/Sweeping

	Turfmaster	Weedtechnics
	Amount Including Gst	Amount Including Gst
Verti-Mowing		
Verti-mow per hectare	\$319.00	\$265.00
Sweep per hectare	\$275.00	\$260.00
TOTAL	\$594.00	\$525.00
Disposal	Rate per m³ (Compacted)	Rate per m³ (Compacted)
<i>Disposal of Debris (Option 1)</i>		
Debris transported by compactor truck to locations as selected within the Town of Vincent boundary. The Contractor is to load and transport the debris. The Contractor shall bear all costs associated with disposal except tipping fees.	\$27.50/m ³ banked	\$13.20/m ³ banked
<i>Disposal of Debris (Option 2)</i>		
Debris transported by compactor truck and disposed of by the Contractor. All costs of loading, transport and disposal of debris to be borne by the Contractor.	\$57.70/m ³ banked	\$57.75/m ³ banked
<i>How many hectares can be verti-mowed/ swept on one day?</i>	15Ha/m ³ banked	6Ha at 4km per hr/m ³ banked
<i>What quantity of thatch material can be removed in one (1) hour?</i>	60/m ³ banked	40/m ³ banked

Supply and Apply Fertilisers

			Turfmaster	Weedtechnics
Item	Description	Unit Kg Per Hectare	Amount Including Gst	Amount Including Gst
1	Formulation 1	10 Kg P/Ha	\$138.98	\$81.84
		20 Kg P/Ha	\$233.97	\$163.68
		30 Kg P/Ha	\$328.95	\$245.52
		40 Kg P/Ha	\$423.94	\$327.36
		50 Kg P/Ha	\$518.92	\$409.20
2	Formulation 2	10 Kg N/Ha	Product not available	\$23.51
		20 Kg N/Ha		\$47.02
		30 Kg N/Ha		\$70.53
		40 Kg N/Ha		\$94.04
		50 Kg N/Ha		\$117.55

			Turfmaster	Weedtechnics
Item	Description	Unit Kg Per Hectare	Amount Including Gst	Amount Including Gst
3	Formulation 3	10 Kg N/Ha	\$109.78	\$65.92
		20 Kg N/Ha	\$175.56	\$131.83
		30 Kg N/Ha	\$241.34	\$197.75
		40 Kg N/Ha	\$307.12	\$263.66
		50 Kg N/Ha	\$372.90	\$329.58
4	Formulation 4	10 Kg K/Ha	\$81.40	\$30.60
		20 Kg K/Ha	\$118.80	\$61.20
		30 Kg K/Ha	\$156.20	\$91.80
		40 Kg K/Ha	\$193.60	\$122.40
		50 Kg K/Ha	\$242.00	\$153.00
5	Formulation 5	10 Kg K/Ha	\$93.50	\$47.81
		20 Kg K/Ha	\$143.00	\$95.62
		30 Kg K/Ha	\$192.50	\$143.42
		40 Kg K/Ha	\$242.00	\$191.23
		50 Kg K/Ha	\$291.50	\$239.04
6	Formulation 6	10 Kg N/Ha	\$98.78	\$35.64
		20 Kg N/Ha	\$153.56	\$71.28
		30 Kg N/Ha	\$208.34	\$106.92
		40 Kg N/Ha	\$263.12	\$142.56
		50 Kg N/Ha	\$317.90	\$178.20
7	Formulation 7	10 Kg N/Ha	\$105.16	\$37.26
		20 Kg N/Ha	\$166.32	\$74.52
		30 Kg N/Ha	\$227.48	\$111.78
		40 Kg N/Ha	\$288.64	\$149.04
		50 Kg N/Ha	\$349.80	\$186.30
8	Formulation 8	10 Kg NPK/Ha	\$106.31	\$67.54
		20 Kg NPK/Ha	\$168.63	\$135.08
		30 Kg NPK/Ha	\$230.94	\$202.62
		40 Kg NPK/Ha	\$293.26	\$270.16
		50 Kg NPK/Ha	\$355.57	\$337.70
9	Formulation 9	10 Kg NPK/Ha	\$117.42	\$56.30
		20 Kg NPK/Ha	\$190.85	\$112.60
		30 Kg NPK/Ha	\$264.27	\$168.89
		40 Kg NPK/Ha	\$337.70	\$225.19
		50 Kg NPK/Ha	\$411.12	\$281.49
10	Formulation 10	10 Kg/Ha	\$114.40	\$276.30 200 Kg/Ha
		20 Kg/Ha	\$179.30	\$410.40 300 Kg/Ha
		30 Kg/Ha	\$244.20	\$547.20 400 Kg/Ha

			Turfmaster	Weedtechnics
Item	Description	Unit Kg Per Hectare	Amount Including Gst	Amount Including Gst
		40 Kg/Ha 50 Kg/Ha	\$309.10 \$374.00	\$684.00 500 Kg/Ha \$820.80 600 Kg/Ha \$957.60 700 Kg/Ha \$1094.40 800 Kg/Ha \$1213.20 900 Kg/Ha \$1368.60 1000 Kg/Ha
11	Formulation 11	10 Kg/Ha 20 Kg/Ha 30 Kg/Ha 40 Kg/Ha 50 Kg/Ha	\$157.30 \$265.10 \$372.90 \$480.70 \$588.50	\$225.60 200 Kg/Ha \$338.40 300 Kg/Ha \$451.20 400 Kg/Ha \$564.00 500 Kg/Ha \$676.80 600 Kg/Ha \$789.60 700 Kg/Ha
12	Formulation 12	10 Kg/Ha 20 Kg/Ha 30 Kg/Ha 40 Kg/Ha 50 Kg/Ha	\$90.20 \$130.90 \$171.60 \$212.30 \$253.00	\$264.00 400 Kg/Ha \$336.00 500 Kg/Ha \$396.00 600 Kg/Ha \$462.00 700 Kg/Ha \$528.00 800 Kg/Ha \$594.00 900 Kg/Ha \$660.00 1000 Kg/Ha
13	Foliar Treatments	25kg/Ha: FeSO ₄ 7H ₂ O 25kg/Ha: MnSO 7H ₂ O	Per Ha \$198.00 Per Ha \$198.00	Per Ha \$19.50 Per Ha \$62.40

Supply Only of Herbicides

		Turfmaster	Weedtechnics
Pesticide	Application Rate	Amount Including Gst	Amount Including Gst
Imazypyr (250g/l)	8 L/Ha	\$49.50/L	\$64.35/L
Glyphosate (540g/l)	9 L/Ha	\$6.60/L	\$7.00/L
Simazine (900g/Kg)	10 Kg/Ha	\$6.60/Kg	\$11.28/L
Fenamiphos (400g/l)	11 L/Ha	\$35.00/L	\$84.00/L
Imidacloprid (200g/l)	2.5 L/Ha	\$150.00/L	\$156.00/L
Dithopyr (120g/l)	7 L/Ha	\$55.00/L	\$107.00/L
Diflufenican (15g/l) Clopyralis (20g/l) MCPA (300g/l)	5 L/Ha	\$25.00/L	\$35.40/L

Application Only of Herbicides

			Turfmaster	Weedtechnics
Task	Area (approx)	Frequency	Amount Including Gst	Amount Including Gst
Paths	435,000m ²	At Town's Discretion	\$0.555/m ²	\$0.061/m ²
Kerb lines	350,000m	At Town's Discretion	\$0.088/m ²	\$0.093/m ²
Traffic Islands	30,000m ²	At Town's Discretion	Free	\$0.061/m ²
Turf - Broadleaf	30Ha	At Town's Discretion	\$100/Ha	\$221/Ha
- Crabgrass	30Ha	At Town's Discretion	\$100/Ha	\$700/Ha
- Black Beetle	30Ha	At Town's Discretion	\$100/Ha	\$398/Ha
- Nematodes	30Ha	At Town's Discretion	\$100/Ha	\$843/Ha

Supply and installation of Turf

		Turfmaster	Weedtechnics	Carabooda
Prices Including GST				
Supply/install Instant Kikuyu	Standard roll (approx 1m ²)	\$6.60/sqm	\$7.15/sqm	\$4.80/sqm
	Jumbo roll (approx 15m ²)	\$16.50/sqm	\$9.10/sqm	\$7.50/sqm
Supply/install Instant Wintergreen Couch		\$6.60/sqm	\$7.15/sqm	\$4.80/sqm
Supply/deliver Instant Kikuyu (Standard roll approx 1m ²)		\$5.50/sqm	\$4.40/sqm	\$3.50/sqm
Supply/deliver Instant Wintergreen Couch		\$5.50/sqm	\$4.40/sqm	\$3.50/sqm
Rotary Hoeing		\$0.0935/sqm	\$0.165/sqm	\$0.05/sqm
Smudge Board/and Tractor		\$0.0935/sqm	\$0.165/sqm	\$0.05/sqm
Top-Dressing with Town supplied sand		\$0.0935/sqm	\$0.165/sqm	\$0.10/sqm
Bobcat		\$82.50/hour	\$85.00/hour	\$90.00/hour
Truck		\$82.50/hour	\$85.00/hour	\$90.00/hour

Tender Evaluation

Selection Criteria

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

Evaluation Criteria	Weighting
Past Experience in similar projects/works	30%
Contract Price	30%
Organisational structure/capacity/resources	20%
Financial capacity	10%
Compliance with Tender Specification	5%
References	5%
TOTAL	100%

Tender Evaluation Panel

The Tender Evaluation Panel consisted of the Manager Parks Services, Acting Manager Financial Services, Acting Coordinator Parks Services and the Acting Supervisor Parks Services.

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

Thatch Removal by Verti-Mowing/Sweeping

	Weighting	Turfmaster Facility Management	Weedtechnics
Past experience in similar projects/works	30%	30	24
Contract Price	30%	26.52	30
Organisational structure/capacity/resources	20%	20	14
Financial capacity	10%	10	10
Compliance with tender specifications	5%	5	5
References	5%	5	4
Total	100%	96.52	87
Rating		1	2

In assessing the prices submitted for this tender, Verti-mowing/Sweeping of 50 hectares with option 2 for disposal of debris was used as an example as this is typical of the past work requirements.

Turfmaster Facility Management are a large company that is well resourced to undertake this type of work quickly and efficiently and have contracts for providing this service to many local authorities.

The company has held this contract with the Town of Vincent for nine (9) years and have provided a high quality finish in completing the annual turf renovation works of which a major component is the verti-mowing and sweeping of sports fields over the Spring season.

Weedtechnics are based in Sydney and are currently spreading their operations across Australia. They specialise in steam weed control and have contracts with the City of Fremantle and City of Nedlands to undertake weed control.

Their experience in the above works is very limited and their references only list spraying and mowing works undertaken mainly in the Eastern States.

They have very little equipment based in Perth to undertake the above works and are relying on winning this contract together with a similar contract the City of Perth has advertised before acquiring the necessary plant and equipment.

Supply and Apply Fertilisers

	Weighting	Turfmaster Facility Management	Weedtechnics
Past experience in similar projects/works	30%	27	24
Contract Price	30%	30	0
Organisational structure/capacity/resources	20%	20	14
Financial capacity	10%	10	10
Compliance with tender specifications	5%	5	5
References	5%	4	2.5
Total	100%	96	55.5
Rating		1	2

Turfmaster Facility Management are a large company that is well resourced to undertake this type of work quickly and efficiently and have contracts for providing this service to many local authorities.

The company has held this contract with the Town of Vincent for nine (9) years and have provided a satisfactory service.

Jeremy Winer the Managing Director of Weedtechnics advised the Town on 9 June 2009 that the prices submitted for the fertilising part of this tender were for supply of fertilisers only, not supply/application as requested within the tender specification.

Whilst they submitted a revised pricing schedule on 16 June 2009 this was unable to be considered. It should be noted however that the revised prices submitted were higher than those submitted by Turfmaster Facility Management in the majority of fertiliser formulations listed.

Supply and Apply Herbicides

	Weighting	Turfmaster Facility Management	Weedtechnics
Past experience in similar projects/works	30%	30	30
Contract Price	30%	30	25.20
Organisational structure/capacity/resources	20%	20	20
Financial capacity	10%	10	10
Compliance with tender specifications	5%	5	5
References	5%	4.5	5
Total	100%	99.5	95.20
Rating		1	2

In assessing the prices submitted for this tender, 1 x supply and application of Diflufenican, Clopyralis, and MCPA over 50 hectares was costed out in addition to 1 x supply and application of Glyphosate over 100km and 250,000m² of footpath was used as an example as this is typical of the Town's past or future work requirements.

Turfmaster Facility Management has provided this service to the Town since our inception and has undertaken all applications of herbicides within parks and around streets safely and effectively over this period. They hold similar contracts with many other local authorities in Perth and the Eastern States.

Their costs are lower than Weedtechnics in supply and application of all chemicals listed in the schedule of rates. It should be noted that the Town normally only uses the following chemicals Diflufenican, Clopyralis, and MCPA for control of Onehunga or Bindi weed within parks and reserves and Glyphosate for control of weeds along footpaths and kerblines.

Other chemicals listed above are for the control of specific weeds within turf, however they are only used if/when required and usually not a broadacre application.

All chemicals listed within the schedule of rates are registered for use on turf at the rates specified by the manufacturer.

Supply and installation of Turf

	Weighting	Carabooda	Turfmaster Facility Management	Weedtechnics
Past experience in similar projects/works	30%	30	27	24
Contract Price	30%	30	21.47	18.51
Organisational structure/capacity/resources	20%	20	20	14
Financial capacity	10%	5	10	10
Compliance with tender specifications	5%	4	5	5
References	5%	5	4	4
Total	100%	94	87.47	75.51
Rating		1	2	3

In assessing the prices submitted for this tender supply and installation of 10,000m² of kikuyu turf in addition to the use of plant & equipment over an 8 hour period was used as an example.

Carabooda is renowned for the growing and supply of many types of turf and is one of the largest turf farms in Perth. They are well qualified to provide this service to the Town and supply and currently install turf for various organisations and other local authorities.

Whilst their tender submission was lacking in some content the significant lower costs they have submitted together with their references have deemed them as most suitable for undertaking this component of this tender.

Turfmaster have provided this service to the Town previously and provided a satisfactory service. Weedtechnics have not provided evidence of undertaking turfing within their submission, however it is envisaged that they would undertake this type of work effectively if required.

CONSULTATION/ADVERTISING:

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

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

In accordance with the Plan for the Future - Strategic Plan 2009-2014 Key Result Area One - 1.1.5 Enhance and maintain Parks, Landscaping and Community Facilities. *"Ensure all Town service, playgrounds and facilities are universally accessible..."*.

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Works associated with this tender are charged against the respective park/reserve, or verge maintenance account or capital works budget accounts as required.

In previous years verti-mowing and sweeping of sportsgrounds has amounted to between \$20,000 - \$50,000 per year; however as part of the internal review this activity has been reviewed and reduced.

Fertilising of parks/reserves costs approximately \$15,000 per application with up to 3 applications per year dependant on results of soil and leaf analysis's undertaken.

Herbicide applications in parks/reserves amounts to approximately \$30,000 per year and the spraying of kerbs/footpaths program (previously twice per year) costs around \$35,000 per application. However, within the 2009/10 financial year only one (1) application is being trialled.

Turfing costs vary considerably dependant on what projects are listed on budget, however maintenance and returfing of goal squares etc at the end of the winter season amounts to approximately \$15,000 per year.

COMMENTS:

It is therefore recommended that the Council approves the tenders submitted by Turfmaster Facility Management and Carabooda for Specialised Turf Maintenance, Herbicide Applications and Turfing Services in accordance with the specifications as detailed in Tender No. 399/09 and awards the specific components of the contract as listed within the report.

9.2.11 Tender No. 400/09 Tree Watering & Planting Services

Ward:	Both	Date:	11 June 2009
Precinct:	All	File Ref:	TEN0408
Attachments:	-		
Reporting Officer(s):	J. van den Bok		
Checked/Endorsed by:	M. Rootsey; C. Wilson	Amended by:	

OFFICER RECOMMENDATION:

That the Council ACCEPTS the tenders submitted by Acacia General and Leo Heaney Pty Ltd for the Tree Watering and Tree Planting Services in accordance with the specifications as detailed in Tender No. 400/09.

COUNCIL DECISION ITEM 9.2.11

Moved Cr Ker, Seconded Cr Messina

That the recommendation be adopted.

CARRIED “EN BLOC” (7-0)

(Mayor Catania and Cr Youngman were apologies for the meeting.)

PURPOSE OF REPORT:

The purpose of this report is to seek the Council’s approval for the tender evaluated as being the best value for money for Tree Watering and Tree Planting Services for a three (3) year period.

BACKGROUND:

Tenders for the Tree Watering and Tree Planting Services for a three (3) year period were advertised in the West Australian on 13 May 2009. Tenders closed at 2.00pm on 27 May 2009 after a fourteen day (14) advertising period and present at the opening of the tenders was Finance Officer, Kara Ball and Property Maintenance Officer Keith Steicke.

Three (3) tenders were received for Tender No 400/09.

DETAILS:

Details of all submissions received for Tender No. 400/09 are as follows:-

	Total Landscape Redevelopment Service Pty Ltd	Acacia General	Leo Heaney Pty Ltd
Contract Work	Fixed Hourly Rate (GST inclusive)	Fixed Hourly Rate (GST inclusive)	Fixed Hourly Rate (GST inclusive)
1. Tree Watering	\$66.00	\$50.60	\$53.35
2. Tree Planting	\$110.00 *Truck, driver & offsider both with min 3 years experience each.	\$50.60	\$53.35

Tender Evaluation

Selection Criteria

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

Evaluation Criteria	Weighting
Past Experience in similar projects/works	30%
Contract Price	30%
Organisational structure/capacity/resources	20%
Financial capacity	10%
Compliance with Tender Specification	5%
References	5%
TOTAL	100%

Tender Evaluation Panel

The Tender Evaluation Panel consisted of the Manager Parks Services, Acting Manager Financial Services, Acting Coordinator Parks Services and the Acting Supervisor Parks Services.

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

	Weighting	Acacia General	Leo Heaney Pty Ltd	Total Landscape Redevelopment Service Pty Ltd
Past experience in similar projects/works	30%	30	30	30
Contract Price	30%	30	28.75	23
Organisational structure/capacity/resources	20%	18	18	18
Financial capacity	10%	10	10	10
Compliance with tender specifications	5%	5	5	5
References	5%	5	5	5
Total	100%	98	96.75	91
Rating		1	2	3

Both Acacia General and Leo Heaney Pty Ltd have held this contract with the Town of Vincent since our inception and their prices remain significantly lower than any other submissions received.

The service provided by both Acacia General and Leo Heaney Pty Ltd over the years has been excellent and they both now have valuable local knowledge that assists in undertaking the works required more efficiently and cost effectively. Both their trucks are fitted with cranes to assist with the planting of larger trees and safety lighting has been fitted also to cater for the traffic management requirements through the busy road networks within the Town.

Leo Heaney Pty Ltd is also able to provide additional water trucks if/when required.

Total Landscape Redevelopment Service Pty Ltd have good references from the City of Stirling where they undertake similar works, however their prices particularly for tree planting operations are significantly higher.

CONSULTATION/ADVERTISING:

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

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

In accordance with The Plan for the Future - Strategic Plan 2009-2014 Key Result Area One - 1.1.5 Enhance and maintain Parks, Landscaping and Community Facilities. *"Ensure all Town service, playgrounds and facilities are universally accessible..."*.

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

With the ever increasing non-watered landscaped areas and tree locations being developed throughout the Town there is a requirement to engage three (3) tree watering trucks over the warmer period. During the winter months the contractors are engaged for tree planting as required.

The total cost of the above operations amounts to approximately \$250,000 per annum and is charged to the street tree maintenance, street tree enhancement or respective capital or parks/reserve maintenance budgets as the work is undertaken.

COMMENTS:

It is therefore recommended that the Council approves the tenders submitted by Acacia General and Leo Heaney Pty Lt for Tree Watering and Tree Planting Services in accordance with the specifications as detailed in Tender No. 400/09.

9.3.2 Authorisation of Expenditure for the Period 1 – 31 May 2009

Ward:	Both	Date:	8 June 2009
Precinct:	All	File Ref:	FIN0009
Attachments:	001		
Reporting Officer(s):	K Ball		
Checked/Endorsed by:	Bee Choo Tan	Amended by:	

OFFICER RECOMMENDATION:

That the Council CONFIRMS the;

- (i) *schedule of Accounts for the period 1 May – 31 May 2009 and the list of payments;*
- (ii) *direct lodgement of payroll payments to the personal bank account of employees;*
- (iii) *direct lodgement of PAYG taxes to the Australian Taxation Office;*
- (iv) *direct lodgement of Child Support to the Australian Taxation Office;*
- (v) *direct lodgement of creditors payments to the individual bank accounts of creditors;
and*
- (vi) *direct lodgement of Superannuation to Local Government and City of Perth superannuation plans as shown in Appendix 9.3.2.*

COUNCIL DECISION ITEM 9.3.2

Moved Cr Ker, Seconded Cr Messina

That the recommendation be adopted.

CARRIED “EN BLOC” (7-0)

(Mayor Catania and Cr Youngman were apologies for the meeting.)

DECLARATION OF INTEREST

Members/Officers	Voucher	Extent of Interest
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Nil.

PURPOSE OF REPORT:

To seek authorisation of expenditure for the period 1 – 31 May 2009.

BACKGROUND:

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

DETAILS:

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

FUND	CHEQUE NUMBERS/ PAY PERIOD	AMOUNT
Municipal Account		
Town of Vincent Advance Account	EFT	\$354,514.65
Total Municipal Account		\$354,514.65
Advance Account		
Automatic Cheques	66051-66217	\$409,240.85
EFT Batch		\$0.00
Municipal Account		
Transfer of Creditors by EFT Batch	915,916,918-921,923	\$1,419,043.33
Transfer of PAYG Tax by EFT	May 2009	\$195,526.11
Transfer of GST by EFT	May 2009	\$0.00
Transfer of Child Support by EFT	May 2009	\$1,003.94
Transfer of Superannuation by EFT:		
• City of Perth	May 2009	\$30,627.76
• Local Government	May 2009	\$110,480.48
Total		\$2,165,922.47
Bank Charges & Other Direct Debits		
Bank Charges – CBA		\$4,110.55
Lease Fees		\$2,919.63
Corporate Master Cards		\$2,584.16
Folding Machine Lease Equipment		\$0.00
Trace Fees – Audit Certificate		
Loan Repayment		\$59,208.28
Rejection Fees		\$7.50
System Disk Fee		\$0.00
Beatty Park - miscellaneous deposit		\$0.00
Total Bank Charges & Other Direct Debits		\$68,830.12
Less GST effect on Advance Account		0.00
Total Payments		\$2,589,267.24

CONSULTATION/ADVERTISING:

N/A.

STRATEGIC IMPLICATIONS:

This is in keeping with the Town's Plan for the Future - Strategic Plan 2009-2014 – Key Result Area 4 – Leadership, Governance and Management and in particular:

4.2.1 Provide quality services within the best use of resources

- (a) Implement internal and external customer satisfaction surveys to improve the effectiveness and efficiency of the Town."*

COMMENT:

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

9.3.3 Financial Statements as at 31 May 2009

Ward:	Both	Date:	5 June 2009
Precinct:	All	File Ref:	FIN0026
Attachments:	001		
Reporting Officer(s):	B Wong		
Checked/Endorsed by:	M Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That the Council RECEIVES the Financial Statements for the month ended 31 May 2009 as shown in Appendix 9.3.3.

COUNCIL DECISION ITEM 9.3.3

Moved Cr Ker, Seconded Cr Messina

That the recommendation be adopted.

CARRIED “EN BLOC” (7-0)

(Mayor Catania and Cr Youngman were apologies for the meeting.)

PURPOSE OF REPORT:

The purpose of this report is to present the financial statements for the month ended 31 May 2009.

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 May 2009:

- Income Statement;
- Summary of Programmes/Activities (pages 1-17);
- Income Statement by Nature & Type Report (page 18)
- Capital Works Schedule (pages 19-25);
- Balance Sheet and Statement of Changes in Equity (pages 26-27);
- Reserve Schedule (page 28);
- Debtor Report (page 29);
- Rate Report (page 30);
- Statement of Financial Activity (page 31);
- Net Current Asset Position (page 32);
- Beatty Park Report – Financial Position (page 33);
- Variance Comment Report (page 34-37).

Comments on the financial performance are set out below:

Income Statement and Detailed Summary of Programmes/Activities

Operating Result

The operating result is Operating Revenue – Operating Expenses:

YTD Actual	-	\$5.3 million
YTD Budget	-	\$1.8 million
Variance	-	\$3.5 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	-	\$32.7 million
YTD Budget	-	\$32.4 million
YTD Variance	-	\$0.3 million
Full Year Budget	-	\$32.8 million

Summary Comments:

The total operating revenue is currently on budget.

Major variances are to be found in the following programmes:

Governance – 23% over budget;

Law, Order and Public Safety – 106% over budget;

Education and Welfare – 43% under budget;

Other Property & Services – 29% over budget;

More details variance comments are included on the page 34 – 37 of this report.

Operating Expenditure

YTD Actual	-	\$30.3 million
YTD Budget	-	\$31.5 million
YTD Variance	-	-\$1.2 million
Full Year Budget	-	\$33.7 million

Summary Comments:

The operating expenditure is currently operating at 4% under the year to date budget.

The major variance for expenditure is located in the following programmes:

Law Order and Public Safety – 12% below budget;

Education & Welfare – 14% below budget;

Transport – 12% below budget;

Other Property & Services – 19% over budget;

Administration General – 135% over budget;

Detailed variance comments are included on the page 34 – 37 of this report.

Income Statement by Nature and Type Report

This income statement shows operating revenue and expenditure are classified by nature and type.

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 May 2009 of \$6,510,178 which represents 52% of the revised budget of \$12,418,263.

	Budget	Revised Budget	Actual to Date (Include commitment)	%
Furniture & Equipment	163,850	213,687	131,115	61%
Plant & Equipment	1,520,700	974,345	328,583	34%
Land & Building	3,952,834	2,954,564	1,713,317	58%
Infrastructure	8,502,612	8,275,667	4,337,162	52%
Total	14,139,996	12,418,263	6,510,178	52%

Balance Sheet and Statement of Changes in Equity

The statement shows the current assets of \$16,462,160 and non current assets of \$142,195,635 for total assets of \$158,657,795.

The current liabilities amount to \$6,743,626 and non current liabilities of \$13,102,821 for the total liabilities of \$19,846,447. The net asset of the Town or Equity is \$138,811,348.

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 May 2009 is \$8.0m. 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 \$2,277,647 is outstanding at the end of May 2009.

Of the total debt \$108,030 (4%) relates to debts outstanding for over 60 days, of which \$105,771 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 reminders 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 May 2009 was \$410,053, which represents 2.21% of the outstanding collectable income compared to 2.92% 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 May 2009 was \$2,547,441.

Net Current Asset Position

The net current asset position \$2,547,441.

Beatty Park – Financial Position Report

As at 31 May 2009 the operating deficit for the Centre was \$371,757 in comparison to the annual budgeted deficit of \$522,615.

The cash position showed a current cash surplus of \$24,413 in comparison annual budget estimate of a cash deficit of \$63,586. 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.

9.4.1 Loftus Centre Management Committee – Receiving of Unconfirmed Minutes

Ward:	South	Date:	17 June 2009
Precinct:	Oxford Centre, P4	File Ref:	PRO3829
Attachments:	001		
Reporting Officer(s):	M. Rootsey		
Checked/Endorsed by:		Amended by:	

OFFICER RECOMMENDATION:

That the Council RECEIVES the Unconfirmed Minutes of the Loftus Centre Management Committee Meeting held on 16 June 2009, as shown in Appendix 9.4.1.

COUNCIL DECISION ITEM 9.4.1

Moved Cr Ker, Seconded Cr Messina

That the recommendation be adopted.

CARRIED “EN BLOC” (7-0)

(Mayor Catania and Cr Youngman were apologies for the meeting.)

PURPOSE OF REPORT:

The purpose of the report is for the Council to receive the Unconfirmed Minutes of the Loftus Centre Management Committee meeting held on the 16 June 2009.

BACKGROUND:

At the Ordinary Meeting of Council held on 19 December 2006, Item 10.4.9 the Council approved of a Management Committee for the Loftus Centre, as follows;

“OFFICER RECOMMENDATION:

That the Council APPROVES BY AN ABSOLUTE MAJORITY;

- (i) *pursuant to Section 5.9(2)(c) of the Local Government Act 1995, to establish a Committee to determine the day-to-day operational issues of the Loftus Centre, 99 Loftus Street, Leederville;*
- (ii) *the Committee shall comprise of the following persons;*
 - (a) *the Town's Chief Executive Officer or his representative;*
 - (b) *a representative of Belgravia Leisure Pty Ltd;*
 - (c) *a representative of Gymnastics WA;*
 - (d) *a representative of the Loftus Community Centre; and*
 - (e) *the Town's Manager Library and Information Services;*
- (iii) *in accordance with the Lease between the Town and Belgravia Leisure Pty Ltd, to APPOINT the Chief Executive Officer (with the and Executive Manager Corporate Services as Deputy) to the Committee; and*

- (iv) *to delegate the following functions to the Committee;*
- (a) *to determine day to day operational issues (including without limitation, use of the Premises, Common Areas cleaning, security issues, and use of the car park) which may arise as a result of the Lessee's use of the Loftus Centre Facilities with a view to ensuring the safe and efficient use of the Centre's Facilities by all users;*
 - (b) *to establish and review risk management plans for the Centre's Facilities;*
 - (c) *to consider and approve, if satisfactory, temporary structures within the Centre's Facilities;*
 - (d) *to make recommendations for the maintenance of Common Areas;*
 - (e) *to make recommendations for any capital improvements to the Centre's Facilities; and*
 - (f) *to do all such other things and to determine all such other issues in respect of the Centre's Facilities as are incidental or conducive to the above objects or any of them."*

CONSULTATION/ADVERTISING:

N/A.

LEGAL/POLICY

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

STRATEGIC IMPLICATIONS:

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

SUSTAINABILITY IMPLICATIONS:

N/A.

FINANCIAL/BUDGET IMPLICATIONS:

N/A.

COMMENTS:

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

9.4.2 Information Bulletin

Ward:	-	Date:	16 June 2009
Precinct:	-	File Ref:	-
Attachments:	001		
Reporting Officer(s):	A Radici		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Information Bulletin dated 23 June 2009, as distributed with the Agenda, be received.

COUNCIL DECISION ITEM 9.4.2

Moved Cr Ker, Seconded Cr Messina

That the recommendation be adopted.

CARRIED “EN BLOC” (7-0)

(Mayor Catania and Cr Youngman were apologies for the meeting.)

DETAILS:

The items included in the Information Bulletin dated 23 June 2009 are as follows:

ITEM	DESCRIPTION
IB01	Letter received from Synergy dated 21 May 2009, regarding Carbon Pollution Reduction Scheme Update
IB02	Virtual Server and Disk Backup Strategy Implementation
IB03	Notes of Appreciation from Ms Joy Flower regarding the Carers Lunch held on Friday 15 May 2009

9.1.9 No. 45 (Lot: 125 D/P: 3784 & Lot: 199 D/P: 30272) 45 Clieveden Street, North Perth – Additional Two-Storey Grouped Dwelling to Existing Single House

Ward:	North	Date:	15 June 2009
Precinct:	North Perth; P08	File Ref:	PRO4692; 5.2009.100.1
Attachments:	001		
Reporting Officer(s):	A Reynolds		
Checked/Endorsed by:	H Smith, J MacLean	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by RCI Building Consultants and Brokers on behalf of the owner A J & M A Fogliani for proposed Additional Two-Storey Grouped Dwelling to Existing Single House, at No. 45 (Lot: 125 D/P: 3784 & Lot: 199 D/P: 30272) Clieveden Street, North Perth, and as shown on plans stamp-dated 26 March 2009 and amended plans stamp-dated 24 April 2009, 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 Clieveden Street setback area and the Union 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;*

- (iii) *a detailed landscaping plan, including a list of plants and the landscaping of the Clieveden Street and Union Street verges adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. The landscaping of the verge shall include details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months. The Council encourages landscaping methods which do not rely on reticulation. Where reticulation is not used, the alternative method should be described. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (iv) *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);*
- (v) *prior to the issue of a Building Licence, the subject land shall be amalgamated into one lot on Certificate of Title; OR alternatively, prior to the issue of a Building Licence the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to amalgamate the subject land into one lot within 6 months of the issue of the subject Building Licence. All costs associated with this condition shall be borne by the applicant/owner(s);*
- (vi) *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 northern lot. All costs associated with this condition shall be borne by the applicant/owner(s); and*
- (vii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the incorporation of vertical or horizontal articulation into the southern lounge/walk in robe/bedroom 3 wall of the first floor.*

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 9.1.9

Moved Cr Messina, Seconded Cr Doran-Wu

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED (5-2)

For: Cr Burns, Cr Doran-Wu, Cr Ker, Cr Lake, Cr Maier

Against: Presiding Member, Deputy Mayor Cr Farrell, Cr Messina

(Mayor Catania and Cr Youngman were apologies for the meeting.)

Landowner:	A J & M A Fogliani
Applicant:	RCI Building Consultants and Brokers
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R30/40
Existing Land Use:	Single House
Use Class:	Grouped Dwelling
Use Classification:	"P"
Lot Area:	834 square metres
Access to Right of Way	N/A

BACKGROUND:

20 January 2009

The Western Australian Planning Commission refused a Freehold (Green Title) Subdivision application by reason of the non-compliance with the minimum Residential R30 site area requirements. The Commission used the interpretation of clause 20 (4) (c) (i) of the Town of Vincent Town Planning Scheme No. 1 text as a basis for their recommendation. The clause reads as follows: *“Dual Coding: Within the area coded R30/40, development will only be permitted to R40 standards where the existing house is retained and where criteria specified in the precinct document is satisfied”*. The Commission has advised that the Scheme refers to the development of the land and does not apply to the creation of the vacant green-title lots. The Commission further advises that in the absence of a development approval, the Residential R30 coding would prevail.

DETAILS:

The proposal involves the construction of an additional two-storey grouped dwelling to an existing single house.

ASSESSMENT:

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

Assessment of the required building setbacks have been amended and corrected as follows. The eastern upper floor wall does not incorporate any major openings and is therefore required to be setback 1.5 metres; hence it is compliant and is removed from the table. The southern wall however is required to be setback 3.3 metres as opposed to 3.1 metres as detailed in the table. This has been corrected.

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	3.79 dwelling	2 dwellings	Noted – no variation.
Plot Ratio	N/A	N/A	Noted.
Building Setbacks: Ground Floor - East	1.5 metres	1.005 – 1.007 – 4.007 – 4.9 metres	Supported – not considered to have an undue impact on adjoining property and amenity of street.

- South	1.5 metres	1.0 – 1.5 metres	Supported – not considered to have an undue impact on adjoining property and amenity of street.
Upper Floor – East	3.3 metres	1.5 – 4.007 metres	Supported – not considered to have an undue impact on adjoining property and amenity of street.
-South	3.1 <u>3.3</u> metres	1.5 metres	Supported – not considered to have an undue impact on adjoining property and amenity of street <u>given a 1.6 metre high screen wall to the southern adjoining property has been proposed, lessening the impact of the reduced setback.</u>
Minor Incursion into Street Setback Area: - West (Union Street)	A porch, balcony, verandah, chimney or the equivalent may project not more than one (1) metre into the street setback area or exceed 20 percent of the lot frontage.	2.6 metres and 18.32 percent of the lot frontage	Supported – the proposed minor incursion will not adversely detract from the character of the streetscape, nor does the incursion dominate the appearance of the dwelling.
Open Space:	45% open space	Existing unit 1: 68.52% open space Proposed unit 2: 41.45% open space Average: 60.73% open space	Supported – this is not considered to have an undue impact on the amenity of the area as the overall open space for the site is 60.73 per cent of the total lot area.
Horizontal and Vertical Articulation: - South	Any portion of wall involving a setback variation and greater than 9 metres in length is required to incorporate horizontal or vertical articulation.	The southern wall on the upper floor is 10.3 metres in length without any articulation.	Not supported – considered to have an undue impact on the neighbouring property. Condition applied for articulation to be incorporated into the western wall on the first floor.

Consultation Submissions		
Support	Nil	Noted.
Objection (2)	<ul style="list-style-type: none"> • Building height • Dwelling setbacks • Lot size • Overshadowing • Privacy • Property devaluation • Reflectivity of roofing material • Open space 	<p>Not supported – the proposed building height is compliant with the requirements of the Residential Design Codes.</p> <p>Not supported – as above.</p> <p>Not supported – the proposed development is compliant with general site requirements of the Residential Design Codes.</p> <p>Not supported - the proposal is compliant with the Design for Climate (Overshadowing) provisions of the Residential Design Codes.</p> <p>Supported - revised plans have been received and the proposed upper floor balcony is compliant with the requirements of the Residential Design Codes.</p> <p>Not supported – not a planning related consideration.</p> <p>Not supported - the Town does currently have specific policy requirements to address reflectivity of corrugated iron and such materials.</p> <p>Not supported – as above.</p>

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

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

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

COMMENTS:

Union Street predominantly functions as a secondary street, and as a means of side vehicular access to a number of residential dwellings. The combined implications of the street's relatively short length and subsequent reduced dwelling side setbacks lessen the overall impact of the proposed dwelling on the subject streetscape. The proposed reduced open space allows the design of the dwelling to achieve a suitable bulk and scale and will not have an unreasonable impact on the amenity of the area. The proposal is therefore compliant with Clause 20 (5) of the Town of Vincent Town Planning Scheme No. 1 as the development achieves an acceptable level of residential amenity.

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

9.1.6 No. 121 (Lot: 151 D/P: 2790) Shakespeare Street, corner Ellesmere Street, Mount Hawthorn - Proposed Partial Demolition of and Alterations and Carport, Alfresco and Fence Additions to Existing Single House

Ward:	North	Date:	15 June 2009
Precinct:	Mount Hawthorn, P1	File Ref:	PRO4468; 5.2008.337.1
Attachments:	001		
Reporting Officer(s):	D Bothwell		
Checked/Endorsed by:	H Smith, J MacLean	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by B G Kazmer on behalf of the owner B G & P Kazmer for proposed Partial Demolition of and Alterations and Garage, Studio and Fence Additions to Existing Single House, at No. 121 (Lot: 151 D/P: 2790) Shakespeare Street, corner Ellesmere Street, Mount Hawthorn, and as shown on plans stamp-dated 29 May 2009 , subject to:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating any new street/front wall, fence and gate within the Shakespeare Street setback area and the Ellesmere 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;*
 - (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; and*

- (g) *the solid portion adjacent to the Ellesmere Street boundary from the above truncation(s) can increase to a maximum height of 1.8 metres, provided that the fence and gate have at least two (2) significant appropriate design features to reduce the visual impact. Examples of design features may include significant open structures, recesses and/or planters facing the street at regular intervals, and varying materials; and the incorporation of varying materials, finishes and/or colours are considered to be one (1) design feature. Details of these design features shall be submitted to and approved by the Town prior to the issue of a Building Licence.*

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

- (iii) *no street verge tree(s) shall be removed/pruned 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); and*
- (iv) *the carport shall be one hundred (100) per cent open on all sides and at all times (open type gates/panels with a visual permeability of eighty (80) per cent are permitted) except where it abuts the main dwelling.*

COUNCIL DECISION ITEM 9.1.6

Moved Cr Messina, Seconded Cr Lake

That the recommendation be adopted.

MOTION PUT AND CARRIED (7-0)

(Mayor Catania and Cr Youngman were apologies for the meeting.)

Landowner:	B G & P Kazmer
Applicant:	B G Kazmer
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1) Residential R30
Existing Land Use:	Residential
Use Class:	Single House
Use Classification:	"P"
Lot Area:	445 square metres
Access to Right of Way	West side, 5 metres wide, sealed, Town owned

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves partial demolition of and alterations and carport, alfresco and fence additions to existing single house.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Street Walls and Fences: Secondary Street- (Ellesmere Street)	Solid Portion of the wall to have a maximum height of 1.8 metres.	A small portion of the solid portion of the wall staggers up to a maximum height of 2.1 metres	Not supported – undue impact on the Ellesmere Street streetscape and surrounding amenity and condition applied for compliant fencing to be provided prior to the issue of a Building Licence.
Carports and Garages:	Car parking, garages and carports are to be located at the rear of the property and accessed via a right of way where one exists.	Proposed carport is located at the front of the property; no right of way access is proposed.	Supported – see “comments”.
Consultation Submissions			
Support (2)	No comments provided		Noted.
Objection	Nil		Noted.
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Sustainability Implications			Nil
Financial/Budget Implications			Nil

* The 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 applicant originally proposed to have a double garage and studio abutting the rear right of way, with vehicular access to the proposed garage being from Ellesmere Street (secondary street). However, as per the Town’s Policy No. 2.2.6 relating to truncations, a 2m x 2m metre truncation would have been required at the intersection of Ellesmere Street and the subject Right of Way (ROW), as well as a 1.5m x 1.5m visual truncation for the proposed garage. Additionally, a setback of 1 metre for the entire western boundary in which the proposed garage and studio adjoins would have been required for future ROW widening. Both the required truncation requirements and ROW widening would have significantly affected the size of the proposed double garage, making it non-compliant with AS2890.1 as well as significantly encroaching into the area set aside for the proposed alfresco/patio.

The applicant has since submitted amended plans with the deletion of the proposed garage and studio abutting the ROW, and the addition of a double carport located at the front of the property, with the proposed alfresco area remaining in its original location. The proposed double carport located at the front of the property is non-compliant with SADC (a) and (b), relating to Carports and Garages of the Town's Residential Design Elements Policy (RDEs), however, it complies with the performance criteria SPC 8 (i) of the RDEs as it does not visually dominate the site or the streetscape. The proposed carport at the front of the property is considered to be an effective use of space on the site, as there is a 7 metres setback to Shakespeare Street, and the location of the proposed carport and crossover off Shakespeare Street complies with the 6 metre setback requirement from the intersection of Shakespeare and Ellesmere Street. Furthermore, the proposed carport is open on all sides except where it abuts the main dwelling, occupies less than 50 per cent of the frontage of the lot, the materials and finishes of the carport will complement the existing dwelling, and no objections were received during the comment period.

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

9.1.1 No. 7 (Lot: 23 D/P: 6645) Baker Avenue, Perth - Additional Two (2) Two-Storey Grouped Dwellings to Existing Single House

Ward:	South	Date:	15 June 2009
Precinct:	Hyde Park; P12	File Ref:	PRO0767; 5.2009.136.1
Attachments:	001 002		
Reporting Officer(s):	D Pirone		
Checked/Endorsed by:	H Smith, J MacLean	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES BY AN ABSOLUTE MAJORITY the application submitted by Ian Xuyen Lu and Associates on behalf of the owner T N Tran for proposed Additional Two (2) Two-Storey Grouped Dwellings to Existing Single House, at No. 7 (Lot: 23 D/P: 6645) Baker Avenue, Perth, and as shown on amended plans stamp-dated 11 May 2009, 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 Baker Street setback area and the Astone Lane 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; and*
- (iii) *first obtaining the consent of the owners of No. 9 Baker Avenue for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 9 Baker Avenue in a good and clean condition;*

- (iv) *a detailed landscaping plan, including a list of plants and the landscaping of the Baker 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);*
- (v) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
- (vi) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the windows to bedroom 3 and 4 on the southern elevation of proposed rear unit 1, the balcony on the northern and eastern elevations of proposed rear unit 1, and the balcony on the northern and western elevations of proposed rear unit 2, being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2008. Alternatively prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of Nos. 5 and 9 Baker Avenue and Nos. 6, 8 and 12 Lane 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;*
- (vii) *no development shall occur within 1 metre of the western boundary of No. 7 Baker Avenue, Perth as a 1 metre wide Right of Way widening is a requirement of the Town; and*
- (viii) *prior to the issue of a Building Licence, the owner(s) shall enter into a legal agreement to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town for the conservation of the existing dwelling. All costs associated with this condition shall be borne by the applicant/owner(s).*

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

Moved Cr Ker, Seconded Cr Messina

That the recommendation be adopted.

MOTION PUT AND CARRIED
BY AN ABSOLUTE MAJORITY (7-0)

(Mayor Catania and Cr Youngman were apologies for the meeting.)

COUNCIL DECISION ITEM 9.1.1

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES BY AN ABSOLUTE MAJORITY the application submitted by Ian Xuyen Lu and Associates on behalf of the owner T N Tran for proposed Additional Two (2) Two-Storey Grouped Dwellings to Existing Single House, at No. 7 (Lot: 23 D/P: 6645) Baker Avenue, Perth, and as shown on amended plans stamped 11 May 2009, 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 Baker Street setback area and the Astone Lane 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; and*
- (iii) first obtaining the consent of the owners of No. 9 Baker Avenue for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 9 Baker Avenue in a good and clean condition;*
- (iv) a detailed landscaping plan, including a list of plants and the landscaping of the Baker 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);*

- (v) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
- (vi) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the windows to bedroom 3 and 4 on the southern elevation of proposed rear unit 1, the balcony on the northern and eastern elevations of proposed rear unit 1, and the balcony on the northern and western elevations of proposed rear unit 2, being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2008. Alternatively prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of Nos. 5 and 9 Baker Avenue and Nos. 6, 8 and 12 Lane 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;*
- (vii) *no development shall occur within 1 metre of the western boundary of No. 7 Baker Avenue, Perth as a 1 metre wide Right of Way widening is a requirement of the Town; and*
- (viii) *prior to the issue of a Building Licence, the owner(s) shall enter into a legal agreement to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town for the conservation of the existing dwelling. All costs associated with this condition shall be borne by the applicant/owner(s).*

Landowner:	T N Tran
Applicant:	Ian Xuyen Lu and Associates
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R80
Existing Land Use:	Single House
Use Class:	Grouped Dwelling
Use Classification:	"P"
Lot Area:	698 square metres
Access to Right of Way	West side, 4.5 metres wide, sealed, Town owned South side, 4.5 metres wide, sealed, Town owned.

BACKGROUND:

- 16 December 1996 The Council at its Ordinary Meeting refused an application for refurbishment of an existing dwelling and construction of two additional grouped dwellings and one single bedroom dwelling.
- 11 August 1997 The Council at its Ordinary Meeting refused an application for refurbishment and conversion of an existing residence into two multiple dwellings and construction of an additional two multiple dwellings and one grouped dwelling.

- 23 February 1998 The Council at its Ordinary Meeting refused an application for conversion of existing dwelling into two (2) multiple dwellings and construction of additional three (3) multiple dwellings.
- 13 March 1998 The applicant lodged an appeal with the Minister for Planning.
- 21 July 1998 The Minister for Planning dismissed the appeal.

DETAILS:

The proposal involves the construction of an additional two (2) two-storey grouped dwellings to an existing single house.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density:	3.87 dwellings	3 dwellings.	Noted – no variation.
Plot Ratio:	N/A	N/A	Noted.
Minimum Site Area: Unit 2:	160 square metres (five per cent variation = 152 square metres)	110 square metres	Supported – the retention of the existing dwelling maintains the amenity of the streetscape and the heritage listed property. Due to this, the existing dwelling creates less room at the rear of the lot for further development.
Unit 3:	160 square metres (five per cent variation = 152 square metres)	139 square metres	Supported – the retention of the existing dwelling maintains the amenity of the streetscape and the heritage listed property. Due to this, the existing dwelling creates less room at the rear of the lot for further development.
Building Setbacks: Ground Floor -South (Astone Lane) -North First Floor -South (Astone Lane)	2.0 metres 1.5 metres 1.5 metres behind each portion of the ground floor.	1.5 metres Nil – 1.92 metres In line with the ground floor.	Supported – see “Comments” Supported – not considered to have an undue impact on the neighbouring property and no objections received. Supported – see “Comments”

-North	2 metres	1 metre – 1.92 metres	Supported – not considered to have an undue impact on the neighbouring property and no objections received.
Buildings on Boundary:	Walls not higher than 3.5 metres with average of 3 metres for 2/3 (14 metres) of the length of the balance of the boundary behind the front setback, to one side boundary.	-North Wall height – 2.3 metres – 3.6 metres (average = 2.83 metres). Wall length = 6.6 metres.	Supported – not considered to have an undue impact on the neighbouring property and no objections received.
Open Space: Unit 2	45 per cent	41 per cent	Supported – this is not considered to have an undue impact on the amenity of the area as the overall open space for the site is 48.55 per cent of the total lot area.
Outdoor Living Area:	Behind the street setback area.	Unit 1 – provided within the street setback area.	Supported – this is not considered to have an undue impact on the amenity of the area.
Consultation Submissions			
Support (1)	No comments provided.		Noted.
Objection	Nil.		Noted.
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil
Sustainability Implications			Nil

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

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

COMMENTS:

Heritage

The subject place at No. 7 Baker Avenue, Perth is listed on the Town's Municipal Heritage Inventory as Management Category of B – Conservation Recommended.

The proposal involves the construction of additional two (2) two-storey grouped dwellings to the rear of the existing heritage listed property.

A Heritage Impact Statement was undertaken on 15 May 2009, based on the plans dated 22 April 2009 and 18 May 2009, to assess the impact of the proposed development on the cultural heritage value of the subject building. The Heritage Impact Statement indicated that the proposal would have no adverse impacts on the cultural heritage significance of the place and thus supported on heritage grounds.

In light of the above, the Town's Heritage Officers have no objection to the construction of two (2) two-storey grouped dwellings to the rear of the existing single house.

Setbacks to Right of Way

The required setbacks as set out in the Town's Residential Design Elements Policy is designed to create articulation, and to provide an interesting elevation to the street, or in this case, the very under-developed right of way. Whilst the proposal illustrates variations to these minimum setback requirements, the proposal demonstrates an interesting elevation to the right of way, with the use of varying materials and large open style windows that generally do not result in any variations to the privacy requirements of the R Codes.

Currently, there are only three dwellings that face the right of way as a result of subdivision and development. These dwellings are located on the other end of the right of way and exist with setback variations to the right of way. Due to the under-developed nature of the right of way, the development potential of the area by virtue of its zoning, the proposal will only generate a positive outcome for Astone Lane and the immediate area.

Conclusion

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. It should be noted that this application is required to be approved by an absolute majority as the development application proposes a variation to minimum site area that is greater than the permitted five per cent variation.

9.1.2 Nos. 112-120 (Lot 123 D/P: 314, Lots 4 and 5 D/P: 254 and Lots 53, 54 and 55 D/P: 29193) Broome Street, Highgate - Proposed Eight (8) Two-Storey Grouped Dwellings – State Administrative Tribunal (SAT) Review Matter No. DR 104 of 2009

Ward:	South	Date:	12 June 2009
Precinct:	Forrest; P14	File Ref:	PRO1307; 5.2008.401.1
Attachments:	001		
Reporting Officer(s):	D Pirone		
Checked/Endorsed by:	H Smith, J MacLean	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Perth Residential Developments on behalf of the owner Benjamin & Co Pty Ltd for proposed Demolition of Existing Single House and Construction of Eight (8) Two-Storey Grouped Dwellings, at Nos. 112 – 120 (Lots 4, 5, 53, 54, 55 and Lot 123) Broome Street, Highgate and as shown on amended plans stamp-dated 9 June 2009, subject to the following conditions:

- (i) interpretation of the history and significance of Crawshaw's House shall be incorporated into any future redevelopment of the site and shall have the approval of the Heritage Council of Western Australia;*
- (ii) an interpretative plaque or another appropriate form of interpretation that recognises the history and significance of Crawshaw's House, and is visible to the public along the Broome Street frontage, shall be installed prior to the first occupation of the redevelopment of the site. The design and wording of the interpretative plaque or other interpretative medium shall be submitted to and approved by the Heritage Council of Western Australia and the Town prior to the issue of a Building Licence;*
- (iii) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (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) any new street/front wall, fence and gate within the Broome Street setback area (except for the solid portion that incorporates the interpretive plaque) 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;*
- (vi) *prior to the issue of a Building Licence, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property of the following:*

 - (a) *the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities; and*
 - (b) *the Town of Vincent will not issue an owner or visitor residential car parking permit to any owner or occupier of the units. 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;
- (vii) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, traffic and heavy vehicle access, dust and any other appropriate matters, shall be submitted to and approved by the Town, and thereafter implemented and maintained;*
- (viii) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Broome Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. The landscaping of the verge shall include details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months. The Council encourages landscaping methods which do not rely on reticulation. Where reticulation is not used, the alternative method should be described. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (ix) *prior to the issue of a Building Licence, the subject land shall be amalgamated into one lot on Certificate of Title; OR alternatively, prior to the issue of a Building Licence the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to amalgamate the subject land into one lot within 6 months of the issue of the subject Building Licence. All costs associated with this condition shall be borne by the applicant/owner(s);*

- (x) *prior to the first occupation of the development, the existing crossover at Nos. 112 and 116 Broome Street being removed and the street verge adjacent to the subject site being reinstated. All costs associated with the removal of the existing crossover and reinstatement of the street verge is to be borne by the applicant/owner(s);*
- (xi) *the proposed 1.5 metres pedestrian access way being a shared driveway for vehicles and pedestrians, with a clear distinguishing detail illustrating the pedestrian area from the driveway;*
- (xii) *any proposed boundary fencing along Unit 8 shall allow for a 1.5 metres by 1.5 metres truncation to the west of the porch; and*
- (xiii) *prior to the issue of a Building Licence all vehicular access to the subject sites at Nos. 112-120 Broome Street, Highgate and Nos. 476, 484 and 488-492 Beaufort Street, Highgate, shall be legally and continually secured, to the satisfaction of the Town.*

Moved Cr Messina, 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) *an interpretative plaque or another appropriate form of interpretation that recognises the history and significance of Crawshaw's House and a line drawing of the cottage, and is visible to the public along the Broome Street frontage, shall be installed prior to the first occupation of the redevelopment of the site. The design and wording of the interpretative plaque or other interpretative medium shall be submitted to and approved by the Heritage Council of Western Australia and the Town prior to the issue of a Building Licence;”*

AMENDMENT PUT AND CARRIED (6-1)

For: Presiding Member, Deputy Mayor Cr Farrell, Cr Burns, Cr Doran-Wu, Cr Ker, Cr Lake, Cr Maier

Against: Cr Messina

(Mayor Catania and Cr Youngman were apologies for the meeting.)

MOTION AS AMENDED PUT AND CARRIED (5-2)

For: Presiding Member, Deputy Mayor Cr Farrell, Cr Burns, Cr Ker, Cr Maier, Cr Messina

Against: Cr Doran-Wu, Cr Lake

(Mayor Catania and Cr Youngman were apologies for the meeting.)

COUNCIL DECISION ITEM 9.1.2

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Perth Residential Developments on behalf of the owner Benjamin & Co Pty Ltd for proposed Demolition of Existing Single House and Construction of Eight (8) Two-Storey Grouped Dwellings, at Nos. 112 – 120 (Lots 4, 5, 53, 54, 55 and Lot 123) Broome Street, Highgate and as shown on amended plans stamp-dated 9 June 2009, subject to the following conditions:

- (i) interpretation of the history and significance of Crawshaw's House shall be incorporated into any future redevelopment of the site and shall have the approval of the Heritage Council of Western Australia;*
- (ii) an interpretative plaque or another appropriate form of interpretation that recognises the history and significance of Crawshaw's House and a line drawing of the cottage, and is visible to the public along the Broome Street frontage, shall be installed prior to the first occupation of the redevelopment of the site. The design and wording of the interpretative plaque or other interpretative medium shall be submitted to and approved by the Heritage Council of Western Australia and the Town prior to the issue of a Building Licence;*
- (iii) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (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) any new street/front wall, fence and gate within the Broome Street setback area (except for the solid portion that incorporates the interpretive plaque) 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;*
- (vi) *prior to the issue of a Building Licence, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property of the following:*
- (a) *the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities; and*
- (b) *the Town of Vincent will not issue an owner or visitor residential car parking permit to any owner or occupier of the units. 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;*
- (vii) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, traffic and heavy vehicle access, dust and any other appropriate matters, shall be submitted to and approved by the Town, and thereafter implemented and maintained;*
- (viii) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Broome Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. The landscaping of the verge shall include details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months. The Council encourages landscaping methods which do not rely on reticulation. Where reticulation is not used, the alternative method should be described. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (ix) *prior to the issue of a Building Licence, the subject land shall be amalgamated into one lot on Certificate of Title; OR alternatively, prior to the issue of a Building Licence the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to amalgamate the subject land into one lot within 6 months of the issue of the subject Building Licence. All costs associated with this condition shall be borne by the applicant/owner(s);*
- (x) *prior to the first occupation of the development, the existing crossover at Nos. 112 and 116 Broome Street being removed and the street verge adjacent to the subject site being reinstated. All costs associated with the removal of the existing crossover and reinstatement of the street verge is to be borne by the applicant/owner(s);*

- (xi) *the proposed 1.5 metres pedestrian access way being a shared driveway for vehicles and pedestrians, with a clear distinguishing detail illustrating the pedestrian area from the driveway;*
- (xii) *any proposed boundary fencing along Unit 8 shall allow for a 1.5 metres by 1.5 metres truncation to the west of the porch; and*
- (xiii) *prior to the issue of a Building Licence all vehicular access to the subject sites at Nos. 112-120 Broome Street, Highgate and Nos. 476, 484 and 488-492 Beaufort Street, Highgate, shall be legally and continually secured, to the satisfaction of the Town.*

Landowner:	Benjamin & Co Pty Ltd
Applicant:	Perth Residential Developments
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R80
Existing Land Use:	Vacant Land
Use Class:	Grouped Dwelling
Use Classification:	"P"
Lot Area:	1480 square metres
Access to Right of Way	Not Applicable

BACKGROUND:

- 8 February 2000 The Council refused the proposed demolition of the existing dwelling at No. 116 (Lot 5) Broome Street, Highgate and commissioned the services of an approved Heritage Consultant to complete a full documentary of the place and to refer the place to the Heritage Council of Western Australia (HCWA). This followed various public submissions and some preliminary independent historical research commissioned by the Town, which highlighted that the Officer's original report dated 22 November 1999 that indicated the place had no cultural heritage significance, was incorrect.
- 18 April 2000 New planning application received for the redevelopment of the site and retaining the existing dwelling at No. 116 (Lot 5) Broome Street, Highgate.
- 26 September 2000 The Council granted conditional approval for proposed alterations and addition to the existing building and 14 additional dwellings, subject to various heritage requirements outlined by the HCWA and the Town.
- 15 December 2000 The Town received notification from HCWA that the place has been entered on the Register of Heritage Places on an Interim basis.
- 7 February 2005 An application for demolition received by the Town.
- 11 October 2005 After much liaison with the Heritage Council, the Council at its Ordinary Meeting approved the demolition of the subject place, subject to standard and appropriate conditions, including the requirement for an interpretative proposal that recognises the history and significance of Crawshaw's House being installed in a place that is visible to the public along the Broome Street frontage.

- 8 July 2008 The Council at its Ordinary Meeting resolved to refuse a planning application for demolition of existing single house and construction of eight grouped dwellings for the following reasons:
- “1. *Non compliances as stated in the Assessment Table.*
 2. *No community dividend for the loss of Crawshaw’s Cottage.*
 3. *Ability to incorporate the Cottage into the proposed redevelopment.*
 4. *Consideration of the objections received.*
 5. *Questionable aesthetics.”*
- 24 February 2009 The Council at its Ordinary Meeting resolved to refuse a planning application for demolition of existing single house and construction of eight grouped dwellings for the following reasons:
- “1. *Lack of visitor car bays.*
 2. *Non-compliance as stated in the Assessment Table.*
 3. *Consideration of objections received.”*
- 20 March 2009 The applicant lodged a review application with the SAT in relation to the planning application, which was refused by the Council at its Ordinary Meeting held on 24 February 2009.
- 3 April 2009 Directions Hearing at the SAT.
- 14 April 2009 The Council at its Ordinary Meeting resolved to approve the demolition of the existing single house at No. 116 Broome Street.
- The Council resolved to nominate Councillor Izzi Messina to attend the mediation at SAT on 17 April 2009.
- 17 April 2009 Mediation at the SAT.
- 9 June 2009 Further mediation at the SAT. The applicant submitted a set of amended plans, which is the subject of this report.

DETAILS:

The application involves the proposed eight (8) two-storey grouped dwellings at the subject property. Under section 252 (1) of the Planning and Development Act 2005, the owner of the subject property submitted an application for review, to the SAT, regarding the decision of the Council to refuse the demolition of the existing single house and the construction of eight (8) two-storey grouped dwellings at its Ordinary Meeting held on 24 February 2009. It is noted that the Council then approved the demolition of the existing single house at its Ordinary Meeting held on 14 April 2009, in a separate planning application.

The applicant has submitted amended plans as a result of the Mediation at the SAT, held on 9 June 2009. The subject amended plans indicate an entirely altered elevation depicting a contemporary design. The floor plans have only been slightly amended to accommodate the new design. No further variations are proposed.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density:	8.22 dwellings at R60	8 dwellings	Noted – no variation.
Plot Ratio:	N/A	N/A	Noted.
Building Setbacks:			
South Block Ground Floor			
-East	1.5 metres	1.2 metres – 1.6 metres	Supported – as not considered to have an undue impact on the neighbouring property.
-West	1.5 metres	1.2 metres – 1.6 metres	Supported – as not considered to have an undue impact on the neighbouring property.
Upper Floor			
-East	1.5 metres	1.2 metres – 1.6 metres	Supported – as not considered to have an undue impact on the neighbouring property.
-West	1.5 metres	1.2 metres – 1.6 metres	Supported – as not considered to have an undue impact on the neighbouring property.
North Block Ground Floor			
-East	1.5 metres	1.2 metres – 1.6 metres	Supported – as not considered to have an undue impact on the neighbouring property.
-West	1.5 metres	1.2 metres – 1.6 metres	Supported – as not considered to have an undue impact on the neighbouring property.
Upper Floor			
-East	1.6 metres	1.2 metres – 1.6 metres	Supported – as not considered to have an undue impact on the neighbouring property.
-West	1.5 metres	1.2 metres – 1.6 metres	Supported – as not considered to have an undue impact on the neighbouring property.

Outdoor Living Area: Units 1-4	An outdoor living area is to be provided behind the street setback area.	Provided with the street setback area.	Supported – as not considered to have an undue impact on the amenity of the area.
Car Parking:	Visitor spaces at the rate of one space for each four dwellings.	No visitor bays provided.	Supported – see “Comments.”
Street Walls and Fences:	The maximum width of the piers being 355 millimetres.	The pier with the proposed plaque is 1430 millimetres.	Supported – the proposal demonstrates the incorporation of the existing bricks from the existing house in a panel of the front fence. Whilst this involves a variation, it is not considered to have an undue impact on the amenity of the streetscape.

Consultation Submissions

Note: these submissions are as a result of the advertising from the plans refused by the Council at its Ordinary Meeting held on 24 February 2009. The amended plans dated 9 June 2009 are not required to be advertised as they do not result in any further variations to the R Codes and the Town’s Policies.

Support	Nil	Noted
Objection (7)	<ul style="list-style-type: none"> • Building setbacks. • Articulation. 	<ul style="list-style-type: none"> • Not supported – the proposed variations to the building setback requirements are minor and are not considered to have an undue impact on the neighbouring properties. • Supported – the applicant has submitted amended plans to comply with this requirement.
	<ul style="list-style-type: none"> • Outdoor living area being provided in the front setback. • Lack of visitor car parking. • Building height. • Solid fencing. 	<ul style="list-style-type: none"> • Not supported – a courtyard within the front setback area will not result in an undue impact on the amenity of the area as it will provide interaction between the street and the proposed dwellings. • Supported – see “Comments”. • Supported – the applicant has submitted amended plans to comply with this requirement. • Not supported – the proposed fencing is compliant with the requirements, apart from a section that incorporates the bricks of the existing house and an interpretive plaque that outlines the history of Crawshaw’s House.

	<ul style="list-style-type: none"> • The development will result in a loss of light and sunshine. • The development will result in a loss of privacy. • Loss of open space. • Loss of views to the city. • Bulk and scale 	<ul style="list-style-type: none"> • Not supported – as the proposal complies with the overshadowing requirements of the R Codes. • Supported – considered to have an undue impact on the neighbouring properties. Condition applied for all major openings to habitable rooms to be screened. • Not supported – as the proposal complies with the open space requirements of the R Codes. • Not supported – two-storey developments are permitted in this area and a condition has been applied to comply with the building height requirements of the R Codes. • Not supported in part – the plot ratio requirements of the R Codes are not applicable in this instance and a condition has been applied to comply with the building height requirements of the R Codes.
Other Implications		
Legal/Policy	TPS 1 and associated Policies, and Residential Design Codes (R Codes).	
Strategic Implications	Nil	
Financial/Budget Implications	Nil	
Sustainability Implications	Nil	

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

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

COMMENTS:

State Administrative Tribunal Act 2004

Section 31 states as follows:

“31. *Tribunal may invite decision-maker to reconsider*

- (1) *At any stage of a proceeding for the review of a reviewable decision, the Tribunal may invite the decision-maker to reconsider the decision.*
- (2) *Upon being invited by the Tribunal to reconsider the reviewable decision, the decision-maker may –*
 - (a) *affirm the decision;*
 - (b) *vary the decision; or*
 - (c) *set aside the decision and substitute its new decision.*
- (3) *If the decision-maker varies the decision or sets it aside and substitutes a new decision, unless the proceeding for a review is withdrawn it is taken to be for the review of the decision as varied or the substituted decision.”*

Under Section 31 of the SAT Act 2004, the Town has been invited to determine the subject application; that is, to (a) affirm the decision; (b) vary the decision; or (c) set aside the decision and substitute its new decision. After the Ordinary Meeting of Council scheduled to be held on 23 June 2009, the Town's Officers and the Applicant are to attend a further Directions Hearing at the SAT on 26 June 2009. If the Applicant is satisfied with the determination made by the Council at its Ordinary Meeting scheduled to be held on 23 June 2009, the applicant will consider withdrawing their current Review application with the State Administrative Tribunal.

Parking and Access

The existing right of carriage way easement, which allows for all vehicular access to the proposed development, runs along the rear of Nos. 476 and 484 Beaufort Street, Highgate. The owners of this proposal also own Nos. 484 and 488-492 Beaufort Street; however, the corner property at No. 476 Beaufort Street is owned by a different party. To ensure that access to the subject site and the properties facing Beaufort Street (Nos. 476, 484 and 488-492) is maintained, a condition has been applied to the Officer Recommendation stating that all vehicular access to the above subject sites and Nos. 476, 484 and 488-492 Beaufort Street shall be legally secured perpetually, to the satisfaction of the Town. This will then require the applicant to either appoint their own solicitor or use the Town's solicitors to prepare the necessary legal documents, which will ensure owners having vehicles access rights to the subject sites. This will also allow the vehicles that park in the parking areas of Nos. 476, 484 and Nos. 488-492 Beaufort Street to access and manoeuvre into part of the common driveway of the above subject site. These access arrangements are to be to the satisfaction of the Town, prior to the issue of a Building Licence.

Vehicular access via the right of carriageway minimises the number of crossovers onto Broome Street and thus keeps the streetscape clear of garages and crossovers, as well as allowing for the planting of verge trees and on-site car bays. The development requires 1 visitor car bay to be provided and by reinstating the existing crossover, an additional on-street car bay is provided along Broome Street.

Parks Services

The Town's Parks Services Officers have advised that arrangements will be made to plant a number of new street verge trees on the Broome Street verge adjacent to the subject property. The number of trees to be planted and the spacing will be determined upon the reinstating of the vehicle crossovers to Broome Street.

Conclusion

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

9.1.3 No. 301 (Lot: 1 D/P: 5184) Oxford Street, corner Wylie Place, Leederville - Front Fence Addition to Existing Grouped Dwelling – Application for Retrospective Approval

Ward:	North	Date:	12 June 2009
Precinct:	Leederville; P03	File Ref:	PRO3902; 5.2009.180.1
Attachments:	001		
Reporting Officer(s):	D Pirone		
Checked/Endorsed by:	H Smith, J MacLean	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Urban & Rural Perspectives on behalf of the owner Esteem Pty Ltd & D J Condidorio for Front Fence Addition to Existing Grouped Dwelling – Application for Retrospective Approval, at No. 301 (Lot: 1 D/P: 5184) Oxford Street, Corner Wylie Place, Leederville, and as shown on amended plans stamp-dated 5 June 2009, subject to the following condition:

- (i) *the owner(s) of the subject property shall be responsible for all watering and maintenance of the landscaping on the verge.*

COUNCIL DECISION ITEM 9.1.3

Moved Cr Lake, Seconded Cr Burns

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND LOST (3-4)

For: Presiding Member, Deputy Mayor Cr Farrell, Cr Doran-Wu, Cr Messina

Against: Cr Burns, Cr Ker, Cr Lake, Cr Maier

(Mayor Catania and Cr Youngman were apologies for the meeting.)

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 clause SADC 13 of the Town’s Policy No. 3.2.1 relating to Residential Design Elements, which requires the solid portion of a wall to have a maximum height of 1.2 metres above the adjacent footpath level and posts and piers to have a maximum height of 1.8 metres above the adjacent footpath level.**
3. **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.**
4. **The non-compliance with the Town’s Policy relating to Visual Sight Line Truncations – Driveways and Right of Ways.**

Landowner:	Esteem Pty Ltd & D J Condidorio
Applicant:	Urban & Rural Perspectives
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R60
Existing Land Use:	Grouped Dwelling
Use Class:	Grouped Dwelling
Use Classification:	"P"
Lot Area:	594 square metres
Access to Right of Way	Not Applicable

BACKGROUND:

11 September 2007 The Council at its Ordinary Meeting conditionally approved an application for the demolition of the existing single house and the construction of five (5), two-storey single bedroom grouped dwellings.

28 July 2008 The Town under delegated authority from the Council conditionally approved a pergola addition to approved five (5), two-storey single bedroom grouped dwellings.

16 February 2009 The unauthorised construction of a front fence came to the Town's attention, and after further investigation, was found to be non-compliant with the Town's policies.

17 February 2009 The Town's Development Compliance Officer advised the owner of the non-compliant fence and advised that they are required to comply with the Town's requirements.

20 March 2009 The applicant submitted a retrospective application for the non-compliant front fence.

14 April 2009 The Council at its Ordinary Meeting refused the retrospective application for the non-complaint front fence and resolved as follows:

“(i) in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, REFUSES the application submitted by Urban & Rural Perspectives on behalf of the owner Esteem Pty Ltd & D J Condidorio for proposed Front Fence Addition to Existing Grouped Dwelling (Retrospective Application), at No. 301 (Lot: 1 D/P: 5184) Oxford Street, corner Wylie Place, Leederville, and as shown on plans stamp-dated 20 March 2009, 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 requires the solid portion of a wall to have a maximum height of 1.2 metres above the adjacent footpath level and posts and piers to have a maximum height of 1.8 metres above the adjacent footpath level;

- (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*
- (d) *the non-compliance with the Town's Policy relating to Visual Sight Line Truncations – Driveways and Right of Ways;*
- (ii) *ADVISES the applicant and owners that the unauthorised front/street fence shall be modified to comply/removed within twenty-eight (28) days of notification; and*
- (iii) *AUTHORISES the Chief Executive Officer to proceed with legal proceedings should the above front/street fence remain after this twenty-eight (28) days period."*

DETAILS:

The proposal involves the reconsideration of the refusal resolved by the Council at its Ordinary Meeting held on 14 April 2009 for proposed front fence addition to existing grouped dwelling – application for retrospective approval at the subject property.

The applicant has illustrated the inclusion of timber panels into the high solid portions of the fence adjacent to Wylie Place as an appropriate design feature. Furthermore, the plans indicate the addition of suitable landscaping on the street verge, in front of the solid portions of fencing where the meter boxes are located.

The applicant's submission is "*Laid on the Table*" and partly stated below.

"The provision of additional landscaping as proposed is considered to be of significant benefit for the following reasons:

- i. *It will allow for retention of the solid fence panels which provide much needed privacy to the outdoor living area located within the front setback area of each dwelling;*
- ii. *It will screen any impact the solid panels may have on the local streetscape and help improve the overall amenity, character, visual appearance of the fence when viewed from the street; and*
- iii. *It will allow for retention of the visually permeable panels which provide opportunity for passive surveillance of the street and ensure that adequate sightlines are maintained for vehicle and pedestrian movement."*

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	Noted.

<p>SADC 13. Street Walls and Fences</p>	<p>Maximum height of solid portion of wall to be 1.2 metres above adjacent footpath level and a minimum of fifty percent visually permeable above 1.2 metres.</p> <p>For unit 1 the solid portion can increase to a height of 1.8 metres on a secondary street (Wylie Place)</p> <p>Posts and Piers to have a maximum width of 355 millimetres and a maximum height of 1.8 metres above adjacent footpath level and side boundaries.</p>	<p>Unit 2 – Maximum height of solid portion 1.73 metres.</p> <p>Unit 3 – Maximum height of solid portion 2.2 metres.</p> <p>Unit 4 – Maximum height of solid portion 1.88 metres.</p> <p>Unit 5 – Maximum height of solid portion 2.4 metres.</p> <p>Unit 1 – Maximum height of solid portion 2.22 metres.</p> <p>Unit 1 – -Width of piers is compliant. -Maximum height of piers 2.22 metres.</p> <p>Unit 2 – -Maximum width of piers 2.18 metres -Height of piers is compliant</p> <p>Unit 3 – -Maximum width of piers 2.31 metres -Maximum height of piers 2.2 metres.</p> <p>Unit 4 – -Maximum width of piers 2.08 metres -Maximum height of piers 1.88 metres.</p> <p>Unit 5 – -Maximum width of piers 1.66 metres - Maximum height of piers 2.4 metres</p>	<p>Supported – the inclusion of the timber panelling as an appropriate design feature as well as the landscaping along the Wylie Place verge, significantly reduces the impact of the solid walls on the streetscape.</p> <p>Supported – the inclusion of the timber panelling as an appropriate design feature as well as the landscaping along the Wylie Place verge, significantly reduces the impact of the solid walls on the streetscape.</p> <p>Supported – the inclusion of the timber panelling as an appropriate design feature as well as the landscaping along the Wylie Place verge, significantly reduces the impact of the solid walls on the streetscape.</p>
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<p>Policy No. 2.2.12 relating to Truncations</p>	<p>The area within a sight line shall be maintained clear of obstructions above the height of 650 millimetres within the 1.5 metre by 1.5 metre visual truncation area.</p>	<p>Height of walls adjoining access leg</p> <p>Unit 1 – Not applicable</p> <p>Unit 2 – Compliant (640 millimetres)</p> <p>Unit 3 – 830 millimetres</p> <p>Unit 4 – (780 millimetres)</p> <p>Unit 5 – (890 millimetres)</p>	<p>Supported – this is a minor variation and is considered supportable due to the nature of Wylie Place. Wylie Place is a cul-de-sac approximately 90 metres in length. Due to this, it is considered that the cul-de-sac would have very limited pedestrian and vehicle movements and as such is not considered to impact on the safety of other vehicles and pedestrians.</p>
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Consultation Submissions

No consultation is required as the proposed retrospective front fence will not have any direct impact on the neighbouring properties.

Other Implications

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

* The 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:

Parks Services

The Town's Parks Services Officers have no objections to the landscaping being placed on the verge; however, they have advised that the owner of the property is to take full responsibility for watering and maintenance of the landscaping. A condition has been applied to the Officer Recommendation to ensure this.

Technical Services

The Town's Technical Services Officers do not support the variation to the truncation requirements as this requirement is to ensure adequate visibility of pedestrians, cyclists or other vehicles by the driver of the vehicle exiting the parking space and non-compliance would result in a potential safety hazard. However, the Town's Planning Officers are of the view that this is a minor variation due to the nature of Wylie Place, which is a cul-de-sac, approximately 90 metres in length. Accordingly, it is considered that the cul-de-sac would have very limited pedestrian and vehicle movements and as such is not considered to impact on the safety of other vehicles and pedestrians.

Conclusion

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

9.1.10 Amendment No. 62 to Planning and Building Policies – Policy No. 3.5.2 Relating to Signs and Advertising

Ward:	Both Wards	Date:	15 June 2009
Precinct:	All Precincts	File Ref:	PLA0188
Attachments:	001 , 002		
Reporting Officer(s):	E Lebbos		
Checked/Endorsed by:	H Smith, J MacLean	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the Draft Amended Policy No. 3.5.2 relating to Signs and Advertising, as shown in Attachment 001;*
- (ii) *ADVERTISES the Draft Amended Policy No. 3.5.2 relating to Signs and Advertising for public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:*
 - (a) *advertising a summary of the subject Policy once a week for four consecutive weeks in a newspaper circulating in the locality;*
 - (b) *where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the subject Policy; and*
 - (c) *forwarding a copy of the subject Policy to the Western Australian Planning Commission; and*
- (iii) *after the expiry of the period for submissions:*
 - (a) *REVIEWS the Draft Amended Policy No. 3.5.2 relating to Signs and Advertising, having regard to any written submissions; and*
 - (b) *DETERMINES the Draft Amended Policy No. 3.5.2 relating to Signs and Advertising, with or without amendment, to or not to proceed with it.*

COUNCIL DECISION ITEM 9.1.10

Moved Cr Ker, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Maier, Seconded Cr Ker

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

- “(i) *RECEIVES the Draft Amended Policy No. 3.5.2 relating to Signs and Advertising, as shown in Attachment 001, subject to:*
 - (a) *clause (3)(vi) of Policy being deleted;”*

Debate ensued.

PROCEDURAL MOTION

Moved Cr Ker, Seconded Cr Messina

That the item be DEFERRED for further consideration.

MOTION PUT AND CARRIED (7-0)

(Mayor Catania and Cr Youngman were apologies for the meeting.)

PURPOSE OF REPORT:

The purpose of this report is to present a Draft Amended Policy No. 3.5.2 relating to Signs and Advertising, and to seek Council's approval to advertise the Draft Amended Policy.

BACKGROUND:

The Signs and Advertising Policy was first adopted by the Council at its Ordinary Meeting held on 20 November 2001. It was last amended by the Council at its Ordinary Meeting held on 6 November 2007 following a minor amendment to remove any anomaly between ground based signs under the Town's Signs and Advertising Policy and portable signs under the draft new Local Government Property Local Law.

The Council at its Ordinary Meeting held on 6 November 2007 considered the proposed Amendment to the Signs and Advertising Policy, and resolved as follows:

"That the Council;

- (i) RECEIVES the final amended version of the Policy relating to Signs and Advertising, as attached to this report, resulting from the advertised version having been reviewed and with regard to nil (0) written submissions received during the formal advertising period, in accordance with Clauses 47 (3), (4) and (5)(a) of the Town's Town Planning Scheme No. 1;*
- (ii) ADOPTS the final amended version of the Policy relating to Signs and Advertising, as attached to this report, in accordance with Clause 47 (5) (b) of Town's Town Planning Scheme No. 1; and*
- (iii) AUTHORISES the Chief Executive Officer to advertise the final amended version of the Policy relating to Signs and Advertising, as attached to this report, in accordance with Clause 47 (6) of the Town's Town Planning Scheme No. 1."*

DETAILS:

The key objective of the Signs and Advertising Policy is to ensure that the display of advertisements on properties does not adversely impact upon the amenity of surrounding areas, while providing appropriate exposure of activities or services.

A review of the Policy has been undertaken with the intent of improving the effectiveness of its implementation. The review process has been twofold; to investigate various sign and advertising policies of other local government authorities; and to collate feedback from internal service areas that apply the Policy.

Research into procedures by other local governments

A number of local councils were examined as part of the review process, including the City of Nedlands, the City of Stirling, and the City of Subiaco. The findings indicated that the following methods to improve the Signs and Advertising Policy could be considered:

- outline in detail the differences between obtaining a sign licence and planning approval;
- clearly outline the variations to the sign-specific standards in order to ensure that where the standards are not met, signs are assessed in accordance with the principles set out in this section of the Policy; and
- set out development guidelines for any sign proposed on a heritage listed place, including size, placement, design, and illumination of signs.

Internal feedback from the Town's Planning and Heritage Officers

A copy of the Signs and Advertising Policy was circulated to relevant Planning and Heritage Officers who regularly apply the Policy.

A summary of the feedback received by the Town's Officers and subsequent amendments to the Policy is summarised below:

Signs and Advertising Policy No. 3.5.2

Officer Comments:

- Provide the Town's own diagram to represent the different sign types outlined in the Policy;
- Set out clearer definitions for the different sign types;
- Include provisions for signage dealing specifically with electoral advertising;
- Provide clarification in terms of the differences between a sign licence and a development approval, as well as clearly outline when each is applicable;
- Include a clause to change the current stipulation in the Policy from no signage allowed on fences and walls etc., to signage being permitted on fences, walls etc. for tenancies located on district distributors, and heritage listed properties;
- Incorporate a clause specifically relating to standards for signs on commercial uses in residential and residential/commercial zones;
- Amend the inconsistency between the Policy and the *Building Regulations 1989*, regarding the minimum clearance for various signs from 2.7 metres to 2.75 metres;
- Reduce the height allowance in the Policy regarding tethered signs from 8 metres to 6 metres;
- In the clause outlining the variations of standards, include a separate section clearly stating the relevant principles to the variations of standards in the Policy;
- Include a separate section regarding standards common to signs on heritage listed properties; and
- Develop a Sign Strategy Pro Forma to correspond with the requirement for a sign strategy stipulated in the Policy.

Officer Actions:

In response to the issues raised above, various proposed amendments to the Policy have been made as shown in Appendix 9.1.10 (via underline and strikethrough), of the report and as outlined below;

A new diagram representing the sign types relevant to the Town of Vincent has been incorporated into the Policy to replace the current signage diagram from the City of Stirling. Concerning clause 1 of the Policy, clearer definitions have been incorporated to ensure accurate determination of sign types by applicants, as well as accurate assessment by the Town's Planning Officers. Regarding the differences between a sign licence and a development approval, this has been clearly outlined in the Policy Statement section to ensure that applicants understand the difference between a licence and an approval as well as when each is applicable.

The current stipulation in the Policy disallowing signage on fences and walls has been amended to permit signage on fences and walls, as this is necessary in some instances (that is, for some heritage listed properties). Throughout the Policy there were inconsistencies in the standards stating that minimum clearance for signs is to be 2.7 m. However, the *Building Regulations 1989* clearly states that the minimum clearance is to be 2.75 m. Therefore, all the inconsistencies have been amended to reflect the requirements in the Regulations. In regards to tethered signs, the current height allowed in the Policy (8 metres) was considered excessive by the Planning Officers. This was therefore, amended to reflect the height of a two storey building (6 metres).

Variations to the standards are not adequately outlined in the current Policy. Therefore, a new section has been developed clearly outlining all the variations to the standards. Also, the current Policy does not adequately outline standards for signs on heritage listed properties. Therefore a new section clearly outlining the standards common to signage on heritage buildings (including size, design, and illumination) has been incorporated into the Policy. Finally, a sign strategy has also been developed as shown in Appendix 9.1.10 of this report. This is to simplify the approval process for applicants proposing three (3) or more signs that do not comply with the standards of the Town's Signs and Advertising Policy.

It is considered that these changes will assist in the streamlining of the Signs and Advertising Policy.

CONSULTATION/ADVERTISING:

The amended Signs and Advertising Policy is required to be advertised for twenty eight (28) days.

LEGAL/POLICY:

Town Planning Scheme No. 1 and associated Policies.

STRATEGIC IMPLICATIONS:

Plan for the Future - Strategic Plan 2009-2014 - Key Result Area One: 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."

FINANCIAL/BUDGET IMPLICATIONS:

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

COMMENTS:

It is considered that these amendments will result in a comprehensive and transparent Signs and Advertising Policy that provides clear, detailed information to the public in regards to signs and advertising within the Town.

In light of the above, it is recommended that the Council approves the amendments to the Signs and Advertising Policy, and progresses this document in accordance with the Officer Recommendation.

9.2.3 Localised Flooding and Proposed Drainage Improvements – Sholl Lane, North Perth and Britannia Road, Leederville/Mt Hawthorn

Ward:	North	Date:	16 June 2009
Precinct:	Mt Hawthorn P1 & Smith's Lake P6	File Ref:	TES0210
Attachments:	-		
Reporting Officer(s):	C Wilson, C Economo		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) **RECEIVES** the report on the Localised Flooding that occurred in Sholl Lane, North Perth and Britannia Road, Leederville/Mt Hawthorn on 21 May 2009;
- (ii) **APPROVES** the proposed remedial works as outlined in the report; and
- (iv) **NOTES** that the works will be undertaken as a priority in the 2009/10 financial year with the adoption of the Town's 2009/10 budget and funded from the Miscellaneous Drainage Works budget allocation.

COUNCIL DECISION ITEM 9.2.3

Moved Cr Messina, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED (7-0)

(Mayor Catania and Cr Youngman were apologies for the meeting.)

PURPOSE OF REPORT:

The purpose of this report is to advise Council of localised flooding that occurred in Sholl Lane, North Perth and Britannia Road, Leederville/Mt Hawthorn, as a result of severe storm event on the afternoon of 21 May 2009.

BACKGROUND:

Since 1996, the Town has been progressively carrying out drainage improvements at all its known problem spots by either installing additional drainage pits and gully soakwells, as part of the annual road resurfacing program, or undertaking drainage upgrades. To date the program has been very successful with fewer flooding issues arising on an annualised basis. However on Thursday 21 May 2009 Perth experienced a wild storm which brought down powerlines and trees resulting in flooding in many areas around the metropolitan area.

The intense downpour associated with storm front revealed two (2) locations within the Town at which localised flooding occurred. The reasons for the flooding were vastly different as is the recommended remedial action.

DETAILS:

Sholl Lane, North Perth.

Sholl Lane is bounded by Fitzgerald, Menzies, Woodville and Farmer Streets, North Perth and was originally a Right of Way (ROW) servicing those properties fronting Fitzgerald and Woodville Streets. However over the past decade increasing infill development has resulted significant development off Sholl Lane, which is now a dedicated road. This in turn has led to increased stormwater run-off being directed into Sholl Lane as the impervious area increases.

To reduce the likelihood of flooding the Town, when upgrading Sholl Lane, installed a series of soakwell gullies, the capacity of which exceeds a 1:10 year storm event. Further Sholl Lane has a gradual grade from approximately 34.0m AHD (Australian Height Datum) at Menzies Street to approximately 30.0m AHD at Fitzgerald Street, creating a natural flow path to Fitzgerald Street, further reducing the potential for flooding and property damage.

The location at which the localised flooding occurred was within 50m of Fitzgerald Street where the grade 'flattens' out.. However, prior to the recent development activity along Sholl Lane there had not been a flooding problem.

As a result of a resident's flooding complaint, received 21 May 2009, The Town's Engineering Operations personnel inspected all the soakwells in the immediate vicinity.

Cause of flooding

The inspection indicated that several of the soakwells were full of sand and/or silt, most likely washed down from nearby development sites, and hardened concrete slurry, which may have been illegally dumped.

The soakwells have since been cleaned out including having to jackhammer the hardened concrete to break it up.

Solving the problem

In respect of addressing potential problems in the future it is proposed to install additional gully soakwells at the junction of the two legs of the ROW and adjacent the property of the resident whom reported the flooding. Further, regular inspections will be undertaken to ensure that the soakwells remain free of sand and debris.

If the above measures ultimately prove inadequate the final solution would be to construct a drainage line linking the soakwell(s) closest to Fitzgerald Street, where the flow-rate decreases as the grade decreases, to the Fitzgerald Street drainage system. However this is yet to be fully investigated or costed and would be the subject of a further report to Council.

Britannia Road, Leederville/Mt Hawthorn

As result of the storm on the 21 May 2009 the junction of Britannia Road and Wavertree Place was flooded and for a short term impassable for standard vehicles. It also prevented adjacent residents from entering or exiting their properties until such time as the water subsided.

The intersection is a 'low point' with Britannia Road being a relatively steep grade down from Oxford Street, from approximately 23m AHD to Wavertree Place, approximately 15m AHD, before it rises gradually to 17.5m in the vicinity of the Brentham Street intersection.

Because it is a low point the stormwater naturally gravitates to this location. The, then, City of Perth installed substantial drainage infrastructure in order to ensure that the area did not flood. The greater drainage network, to which the intersection is connected, comprises a series of large diameter pipes and drainage structures, i.e. gullies and manholes, ultimately conveying the water to Lake Monger via 1800mm diameter concrete pipe beneath Britannia Reserve and the Mitchell Freeway.

Cause of flooding

In the aftermath of the 21 May storm the Town's Engineering Operations personnel inspected the system to ascertain the cause of the flooding. As the structures were relatively clear it became apparent that the problem lay within the 650mm diameter pipe running down Wavertree Place. A remote control video camera subsequently revealed a significant build-up of silt and tree roots substantially blocking the pipe and resulting in reduced capacity.

Solving the problem

The Town is currently seeking advice and quotations from suitably qualified contractors to 'grub' out the tree roots, using a remote controlled grinder/saw as a non invasive means of rectifying the problem. However if this is unsuccessful the only alternative is to excavate and remove the blocked section of pipe.

If the excavation method is required, it would be weather dependent and entail a partial closure of Britannia Road and Wavertree Place for the duration of the works. In respect of the scope of works at this time it is envisaged it will involve the removal and relaying three (3) lengths of 650 reinforced concrete pipe. However this could increase as the extent of the blockage is revealed.

CONSULTATION/ADVERTISING:

Adjoining residents will be advised when the works are to commence.

LEGAL/POLICY:

N/A

STRATEGIC IMPLICATIONS:

In accordance with the Plan for the Future - Strategic Plan 2009-2014 - Key Result Area One – 1.1.6 Enhance and maintain the Town's infrastructure to provide a safe, healthy, sustainable and functional environment. *"b) Implement and promote strategies for improved drainage, storm water conveyance and improved water quality..."*.

SUSTAINABILITY IMPLICATIONS:

The Town has an annual Miscellaneous Drainage Works budget allocation to ensure its drainage infrastructure is maintained to an acceptable level of service.

FINANCIAL/BUDGET IMPLICATIONS:

The estimated cost to install additional soakwell gullies in Sholl Lane is in the order of \$3000, to be funded from the 2009/10 Miscellaneous Drainage Works budget.

The estimate cost to remove the blockage in the Britannia Road/Wavertree Place is yet to be determined and is dependent upon the appropriate cause of action. However if excavation and laying of new pipes is required it could be in the order of \$10,000, which as above, would be funded from the 2009/10 Miscellaneous Drainage Works budget. If the extent of works exceeds this figure a further report would be presented to Council seeking approval for any additional expenditure.

COMMENTS:

Every winter reveals new and unexpected occurrences of localised flooding within the Town, most of which are easily dealt with. The storm of 21 May 2009 resulted in minor flooding in Sholl Lane, North Perth and a more significant problem in Britannia Road, Leederville/Mount Hawthorn.

The Sholl Lane flooding was a mainly due to blocked soakwell gullies at the lower (Fitzgerald Street) end of the road. During the height of the storm the water, while continuing to flow toward Fitzgerald Street, spread out at the flattest point. As the road has an inverted crown, a shallow 'v' shape, the water tends to 'pond'.

It therefore proposed to install additional soakwell gullies in the vicinity of the location where the flooding occurred and increase the frequency of inspections to ensure that the gullies remain free of sand and debris.

In respect of the Britannia Road/Wavertree Place flooding the issues are more complex and potentially more serious.

As outlined in the main body of the report the blockage may be able to be cleared by using a remote control grinder/saw. However if this proves to be ineffective a section of the drain will have to be exposed and removed, the cost of which will be significantly higher. However there is a degree of urgency as there is potential for the area to again flood and in the event of another severe storm front.

9.2.6 Tender No. 395/09 Indoor Plant Maintenance

Ward:	Both	Date:	11 June 2009
Precinct:	All	File Ref:	TEN0403
Attachments:	-		
Reporting Officer(s):	J. van den Bok		
Checked/Endorsed by:	C. Wilson; M. Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That the Council ACCEPTS the tender submitted by John Gourdis Landscapes for Indoor Plant Maintenance in accordance with the specifications as detailed in Tender No. 395/09.

Moved Cr Maier, **Seconded** Cr Ker

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Maier, **Seconded** Cr Ker

That the recommendation be amended to read as follows:

“That the Council;

- (i) ACCEPTS the tender submitted by John Gourdis Landscapes for Indoor Plant Maintenance in accordance with the specifications as detailed in Tender No. 395/09; and*
- (ii) NOTES that John Gourdis did not have any involvement in the tender evaluation.”*

AMENDMENT PUT AND CARRIED (6-1)

For: Presiding Member, Deputy Mayor Cr Farrell, Cr Burns, Cr Doran-Wu, Cr Ker, Cr Lake, Cr Maier

Against: Cr Messina

(Mayor Catania and Cr Youngman were apologies for the meeting.)

MOTION AS AMENDED PUT AND CARRIED (7-0)

(Mayor Catania and Cr Youngman were apologies for the meeting.)

COUNCIL DECISION ITEM 9.2.6

That the Council;

- (i) ACCEPTS the tender submitted by John Gourdis Landscapes for Indoor Plant Maintenance in accordance with the specifications as detailed in Tender No. 395/09; and*
- (ii) NOTES that John Gourdis did not have any involvement in the tender evaluation.*

PURPOSE OF REPORT:

The purpose of this report is to seek the Council's approval for the tender evaluated as being the best value for money for Indoor Plant Maintenance for a three (3) year period.

BACKGROUND

Tenders for Indoor Plant Maintenance for a three (3) year period were advertised in the West Australian on 13 May 2009. Tenders closed at 2.00pm on 27 May 2009 after a fourteen (14) day advertising period and present at the opening of the tenders was Finance Officer, Kara Ball and Property Maintenance Officer Keith Steicke.

Two (2) tenders were received for Tender No. 395/09.

DETAILS:

Details of all submissions received for Tender No. 395/09 are as follows:-

General Maintenance				
	John Gourdis Landscapes		Greenworx	
Watering, Pruning & General Care etc	\$38.00	Per hour	\$45.00	Per hour
Liquid fertilising	\$17.50	Per Application	\$50.00	Per Application
Plants and Containers (Supply)				
	John Gourdis Landscapes		Greenworx	
			**All items below to be charged at cost price plus 25%	
45cm Pot (Plants Only)	\$155.00		\$	
260mm Pot (Plants Only)	\$40.00		\$	
700mm Roman Trough (Plants Only)	\$75.00		\$	
1 metre Roman Trough (Plants Only)	\$115.00		\$	
45cm Jardinière Cotta pots with 4 litre mona tank	\$105.00		\$	
260mm Vase Cotta Pots with 1 litre mona tank	\$40.00		\$	
700mm Roman Trough with 2 litre mona tank	\$120.00		\$	
1 metre Roman Trough with 10 litre mona tank	\$188.00		\$	
950cm Traditional Vase	\$450.00		\$	
Quadro 35	\$105.00		\$	
Cubico 30	\$150.00		\$	
Cubico 40	\$260.00		\$	
Mini Cubi ²	\$35.00		\$	

Tender EvaluationSelection Criteria

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

Evaluation Criteria	Weighting
Past Experience in similar projects/works	30%
Contract Price	30%
Organisational structure/capacity/resources	20%
Financial capacity	10%
Compliance with Tender Specification	5%
References	5%
TOTAL	100%

Tender Evaluation Panel

The Tender Evaluation Panel consisted of the Manager Parks Services, Acting Manager Financial Services and the Property Maintenance Officer.

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

	Weighting	John Gourdis Landscapes	Greenworx
Past experience in similar projects/works	30%	30	24
Contract Price	30%	30	25.33
Organisational structure/capacity/resources	20%	20	18
Financial capacity	10%	8	10
Compliance with tender specifications	5%	5	5
References	5%	5	4
Total	100%	98	86.33
Rating		1	2

John Gourdis Landscapes have provided indoor plant maintenance services for the Town of Vincent for the past twelve (12) years. They continue to provide an excellent service which has expanded over the years to include the Town's Works Depot and new Council Library.

Greenworx are a relatively small company that undertake various garden maintenance works throughout the metropolitan area including the gardens around the Department of Premier and Cabinet. Their submission does not indicate previous experience with indoor plant contracts and they have not provided specific costings for the supply of plants and containers as requested.

CONSULTATION/ADVERTISING:

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

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

In accordance with the Plan for the Future - Strategic Plan 2009-2014 Key Result Area One – 1.1.5 Enhance and maintain Parks, Landscaping and Community Facilities. *"Ensure all Town service, playgrounds and facilities are universally accessible..."*.

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

The works associated with this contract are charged against the respective Administration Centre, Library and Depot indoor plant maintenance accounts.

It should be noted that John Gourdis Landscapes provided initial advice to the Town in the provision and servicing of indoor plants when the Town was first formed and this advice included the purchasing of our own "furniture" (pots/watering systems) through the City of Perth infrastructure fund.

Because the Town owns the "furniture" it is estimated the Town saves between \$3,000 - \$5,000 per annum in furniture rental costs.

COMMENTS:

It is therefore recommended that the Council approves the tender submitted by John Gourdis Landscapes for Indoor Plant Maintenance in accordance with the specifications as detailed in Tender No. 395/09.

9.2.8 Tender No. 397/09 Pruning of Street Trees using Elevated Work Platforms

Ward:	Both	Date:	11 June 2009
Precinct:	All	File Ref:	TEN0405
Attachments:	-		
Reporting Officer(s):	J. van den Bok		
Checked/Endorsed by:	M. Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That the Council ACCEPTS the tender submitted by Beaver Tree Services Australia Pty Ltd for the Pruning of Street Trees using Elevated Work Platforms in accordance with the specifications as detailed in Tender No. 397/09.

COUNCIL DECISION ITEM 9.2.8

Moved Cr Maier, Seconded Cr Burns

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED (7-0)

(Mayor Catania and Cr Youngman were apologies for the meeting.)

PURPOSE OF REPORT:

The purpose of this report is to seek the Council's approval for the tender evaluated as being the best value for money for the Pruning of Street Trees using Elevated Work Platforms for a three (3) year period.

BACKGROUND:

Tenders for the Pruning of Street Trees using Elevated Work Platforms for a three (3) year period were advertised in the West Australian on 13 May 2009. Tenders closed at 2.00pm on 27 May 2009 after a fourteen (14) day advertising period and present at the opening of the tenders was Finance Officer, Kara Ball and Property Maintenance Officer, Keith Steicke.

Only one (1) tender was received for Tender No. 397/09.

DETAILS:

Details of the only submission received for Tender No 397/09 is as follows:-

	DESCRIPTION	BEAVER TREE SERVICES COST (INCLUDING GST)	
SCHEDULE (I)	Pruning operations for trees below power lines, including disposal of prunings. Specification Items 2.2.2 (iv) a, b, c, d, e, f.	\$55.00	Per tree
SCHEDULE (II)	Pruning operations for trees not located below power lines, including disposal of prunings. Specification Items 2.2.2 (iv) b, d, e, f, g.	\$165.00**	Per tree

	DESCRIPTION	BEAVER TREE SERVICES COST (INCLUDING GST)	
SCHEDULE (III)	Extra work as specified, including disposal of pruning's	\$286.00	Per hour
SCHEDULE (IV)	Advanced Traffic Management Services (Tenderer to specify requirements)	\$99.00	Per hour

** *During assessment of this tender it was noted that the price submitted for Schedule II pruning was far greater than what was expected and what had been submitted for these particular work requirements in previous contracts.*

Beaver Tree Services were contacted and confirmed that they had misinterpreted the requirements of Schedule II pruning.

Beaver Tree Services have now reassessed the requirements of Schedule II pruning and have submitted a revised price of \$33.00 per tree. The works involved with Schedule II pruning include under pruning and clearance of any household service wires.

Tender Evaluation

Selection Criteria

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

Evaluation Criteria	Weighting
Past Experience in similar projects/works	30%
Contract Price	30%
Organisational structure/capacity/resources	20%
Financial capacity	10%
Compliance with Tender Specification	5%
References	5%
TOTAL	100%

Tender Evaluation Panel

The Tender Evaluation Panel consisted of the Manager Parks Services, Acting Manager Financial Services, Acting Coordinator Parks Services and the Acting Supervisor Parks Services.

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

	Weighting	Beaver Tree Services Australia Pty Ltd
Past experience in similar projects/works	30%	27
Contract Price	30%	30
Organisational structure/capacity/resources	20%	20
Financial capacity	10%	10
Compliance with tender specifications	5%	5
References	5%	4
Total	100%	96
Rating		1

Beaver Tree Services have similar contracts with other small local authorities such as Town of Claremont and the City of Armadale for the specialised work of pruning street trees using elevated work platforms. They are currently contracted to the Town for the Pruning/Removal of Trees located in Parks and Reserves and have provided an excellent service.

In the past the Town has only received submissions for these works from larger companies that have had similar contracts with the larger Councils. This has at various times caused problems with the lack of priority being afforded to the Town of Vincent because we only have around 5000 trees located under powerlines.

The Town has also had numerous issues with the current tree pruning contract particularly over the past 12 months when supervision of the contractors due to staff illness as resulted in heated discussions with contractors over trees that had been missed and the scheduled rates being invoiced.

Because the current tree pruning contractor refused to carry out any further street tree pruning at the rate per tree specified, under the terms of the current street tree pruning contract Beaver Tree Services were engaged by the Town to complete the street tree pruning for the 2008/09 year.

Staff have been very impressed with their work and whilst it is disappointing that only one submission has been received for this three (3) year contract, it is anticipated that an improvement will be identified over the forthcoming years in the volume and quality of works provided using Beaver Tree Services.

CONSULTATION/ADVERTISING:

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

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

In accordance with the Plan for the Future - Strategic Plan 2009-2014 Key Result Area One - 1.1.5 Enhance and maintain Parks, Landscaping and Community Facilities. *"Ensure all Town service, playgrounds and facilities are universally accessible..."*.

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

As anticipated a significant cost increase from the current \$33.00 per tree (pruning under powerlines) to \$55.00 per tree has been received. Given that the Town usually prunes around 4500 trees under powerlines per annum this will result in an increase of around \$100,000 to undertake this component of the contract alone.

The costs associated with all street tree works are charged against the street tree maintenance budget and in view of the above the 2009/10 street tree maintenance budget has been reviewed and increased accordingly.

COMMENTS:

It is therefore recommended that the Council approves the tender submitted by Beaver Tree Services Australia Pty Ltd for the Pruning of Street Trees using Elevated Work Platforms in accordance with the specifications as detailed in Tender No. 397/09.

The A/Chief Executive Officer advised that Cr Burns and Cr Messina had declared a financial interest in Item 9.3.1. They departed the Chamber at 7.02pm. They did not speak or vote on this matter.

9.3.1 Investment Report as at 31 May 2009

Ward:	Both	Date:	3 June 2009
Precinct:	All	File Ref:	FIN0033
Attachments:	001 ; 002		
Reporting Officer(s):	N Makwana		
Checked/Endorsed by:	B Wong	Amended by:	

OFFICER RECOMMENDATION:

That the Council RECEIVES the Investment Report for the month ended 31 May 2009 as detailed in Appendix 9.3.1.

COUNCIL DECISION ITEM 9.3.1

Moved Cr Ker, Seconded Cr Maier

That the recommendation be adopted.

MOTION PUT AND CARRIED (5-0)

(Mayor Catania and Cr Youngman were apologies for the meeting. Cr Burns and Cr Messina were absent from the Chamber and did not vote on this matter.)

Cr Burns Cr Messina returned to the Chamber at 7.03pm. The A/Chief Executive Officer advised that the item was carried.

PURPOSE OF REPORT:

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

BACKGROUND:

Interest from investments is a significant source of funds for the Town, where surplus funds are deposited in the short term money market for various terms. Details are attached in Appendix 9.3.1.

Council's Investment Portfolio is spread across several Financial Institutions in accordance with Policy Number 1.2.4.

DETAILS:

Total Investments for the period ended 31 May 2009 were \$11,482,999 compared with \$12,482,547 at 30 April 2009. At 31 May 2008, \$12,782,320 was invested.

Total accrued interest earned on Investments as at 31 May 2009:

	Budget	Actual	%
	\$	\$	
Municipal	650,000	460,927	70.91
Reserve	485,710	464,136	95.56

COMMENT:

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

The report comprises of:

- Investment Report;
- Investment Fund Summary;
- Investment Earnings Performance;
- Percentage of Funds Invested;
- Graphs.

9.3.4 Disposal of the Property at 202 Scarborough Beach Road (Mount Hawthorn Pre-Primary Centre) – Major Land Transaction – Consideration of Public Submissions

Ward:	North Ward	Date:	8 June 2009
Precinct:	Mount Hawthorn P1	File Ref:	CMS0009
Attachments:	-		
Reporting Officer(s):	M. Rootsey.		
Checked/Endorsed by:	J Giorgi	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the outcome of the Public Consultation for the Major Land Transaction Business Plan for the Disposal of the property at 202 Scarborough Beach Road, (Mount Hawthorn Pre-Primary Centre) and NOTES that no submissions were received;*
- (ii) *APPROVES BY AN ABOLSUTE MAJORITY to proceed with the major land transaction for the sale of Lot 1 on Plan 3845 being all of the land as contained within the Certificate of Title Volume 1015 Folio 73, Lots 226 and 227 on Plan 3845 being all of the land as contained within Certificate of Title Volume 969 Folio 163 and known as the Mt Hawthorn Pre-Primary Centre, to the Department of Education and Training for the amount of \$1,617,000, excluding GST; and*
- (iii) *AUTHORISES;*
 - (a) *the Chief Executive Officer to complete the sale of the property at 202 Scarborough Beach Road, (Mount Hawthorn Pre-Primary Centre) for the amount of \$1,617,000, excluding GST; and*
 - (b) *the Chief Executive Officer and Mayor to sign the necessary legal documents and affix the Council Common Seal.*

COUNCIL DECISION ITEM 9.3.4

Moved Cr Ker, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED
BY AN ABSOLUTE MAJORITY (7-0)

(Mayor Catania and Cr Youngman were apologies for the meeting.)

PURPOSE OF REPORT:

The purpose of the report to is advise the Council of the outcome of the public consultation on the Major Land Transaction Business Plan for the disposal of the property and also report to the Council the negotiated sale price for the property.

BACKGROUND:

At the Ordinary Meeting of Council held on 28 April 2009, Confidential Item 14.2, the following comments were made and this resolution was adopted:

“OFFICER RECOMMENDATION

That the Council;

- (i) (a) *APPROVES BY AN ABSOLUTE MAJORITY the sale of Lot 1 on Plan 3845 being all of the land as contained within the Certificate of Title Volume 1015 Folio 73, Lots 226 and 227 on Plan 3845 being all of the land as contained within Certificate of Title Volume 969 Folio 163 and known as the Mt Hawthorn Pre-Primary Centre, as shown in Appendix 1, to the Department of Education and Training for an amount specified in this report (excl GST) as shown in Appendix 1 and;*
- (b) *ADVERTISES the Major Land Transaction Business Plan as shown in Appendix 14.2 for six (6) weeks as required by Section 3.59 of the Local Government Act 1995;*
- (ii) *AUTHORISES the Chief Executive Officer to;*
 - (a) *progress and negotiate the sale of the property at 202 Scarborough Beach Road as detailed in this report; and*
 - (b) *upon settlement, place the funds in the Beatty park Reserve Fund;*
- (iii) *ADVISES the Department of Education and Training of the Council’s decision;*
- (iv) *NOTES that a further report is to be submitted to the Council at the end of the consultation period; and*
- (v) *DIRECTS this matter is to remain confidential until the negotiations with the Department of Education and Training are finalised and the Business Plan is advertised for public comment.”*

It should also be noted, that at the Ordinary Meeting of Council held on 28 April 2009, Confidential Item 14.2 the following comments were made:

*“The Department of Education and Training’s offer is lower than the Town’s valuation however, it should be noted that **the Department of Education and Training is the only potential purchaser of this property, as it is unlikely that the Town would sell the land for redevelopment to another party.** It is attractive to the Town that the Department of Education and Training are keen to have this sale settled by the end of this financial year. It is therefore recommended that the Council approve the sale of the land and authorise the Chief Executive Officer to:*

- (i) *submit a counter-offer to the Department of Education and Training for \$1,638,889 (excl GST) – which is the mid point between both valuations; and*
- (ii) *negotiate and finalise the sale of the land between the range \$1,470,000 (excl GST) and \$1,807,778 (excl GST) and in any event, not less than \$1,554,444 (excl GST) and determine any sale terms and conditions and date of settlement. This is subject to the Chief Executive Officer liaising with Mayor Catania prior to acceptance of the final sale price, terms and conditions and date of settlement.”*

DETAILS:

On 30 April 2009, a meeting was held with the Director Corporate Services, Acting Director Infrastructure of Education and Training, Mal Parr and Acting Principal Consultant Property Asset Planning, Phillip Newnham to advise of the Council's response to the offer for the property presented at the Ordinary Meeting of Council held on 28 April 2009.

At the meeting, a negotiated price of \$1,617,000, plus GST, was agreed on for the sale of the property, which was within the price range set by the Council. The Chief Executive Officer was advised of the price agreed and conferred with the Mayor. As a result, it was agreed that this price could be accepted for the sale of the property.

This was confirmed in writing to the Department of Education and Training in a letter dated 30 April 2009, as follows:

“Further to our meeting on the 30 April 2009, regarding the proposed sale of the Mt Hawthorn Pre-primary Centre I am pleased to confirm that the Town of Vincent accepts the offer of \$1,617,000 excl GST from the Department of Education and Training for the above mentioned property.

The offer being for the acquisition of Lot 1 on Plan 3845, being all of the land contained within the Certificate of Title, Volume 1015, Folio 73; Lots 226 and 227 on Plan 3845 being all the land contained within the Certificate of Title, Volume 969, Folio 163 and known as the Mt Hawthorn Pre-primary Centre.

It is noted that Lot 7681 on Deposited Plan 169433 is held by the Town of Vincent as a Crown Grant in Trust and as such does not form part of this transaction.

As discussed at our meeting, as a matter of urgency, I will now arrange for the necessary legislative advertising to be undertaken.

The Town is very pleased that this matter has been agreeably settled to the satisfaction of both parties.”

The Town received the following letter from the Department of Education and Training dated 28 May 2009:

“The Department of Education and Training agrees to purchase the Mt Hawthorn Pre Primary Centre at \$1,617,000 plus GST from the Town of Vincent.

This transaction is for the land contained in Lot 1 Plan 3845 being all of the land contained within Certificate of Title Volume 1015 Folio 73, Lots 226 and 227 on Plan 3845 being all of the land contained within Certificate of Title Volume 969 Folio 163.

The Department is in receipt of a Tax Invoice issued by the Town of Vincent, and is now undertaking to have the funds transferred to the State Solicitors Office, in anticipation of an early settlement.

The State Solicitors Office will prepare the required documentation to facilitate the transfer and will be forwarded to the Town of Vincent for execution.”

Public Comment:

At the close of the public consultation period on 17 June 2009, no submissions were received.

CONSULTATION/ADVERTISING:

The advertising for the Notice of a Major Land Transaction was advertised in the "West Australian" newspaper on Wednesday 6 May 2009. Written submissions on the proposed sale were to be received by the Town until Wednesday 17 June 2009.

LEGAL/POLICY:

This matter is in compliance with Section 3.59(3) of the Local Government Act (1995):

"3.59. Commercial enterprises by local governments"

An absolute majority decision is required.

STRATEGIC IMPLICATIONS:

This is in keeping with the Town's Plan for the Future - Strategic Plan 2009 – 2014 – Key Result Area: Leadership, Governance and Management:

"...4.1.2 Manage the organisation in a responsible, efficient and accountable manner:

(a) Adopt "best practice" to manage the financial resources and assets of the Town."

SUSTAINABILITY IMPLICATION:

The land would be maintained for the same use if the sale proceeds to the Department of Education and Training.

FINANCIAL/BUDGET IMPLICATIONS:

The sale of this property has not been included in the Annual Budget 2008/09. At the Ordinary Meeting of Council held on 28 April 2009, the Council resolved that the proceeds from the sale are to be allocated to the Beatty Park Reserve Fund for the future development of the Centre.

COMMENTS:

The disposal of the property at 202 Scarborough Beach Road is on track to be settled by the 30 June 2009.

The disposal of this property is a good result for the Town of Vincent, having received an acceptable price with a quick settlement for a property of which, as previously advised, the only potential purchaser is the Department of Education and Training.

10.1 Notice of Motion - Councillor Izzi Messina – Investigation of a "Farmers' Market" within the Town of Vincent

That;

- (i) *the Council REQUESTS the Chief Executive Officer to investigate the possibility of including a "Farmers' Market" within the Town;*
- (ii) *a report be prepared and submitted to the Council prior to November 2009, and include (but not be limited to) the following information;*
 - (a) *identification of a suitable location(s);*
 - (b) *planning and location requirements (e.g. parking, toilets, etc);*
 - (c) *operational and logistical matters (e.g. hours of operation, types of foods/produce to be sold, etc);*
 - (d) *preferred method for operators (e.g. private use public operator);*
 - (e) *lease and legal requirements; and*
 - (f) *community interest and opinion.*

Moved Cr Messina, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

AMENDMENT NO 1

Moved Cr Maier, Seconded Cr Ker

That a new subclause (ii)(g) be inserted to read as follows:

“(g) any potential impact on existing businesses providing a similar service;”

Debate ensued.

AMENDMENT NO 1 PUT AND CARRIED (7-0)

(Mayor Catania and Cr Youngman were apologies for the meeting.)

AMENDMENT NO 2

Moved Cr Maier, Seconded Cr Ker

That a new subclause (ii)(h) be inserted to read as follows:

“(h) whether any schools within the Town wish to host the markets.”

The Presiding Member, Deputy Mayor, Cr Farrell suggested including the words “or community groups” after the word “schools” in the amendment. The Mover, Cr Maier agreed to this.

AMENDMENT NO 2 PUT AND CARRIED (7-0)

(Mayor Catania and Cr Youngman were apologies for the meeting.)

MOTION AS AMENDED PUT AND CARRIED (7-0)

(Mayor Catania and Cr Youngman were apologies for the meeting.)

COUNCIL DECISION ITEM 10.1

That;

- (i) *the Council REQUESTS the Chief Executive Officer to investigate the possibility of including a "Farmers' Market" within the Town;*
- (ii) *a report be prepared and submitted to the Council prior to November 2009, and include (but not be limited to) the following information;*
 - (a) *identification of a suitable location(s);*
 - (b) *planning and location requirements (e.g. parking, toilets, etc);*
 - (c) *operational and logistical matters (e.g. hours of operation, types of foods/produce to be sold, etc);*
 - (d) *preferred method for operators (e.g. private use public operator);*
 - (e) *lease and legal requirements;*
 - (f) *community interest and opinion;*
 - (g) *any potential impact on existing businesses providing a similar service; and*
 - (h) *whether any schools or community groups within the Town wish to host the markets.*

CHIEF EXECUTIVE OFFICER'S COMMENT:

The Chief Executive Officer provides the following preliminary information to assist Council Members in the consideration of this matter;

There is an Australian Farmers' Market Association (AFMA) and further information can be found at www.farmersmarkets.org.au.

The AFMA website provides the following information;

"1. Definition

A "Farmers' Market" is a predominantly fresh food market that operates regularly within a community, at a focal public location that provides a suitable environment for farmers and food producers to sell farm-origin and associated value-added processed food products directly to customers.

2. Mission

Farmers' Markets operate with multiple beneficial aims.

The four primary aims are:

- (i) *To preserve farmland and sustainable agriculture.*
- (ii) *To support and stimulate the profitable trading, viability and business growth of independent primary producers, hobby farmers, community and home gardeners, and associated produce value-adders.*
- (iii) *To provide customers with regular supplies of fresh food and access to improved nutrition.*
- (iv) *To contribute to the economic, social and health capital of the host community.*

3. ***Community Values***

Farmers' Markets are an integral part of the host community and aim to provide various economic, social and health benefits including:

- *Support of sustainable agricultural practices*
- *Food and nutrition education*
- *Promotion of fresh produce consumption*
- *Revitalisation of town and public space*
- *Regeneration of community spirit*
- *Rural/urban linkages*
- *Facilitation of community-based food security programs*
- *Recycling of green waste and appropriate packaging.*

4. ***AFMA Charter Aims***

The Charter of the AFMA has the following key aims:

- *To facilitate the formation of a network of authentic Farmers' Markets across Australia.*
- *To support the Viable and self-sufficient operation of existing and future Farmers' Markets.*
- *To define clearly the concept of an authentic Farmers' Market and facilitate the development of this model in the cities and regions of Australia.*
- *To provide a basic framework including benchmarks for the viable operation of designated Farmers' Markets.*
- *To clearly distinguish the concept of a Farmers' Market from other markets, both retail and wholesale.*
- *To provide a simple resource to community groups and individuals seeking to establish authentic, successful Farmers' Markets."*

11. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil.

12. REPRESENTATION ON COMMITTEES AND PUBLIC BODIES

Nil.

13. URGENT BUSINESS

Nil.

At 7.11pm Moved Cr Burns, Seconded Cr Ker

That Council proceed "behind closed doors" to consider confidential items 14.1 and 14.2 as these matters contain legal advice obtained or which may be obtained by the local government and which relates to a matter to be discussed at the meeting.

PROCEDURAL MOTION PUT AND CARRIED (7-0)

(Mayor Catania and Cr Youngman were apologies for the meeting.)

Four members of the public present and they departed the Chamber. No journalists were present.

At 7.11pm the Council proceeded "Behind Closed Doors" to consider the follow items:

14. CONFIDENTIAL ITEMS/MATTERS FOR WHICH THE MEETING MAY BE CLOSED ("BEHIND CLOSED DOORS")

14.1 CONFIDENTIAL REPORT – No. 57 (Lot: 38 D/P: 1577) View Street, Corner Vine Street, North Perth - Proposed Boundary Fence Addition to Approved Two (2) Two-Storey Single Houses - State Administrative Tribunal (SAT) Review Matter No. DR 165 of 2009

Ward:	South	Date:	12 June 2009
Precinct:	Smith's Lake ; P06	File Ref:	PRO4527; 5.2009.81.1
Attachments:	-		
Reporting Officer(s):	R Rasiah		
Checked/Endorsed by:	H Smith; J MacLean	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report relating to No 57 (Lot: 38 D/P: 1577) View Street, corner Vine Street, North Perth - Proposed Boundary Fence Addition to Approved Two (2) Two-Storey Single Houses - State Administrative Tribunal (SAT) Review Matter No. DR 165 of 2009;*
- (ii) *FILES and SERVES the following draft "without prejudice" conditions if the SAT is inclined to approve the above proposal;*
 - (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 piers having a maximum width of 355 millimetres and a maximum diameter of 500 millimetres;*
 - (d) *the distance between piers should not be less than the height of the piers except where pedestrian gates are proposed; and*
 - (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level.*
-

COUNCIL DECISION ITEM 14.1

Moved Cr Lake, Seconded Cr Burns

That the recommendation be adopted.

MOTION PUT AND CARRIED (7-0)

(Mayor Catania and Cr Youngman were apologies for the meeting.)

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.

14.2 CONFIDENTIAL REPORT – City of Perth Superannuation Fund

Ward:	-	Date:	17 June 2009
Precinct:	-	File Ref:	PER0005
Attachments:	-		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

Disclosure of Interest

The author of this report is the Chief Executive Officer, John Giorgi. He discloses a Financial Interest in this matter. The extent of his interest being that he is a member of the City of Perth Superannuation Fund.

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report concerning the request dated 29 April 2009 from the City of Perth Chief Executive Officer and Trustee Director (Frank Edwards) concerning the City of Perth Superannuation Fund;*
- (ii) *EXPRESSES extreme disappointment that there was no liaison or prior consultation between the City of Perth and the Town of Vincent regarding the Fund's position, the options available and the potential impact of the decision of the Fund's Trustee Board on the Town;*
- (iii) *AUTHORISES the Chief Executive Officer and Director Corporate Services to;*
 - (a) *investigate the matter and obtain further information, including legal advice, regarding the matter and options available to the Town; and*
 - (b) *meet with the City of Perth, Towns of Cambridge and Victoria Park and other interested parties, concerning this matter; and*
- (iv) *NOTES that;*
 - (a) *further information has been requested from the City of Perth Chief Executive Officer and Trustee Director (as outlined in the report);*
 - (b) *the Town is seeking further information and legal advice, which is considered necessary in order to fully inform the Council; and*
 - (c) *a further report will be submitted to the Council once the requested information has been received.*

COUNCIL DECISION ITEM 14.2

Moved Cr Ker, Seconded Cr Messina

That the recommendation be adopted.

MOTION PUT AND CARRIED (7-0)

(Mayor Catania and Cr Youngman were apologies for the meeting.)

DETAILS:

The Chief Executive Officer is of the opinion that this report is of a confidential nature as it contains information affecting an employee or employees and legal advice obtained, or which may be obtained, by the Town. In accordance with the legislation, the report is to be kept confidential until determined by the Council to be released for public information.

LEGAL:

The 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.*

These confidential reports are 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.

PROCEDURAL MOTION

At 7.23pm **Moved Cr Ker, Seconded Cr Doran-Wu**

That an “open meeting” be resumed.

PROCEDURAL MOTION PUT AND CARRIED (7-0)

(Mayor Catania and Cr Youngman were apologies for the meeting.)

15. CLOSURE

The Presiding Member, Deputy Mayor Steed Farrell, declared the meeting closed at 7.23pm with the following persons present:

Cr Steed Farrell (Acting Mayor)	Presiding Member, North Ward
Cr Anka Burns	South Ward
Cr Helen Doran-Wu	North Ward
Cr Ian Ker	South Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Izzi Messina	South Ward
Mike Rootsey	A/Chief Executive Officer Director Corporate Services
Jim Maclean	A/Director Development Services
Craig Wilson	A/Director Technical Services
Helen Smith	A/Manager Planning Building & Heritage 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 23 June 2009.

Signed:Presiding Member
Mayor Nick Catania

Dated this day of 2009