



TOWN OF VINCENT

"Enhancing and celebrating our diverse community"

MINUTES

22 MARCH 2011

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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 22 March 2011, commencing at 6.00pm.

1. DECLARATION OF OPENING

The Presiding Member, Mayor Nick Catania, declared the meeting open at 6.04pm.

2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE

(a) Apologies:

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

(b) Present:

Mayor Nick Catania, JP	Presiding Member
Cr Matt Buckels	North Ward
Cr Anka Burns	South Ward
Cr Steed Farrell	North Ward
Cr Taryn Harvey	North Ward (from 6.43pm)
Cr Sally Lake (<i>Deputy Mayor</i>)	South Ward
Cr Warren McGrath	South Ward
Cr Dudley Maier	North Ward
Cr Joshua Topelberg	South Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Development Services
Rick Lotznicker	Director Technical Services
Mike Rootsey	Director Corporate Services
Anita Radici	Executive Assistant (Minutes Secretary)
Lauren Peden	Journalist – “ <i>The Guardian Express</i> ” (until approximately 8.19pm)
David Bell	Journalist – “ <i>The Perth Voice</i> ” (until approximately 7.12pm)
15 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. Brian Adcroft of 544 Newcastle Street, West Perth – Item 9.1.3. Speaking on behalf of the majority of property owners on the north side of Newcastle Street, West Perth. Stated the following:
 - Whilst they understand the practical reasons behind the recommendations regarding placing the West Perth Regeneration Masterplan in abeyance, they believe it is all too often the case that the difficult transition between vision and implementation is so easily consigned to the “*too hard basket*” however, they are still very interested in redeveloping their properties and will require the impetus of the new Town Planning Scheme (TPS) to do so.

- If the Council accepts the continuation of the industrial commercial zoning to the south of Newcastle Street, West Perth, there is all the more reason to ensure that the new TPS includes a substantial element of commercial together with multi-residential development on the north side of Newcastle in order to form a transition between the commercial and industrial zone to the south and residential zone to the north. Precedent already exists for this in Newcastle at its east end and in Leederville – whether as traditional inner city housing similar to that in the Cleaver Precinct which is within 65m of the Newcastle Street frontage of new mixed commercial and multi-residential developments i.e. Parry Street, East Perth through to Newcastle and Carr Place, Leederville through to Newcastle.
 - Owners of properties on the north side of Newcastle look forward to being able to comment and view the new proposed TPS in the not too distant future.
2. Norelle O’Neill, Chair of the Mt Hawthorn Precinct Group (MHPG) of 1 Matlock Street, Mt Hawthorn – Item 9.4.3. Stated the following:
- MHPG are concerned about the lack of community consultation which is an area of declining satisfaction.
 - MHPG are concerned and dissatisfied with the dictatorial manner in which the Town suddenly became a City. Referred to WALGA’s President, Troy Pickard’s quote. They are concerned at the “arrogance” of those who voted on such an assumption however they would like to know why \$60,000 of ratepayers money is being spent on implementing the change that is apparently of no impact – of which \$2,000 is for the Mayor’s Chain.
 - Ratepayers are being “financially pounded” at every direction and some will inevitably have to forgo food and heating to pay rates that will inevitably increase.
 - Asked how anyone with a social conscious could vote for such extravagance at such lean times for most ratepayers?
 - MHPG are concerned that without any consultation they are told the designation City whilst having no actual superiority to Town in terms of roles and responsibilities of the LGA infers an equal status in the perceptions of the community. Asked which community and where as there was no consultation.
 - Requested the CEO to provide evidence of the statement that a City provides vibrancy, urban, cosmopolitan, cultural, entertaining, progressive and so forth – asked what this is based on and how can such a claim be substantiated?
 - Concerned that the Mayor is quoted as saying “*Town become a City of stave off takeovers, it gives you that extra status instead of a Town you’re a City it gives the perception that you’re bigger and stronger, it may dissuade people trying to takeover*” – queried what is this based on?
3. Maureen Brunn of 37 Britannia road, Leederville – Item 9.4.3. Stated the following (read notes handed from the previous speaker):
- Apparently the changes will help the Council win more Federal Grants whereas the Minutes of 22 February 2011 state the City designation may improve outcomes of future grant applications. What does the Mayor bases his claims on?
 - MHPG are dissatisfied that without consultation the Council somehow knows that the local community may have the connotation of being more akin to a country town, hardly benefiting the high profile of Vincent and its status as an inner city local government and reputation of thoughtful progress.
 - Believes the Town most certainly does not have a reputation of thoughtful progress and the Perception Survey shows this.

- MHPG are utterly dissatisfied that the Macedonian Consul know about the change from Town to City before the Elected Councillors. Queried who told the Ambassador, when and exactly why and what was to be gained?
 - Queried what other information is being divulged that Councillors are not aware of?
 - Regarding the Britannia Reserve Masterplan: MHPG are utterly dissatisfied and extremely concerned at the way the Mayor and CEO have tried to push the Masterplan through with no consultation in the development of the major plan and without any impact studies being done on traffic, noise, lighting, environment and parking.
 - MHPG were utterly dissatisfied that the Mayor was rude to an elderly resident at the Masterplan Public Meeting and the crowd agreed he should have apologised.
 - MHPG are very concerned that there appears to be Councillors who seem to understand their role to vote whichever way the Mayor votes.
 - Believes all of the above flies in the face of the Town's Plan for the Future and Strategic Plan 2009-2014 Key Result Area 14.
4. Anton Haynes – 34 Cheriton Street. Stated the following:
- 2 months ago Town Officers prepared a Heritage Assessment which was sent to Real Estate Agents selling this property which in turn is being distributed to prospective customers however, Councillors never got to view the document.
 - Believed the document should have gone to Council as there are mistakes in the document. There is 68 years of local railway history (particularly that house) which was missed as well as the East Perth Loco Yards which is the big railway reserve that ran for 48 years with hundreds of Loco drivers attending the Yard (i.e. Brian Buscum trainee engine drive 1959 to 1965 whilst training working up through the ranks).
 - The Heritage Assessment basically says that this is not the Station Master's House – believes the Town should think about its legal position and the legal position of its ratepayers in case this is challenged (which is probable due to 60 years of railway history to the house has been missed).
5. Daniel De Pelligrin of 8 Milton Street, Mt Hawthorn – Petition 5.1. Stated the following:
- Objects to the proposal at 6 Milton Street as if it goes ahead they will be further adversely affected as they have already had to endure litter on their front verge, cigarette butts in their backyard, noise to the point where they have had to move their daughter out of one bedroom and over to another on the opposite side of the house as she used to wake up crying with the noise caused by the tenants.
 - Other issues include taxis often dropping people off at all times in the day and night, inappropriate behaviour from some residents, there up to 4 cars belonging to the residents parked at the house and number of residents has peaked to 8.
 - These issues have been going on for a number of years and they believe it is not in the spirit of the retrospective proposal (4 lodges and 1 car) and if they are an indication of what is to come, believes it can only cause more adverse behaviour and issues getting worse.
 - With the owner seeking formal Council recognition and an approved extension, wonders how many people could potentially end up residing there.
 - Believes the disruptions and behaviour are unfair to surrounding residents and approval should not be given.

6. Clara Stoisalavich of 12 Milton Street, Mt Hawthorn – Petition 5.1. Stated the following:
- Has had a lot of problems with the tenants and owner of the property.
 - In 2003 they were approached by the owner to use their property (which at the time was going to be redeveloped into a new home) to rent to her family for \$100 per week as that is what she advised she could afford. Upon visiting the property they meet 3 unrelated tenants renting by the room. They were extremely disappointed at the dishonestly and asked her to vacate the property.
 - Since moving into their home with their 3 year old son there are many different people loitering around the street and neighbours properties often smoking and having noisy meetings out the front of their home.
 - There are many different cars coming and going from the property and parking on the verges.
 - They no longer feel safe at the front of their home.
 - Asked the Council to strongly consider rejecting the proposed application.

There being no further speakers, Public Question Time closed at approx. 6.22pm.

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND PRESENTATIONS

- 5.1 Petition received from Ms D. Condidorio and Ms M. De Pelligrin of Milton Street, Mount Hawthorn along with 15 signatures, opposing the retrospective application for change of use to a Lodging House – No. 6 Milton Street, Mount Hawthorn.

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

Moved Cr Maier, Seconded Cr Burns

That the petition be received as recommended.

CARRIED UNANIMOUSLY (8-0)

(Cr Harvey had not yet arrived to the meeting.)

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Minutes of the Ordinary Meeting of Council held on 8 March 2011.

Moved Cr Maier, Seconded Cr Topelberg

That the Minutes of the Ordinary Meeting of Council held 8 March 2011 be confirmed as a true and correct record.

CARRIED UNANIMOUSLY (8-0)

(Cr Harvey had not yet arrived to the meeting.)

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

Nil.

8. DECLARATIONS OF INTERESTS

- 8.1 Mayor Catania declared a Financial interest in Item 9.3.1 – Investment Report. The extent of his interest being that he is the Chairperson of the North Perth Community Bank, in which the Town has investment shares.
- 8.2 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.
- 8.3 Cr McGrath declared a Proximity interest in Item 9.2.3 – Robertson Park – Installation of Vietnamese Boat People Monument of Gratitude & Drainage Retention Basin – Progress Report 3. The extent of his interest being that he owns and resides in a property adjacent to the portion of Robertson Park which is the subject of this Item. Cr McGrath requested approval to participate in the debate on this matter.
- 8.4 Cr Topelberg declared a Proximity interest in Item 9.2.1 – Traffic Related Matter – Intersection Leake Street and Vincent Street, North Perth – Further Report No. 2. The extent of his interest being that his primary residence is located on Leake Street, approximately 100m from this intersection.
- 8.5 Cr Topelberg declared an Impartiality interest in Item 9.1.5 – Nos. 372-376 (Lot 1; D/P: 931) Fitzgerald Street, corner Raglan Road, North Perth – Retrospective Signage Addition to Existing Shop (Pharmacy). The extent of his interest being that the applicant is a personal acquaintance. Cr Topelberg stated that as a consequence, there may be a perception that his impartiality on the matter may be affected. He declared that he will consider this matter on its merits and vote accordingly.
- 8.6 Cr Topelberg declared an Impartiality interest in Item 9.4.4 – Appointment of Council Members and Community Representatives to Town of Vincent Local History Advisory Group. The extent of his interest being that one of the applicant is a close relative. Cr Topelberg stated that as a consequence, there may be a perception that his impartiality on the matter may be affected. He declared that he will consider this matter on its merits however, will not vote on the matter.

At 6.31pm Cr McGrath departed the Chamber whilst his declaration of interest was being considered.

Moved Cr Topelberg, Seconded Cr Burns

That Cr McGrath's request to participate in debate in Item 9.2.3 – Robertson Park – Installation of Vietnamese Boat People Monument of Gratitude & Drainage Retention Basin – Progress Report 3, be approved.

CARRIED UNANIMOUSLY (7-0)

(Cr McGrath was absent from the Chamber and did not vote. Cr Harvey had not yet arrived to the meeting.)

Cr McGrath returned to the Chamber at 6.32pm. The Presiding Member, Mayor Nick Catania advised him that his request was approved (7-0).

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

Nil.

10. REPORTS

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

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

Items 9.1.3 and 9.4.3.

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

Item 9.4.2.

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

Items 9.2.1, 9.2.3 and 9.3.1.

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

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

Cr Farrell	Nil.
Cr Topelberg	Nil.
Cr Buckels	Item 9.1.6.
Cr McGrath	Items 9.1.2 and 9.4.6.
Cr Lake	Items 9.2.4 and 9.4.4.
Cr Burns	Nil.
Cr Maier	Nil.
Mayor Catania	Item 9.1.5.

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

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

Items 9.1.1, 9.1.4, 9.2.2, 9.3.2, 9.3.3, 9.3.4, 9.4.1, 9.4.5, 9.4.7, 9.4.8, 9.4.9 and 9.4.10.

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

Nil.

New Order of Business:

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

(a) Unopposed items moved *En Bloc*;

Items 9.1.1, 9.1.4, 9.2.2, 9.3.2, 9.3.3, 9.3.4, 9.4.1, 9.4.5, 9.4.7, 9.4.8, 9.4.9 and 9.4.10.

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

Items 9.1.3 and 9.4.3.

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

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

ITEMS APPROVED “*EN BLOC*”:

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

Moved Cr Farrell, Seconded Cr Burns

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

Items 9.1.1, 9.1.4, 9.2.2, 9.3.2, 9.3.3, 9.3.4, 9.4.1, 9.4.5, 9.4.7, 9.4.8, 9.4.9 and 9.4.10.

CARRIED UNANIMOUSLY (8-0)

(Cr Harvey had not yet arrived to the meeting.)

9.1.1 Amendment No. 29 to the Town of Vincent Town Planning Scheme No. 1 – Progress Report

Ward:	-	Date:	9 March 2011
Precinct:	-	File Ref:	PLA0224
Attachments:	001 – Scheme Amendment No. 29 Document 002 – Supporting Documentation in Relation to the Removal of the Concrete Batching Plants		
Reporting Officers:	E Lebbos, Strategic Planning Officer S Kendall, Senior Planning Officer (Strategic)		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

- (i) **APPROVES** of the changes listed in clause (i)(a)-(c) and requests the Western Australian Planning Commission to accept the following modifications to Scheme Amendment No. 29 to the Town Planning Scheme No. 1:
- (a) *remove the West Perth area, the subject of the 2007 Local Government boundary changes, which will be subject to a separate new Scheme Amendment;*
 - (b) *rezone the residential/commercial R100 zoning approximately bounded by Scarborough Beach Road, Brady Street, Gibney Street and the Mitchell Freeway in Mount Hawthorn (formerly Glendalough) to an R-AC2 zoning; and*
 - (c) *modify the Development Contribution provisions consistent with State Planning Policy 3.6 relating to Development Contributions for Infrastructure; and*
- (ii) **ENDORSES** the:
- (a) *addendum to Scheme Amendment No. 29 document, as shown in attachment 001 to provide further information on the Mount Hawthorn (former Glendalough) area; and*
 - (b) *report as shown in Appendix 9.1.1, which provides further support and justification for the discontinuation and removal of the Concrete Batching Plants in the East Perth area.*

COUNCIL DECISION ITEM 9.1.1

Moved Cr Farrell, Seconded Cr Burns

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Harvey had not yet arrived to the meeting.)

PURPOSE OF REPORT:

The purpose of this report is to provide the Council with an overview of a meeting held on 1 February 2011, between the Town's Officers and the Department of Planning (DoP), in relation to the restructuring of Scheme Amendment No. 29 to the Town's Town Planning Scheme (TPS) No. 1.

BACKGROUND:

- 1 July 2007 The Town of Vincent's boundaries were altered and enlarged as a result of boundary changes. Parts of Glendalough, East Perth, Perth and West Perth were transferred from the City of Perth and the City of Stirling.
- 28 September 2010 As a result of the boundary changes, the Council at its Ordinary Meeting held on 28 September 2010, initiated Scheme Amendment No. 29 to the TPS No. 1 to enable:
1. Include the areas ceded from the City of Stirling and the City of Perth to the Town of Vincent, as part of the boundary changes in July 2007, into the Town's Town Planning Scheme No. 1, and to incorporate Metropolitan Region Scheme Amendment 1181/57 into the Town's Town Planning Scheme No. 1;
 2. The incorporation of provisions relating to Development Contributions for Infrastructure, in line with the Model Scheme Text provisions as set out in State Planning Policy 3.6 relating to Development Contributions for Infrastructure.
- 29 November 2010 The Town forwarded the Scheme Amendment documents to the Western Australian Planning Commission (WAPC).
- 1 February 2011 The Town's Officers met with representative from the DoP on 1 February 2011 in relation to Scheme Amendment No. 29.
- 26 June 2012 The State Administrative Tribunal (Tribunal) set aside the Town's decision to refuse the application for the installation of an additional storage silo for fly-ash, and granted Hanson conditional development approval until this date.
- 16 October 2012 The Tribunal set aside the Town's decision to refuse the application for extended operation hours, and granted Holcim (former Cemex) conditional development approval until this date.

DETAILS:

The Town's Officers met with the DoP on 1 February 2011 in relation to Amendment No. 29, whereby it was indicated that prior to the WAPC granting approval to advertise Amendment No. 29; the Town should give consideration to modifying the scope of the Amendment, as outlined below:

1. West Perth

The subject West Perth area is bound by Loftus Street to the west, Newcastle Street to the north, Charles Street to the east and Old Aberdeen Place to the south. Prior to the boundary changes in 2007, the land was under the control of the City of Perth. The land is currently zoned 'Commercial' under the City of Perth Planning Scheme No. 2 and 'Industrial' under the Metropolitan Region Scheme.

In 2008, the Town commenced a Metropolitan Region Scheme Amendment to rezone the subject land from 'Industrial' to 'Urban', in order to facilitate the West Perth Regeneration Masterplan. However, in the interim it was considered important to bring the area under the control of the Town's Town Planning Scheme No. 1, as opposed to continuing to utilise the City of Perth City Planning Scheme No. 2. It is noted that Amendment No. 29 proposes to maintain the 'Commercial' zoning of this area.

During the meeting held on 1 February 2011, the DoP acknowledged that as part of the consideration of the Metropolitan Region Scheme Amendment, the DoP had required an Amendment to the Town's current Town Planning Scheme No. 1 to address the following issues:

- A strategic transport assessment being undertaken to the satisfaction of Main Roads WA;
- The provision for cycle and pedestrian connectivity;
- The nature and scale of future land uses including some provision for service industrial land uses;
- Noise abatement issues being addressed; and
- The provision for developer contribution towards upgrading of road and servicing infrastructure (i.e. Water Corporation requirements).

The DoP considered the completion of the above requirements could significantly delay the timely progress of Amendment No. 29.

Officer Recommendation:

Given the potential delays associated with addressing the above requirements for the West Perth area, it is considered appropriate to remove the proposed rezoning of the West Perth area from Amendment No. 29 and to commence a new separate amendment. A separate report to initiate a new Scheme Amendment No. 30 for this area is the subject of a separate report on this agenda.

2. Mount Hawthorn (former Glendalough)

The WAPC identified a discrepancy between the proposed Amendment No. 29 zonings for the Scarborough Beach Road portion of the Mount Hawthorn area (former Glendalough) and State Planning Policy 4.2 (SPP 4.2) relating to Activity Centres for Perth and Peel.

Scheme Amendment No. 29 proposed a Residential/Commercial R100 zoning for the Mixed Residential Cell, roughly bounded by Scarborough Beach Road, Brady Street, Gibney Street and the Mitchell Freeway. However, SPP 4.2 recognises the area as a District Centre and therefore the area should have an Activity Centre zoning.

Officer Recommendation:

That Amendment No. 29 be modified so that the proposed zoning for the Mixed Residential Cell of the Mount Hawthorn (former Glendalough) area be amended to Mixed Residential R- AC2 to be in line with SPP 4.2 and the Town's draft Local Planning Strategy. An addendum to the Scheme Amendment Document has been prepared to provide further discussion on how the Town will address the provisions of the City of Stirling District Scheme No. 2 and also provides justification to zone the Mixed Use Cell, along Scarborough Beach Road as R-AC2.

3. Development Contribution

The DoP advised the Town that the Development Contribution Scheme text provisions outlined in Scheme Amendment No. 29 are not in line with the gazetted State Planning Policy 3.6 (SPP 3.6) relating to Development Contributions for Infrastructure. Rather, the provisions were taken from the Draft SPP 3.6, which have since been superseded and the final policy gazetted.

Officer Recommendation:

That Amendment No. 29 be modified to ensure any Development Contribution Provisions in the TPS No. 1 is consistent with the State Planning Policy.

4. East Perth

This land is defined as being within the boundaries of Lord Street to the west, the railway reserve to the east, Summers Street to the north and the Graham Farmer Freeway to the south and includes the Holcim (former Cemex) and Hanson concrete batching plants.

Prior to the boundary changes in 2007, the land was under the control of the East Perth Redevelopment Authority (EPRA) and zoned Residential R80. Amendment No. 29 proposes to rezone this area from Residential R80 to a combination of Residential/Commercial R80 and Residential/Commercial R100.

During the meeting held on 1 February 2011, the DoP acknowledged the Town and the Council's intent to further object to the continuation of the two (2) concrete batching plants (general industry uses) in the subject areas. The DoP noted that the current provisions of the Town's Town Planning Scheme No. 1 would result in 'general industry' being considered an 'X' use and that this would prohibit the possible continuation of the approval of the batching plants, when their current approval comes up for renewal in 2012 (26 June 2012 for Hanson Concrete Batching Plant and 16 October 2012 for Holcim).

The DoP expressed concern that the proposal appeared to be in conflict with Key Recommendation 7 of the Draft *Industrial Land Strategy 2009*, which states '*ensure that industrial sites, particularly those considered to have state and regional significance, and located within the inner and middle sectors, are preserved.*'

The DoP have requested the Town submit further justification and or any relevant information it considers relevant to support the removal of the batching plants, which will be considered as part of Amendment No. 29. The Town has prepared a report outlining the Town's position and additional information, which is contained as an attachment to this report.

CONSULTATION/ADVERTISING:

The Town will carry out consultation with all affected landowners within the subject areas for a period of 42 days, in line with the requirements of regulation 25 (fb) of the *Town Planning Regulations 1967*, following endorsement from the WAPC.

LEGAL/POLICY:

Town Planning Scheme No. 1 and associated Policies;
City of Stirling District Planning Scheme No. 2;
City of Stirling District Planning Scheme Amendment 423 (Schedule 14);
City of Perth City Planning Scheme No. 2; and
East Perth Redevelopment Authority Scheme (as of July 2007), and associated Planning Policies.

RISK MANAGEMENT IMPLICATIONS:

High: If the Council does not address the matter of the West Perth area, it could result in a significant delay in progressing the TPS Amendment No. 29.

STRATEGIC IMPLICATIONS:

Strategic Plan 2009-2014 states:

“Natural and Built Environment

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

1.1.1 Capitalise on the Town’s strategic location, its centres and commercial areas.

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

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

FINANCIAL/BUDGET IMPLICATIONS:

The current 2010/2011 Budget allocates \$58,200 for Town Planning Scheme Amendments and Policies.

COMMENTS:

In light of the discussion with the DoP Officers, to ensure the timely progress without delay of Amendment No. 29, it is recommended that Amendment No. 29 be modified as per the Officer Recommendation to remove reference to, and initiate a separate Scheme Amendment for the West Perth area.

As a result of the proposed modifications to Amendment No. 29 as outlined in the Details section of this report, Amendment No. 29 will now address:

1. Including the East Perth area ceded from the City of Perth to the Town of Vincent, as part of the boundary changes in July 2007, into the Town’s Town Planning Scheme No. 1;
2. Including the Mount Hawthorn (former Glendalough) area ceded from the City of Stirling, into the Town’s Town Planning Scheme No. 1;
3. Including provisions relating to Development Contributions for Infrastructure, in line with the Model Scheme Text provisions as set out in State Planning Policy 3.6 relating to Development Contributions for Infrastructure; and
4. To address the outcomes of Metropolitan Region Scheme Amendment (1181/57), which has been undertaken by the WAPC, relating to, among other things, transferring portions of various lots abutting the southern side of East Parade and Guildford Road from ‘Primary Regional Road Reservation’ to ‘Urban’.

In light of the above, it is recommended that the Council adopt the Officer Recommendation to authorise the Chief Executive Officer to request the WAPC to accept the modifications to Scheme Amendment No. 29 to the Town Planning Scheme No 1 as outlined in the report.

9.1.4 Further Report – No. 356 (Lot 64; D/P: 1823) Charles Street, North Perth – Proposed Change of Use from Warehouse to Unlisted Use (Small Bar and Café/External Catering Service) and Associated Alterations and Additions

Ward:	North	Date:	8 March 2011
Precinct:	Charles Centre, P7	File Ref:	PRO0842; 5.2010.611.2
Attachments:	001 – Property Information Report, Development Application and Plans		
Tabled Items:	Applicant's Submission		
Reporting Officer:	A Dyson, Statutory Planning Officer		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Cocktail Gastronomy on behalf of the owner Aztec Pty Ltd for proposed Change of Use from Warehouse to Unlisted Use (Small Bar and Café/External Catering Service) and Associated Alterations and Additions, at No. 356 (Lot 64; D/P: 1823) Charles Street, North Perth, and as shown on plans stamp-dated 26 November 2010, subject to the following conditions:

(i) **Building**

- (a) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Charles Street; and*
- (b) *the windows, doors and adjacent floor area facing Charles Street shall maintain an active and interactive frontage to this street;*

(ii) **Signage**

All signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted to and approved by the Town prior to the erection of the signage;

(iii) **Use of the Premises**

- (a) *the maximum patronage for the premises shall be 95 persons; and*
- (b) *packaged liquor not to be sold at the premises;*

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

- (a) *pay a cash-in-lieu contribution of \$25,047 for the equivalent value of 8.349 car parking spaces, based on the cost of \$3,000 per bay as set out in the Town's 2010/2011 Budget; OR*

(b) *lodge an appropriate assurance bond/bank guarantee of a value of \$25,047 to the satisfaction of the Town. This assurance bond/bank guarantee will only be released in the following circumstances:*

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

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

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

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

(v) **PRIOR TO THE FIRST OCCUPATION OF THE DEVELOPMENT, the following shall be submitted to and approved by the Town:**

(a) **Bicycle Parking Facilities**

A minimum of 1 (One) Class one or two bicycle parking facilities and 3 (Three) Class 3 bicycle parking facilities shall be provided at a location convenient to the entrance of the development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to installation of such facilities; and

(b) **Management Plan**

A detailed management plan that addresses the control of noise, anti-social behaviour, traffic, car parking, disposal of rubbish and its collection and litter associated with the development and any other appropriate matters shall be submitted to and approved by the Town prior to the first occupation of the development, and thereafter implemented and maintained.

COUNCIL DECISION ITEM 9.1.4

Moved Cr Farrell, Seconded Cr Burns

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (8-0)

(Cr Harvey had not yet arrived to the meeting.)

FURTHER REPORT:

The Council considered the subject application at its Ordinary Meeting held on 22 February 2011, and resolved as follows:

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

It is noted following the agenda preparation to the Ordinary Meeting of Council to be held on 22 February 2011, the applicant requested that the item be deferred. In addition, further information has come to light regarding the parking situation on site. The Officer Recommendation has been amended to reflect the parking situation on-site as follows:

Amended Car Parking Requirements	
Car parking requirement (nearest whole number):	
<ul style="list-style-type: none"> • Small Bar/Café - 1 space per 4.5 persons (95 persons proposed). • Warehouse (Rear Building) – 3 spaces for the first 200 square metres of Gross Floor Area (159.45m²) • Light Industry (Commercial Kitchen) – 3 spaces for the first 200 square metres of Gross Floor Area (150m²) 	<p>21.11 car bays</p> <p>3.00 car bays</p> <p>3.00 car bays</p> <p>27.11 car bays</p>
Apply the adjustment factors:	
<ul style="list-style-type: none"> • 0.85 (within 400 metres of a bus stop); • 0.95 (the proposed development is within 400 metres of one or more existing public car parking place(s) with in excess of a total of 25 car parking spaces) 	<p>(0.8075) = 21.891 car bays</p>
Minus the car parking provided on-site	Nil bays on-site.
Minus the most recently approved on-site car parking shortfall (OMC 26.10.1998-after taking into account the adjustment factors- 16.77x0.8075=13.542 car bays.	13.542 car bays
Resultant shortfall	8.349 car bays

Accordingly, further investigation into the history of the site has indicated there is an existing approved parking shortfall for the property relating to the addition of buildings on site which were approved by the Council at the Ordinary Meetings held on 22 September 1997 and the 19 January and 26 October 1998. The last car parking shortfall approved was for 16.77 car bays at the Ordinary Meeting of Council held on 26 October 1998, with the addition of a second storey to the warehouse at the rear of the property. Whilst the development does not increase the gross floor area, given the proposal is for a Small Bar, the car parking shortfall is increased from the earlier shortfall to a further 8.349 bays.

Parking

The proposed parking provisions for a Small Bar establishment, according to the Town's Parking and Access Policy require 1 space per 4.5 persons of the maximum number approved for the site. Based on this requirement, along with the existing uses on site, the total car bay shortfall is 8.349 car bays.

If a shortfall in car parking were to be supported, cash in lieu payment may be considered. The cash in lieu payment required would be \$3000 per bay based on the 2010/11 fees; \$25,047 in this instance.

It terms of the precinct it is considered a small bar/café would provide some ambience and encourage people to visit the Charles Street Local Centre both locally and externally as well as providing an option for other retailers to consider staying open longer. The premises itself abuts several types of businesses including offices, retail and associated stores and it is considered that the introduction of the use could be the catalyst, with these other businesses, to establish a night time economy and further vibrancy to the area.

Summary:

In light of the above, given the proposal with a minimal additional car parking shortfall from the previous approved parking shortfall on site, it is recommended that the application be supported.

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

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 22 February 2011.

“OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, REFUSES the application submitted by Cocktail Gastronomy on behalf of the owner Aztec Pty Ltd for proposed Change of Use from Warehouse to Unlisted Use (Small Bar and Café/External Catering Service) and Associated Alterations and Additions, at No. 356 (Lot 64; D/P: 1823) Charles Street, North Perth, and as shown on plans stamp-dated 26 November 2010, due to the following reasons:

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) the close proximity of Residential Uses;*
- (iii) shortfall in parking proposed;*
- (iv) consideration of the objection received; and*
- (v) the non-compliance with the Town's Policy No. 3.7.1 relating to Parking and Access.*

COUNCIL DECISION ITEM 9.1.7

Moved Cr McGrath, Seconded Cr Farrell

That the recommendation be adopted.

Debate ensued.

PROCEDURAL MOTION

Moved Cr McGrath, Seconded Cr Lake

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

PROCEDURAL MOTION PUT AND CARRIED (8-0)

(Cr Topelberg was on approved leave of absence.)

<i>Landowner:</i>	<i>Aztec Pty Ltd</i>
<i>Applicant:</i>	<i>Cocktail Gastronomy</i>
<i>Zoning:</i>	<i>Metropolitan Region Scheme: (MRS) Town Planning Scheme No. 1 (TPS 1): Local Centre</i>
<i>Existing Land Use:</i>	<i>Vacant</i>
<i>Use Class:</i>	<i>Unlisted Use</i>
<i>Use Classification:</i>	<i>"SA"</i>
<i>Lot Area:</i>	<i>591 square metres</i>
<i>Access to Right of Way</i>	<i>N/A</i>

PURPOSE OF REPORT:

The application is presented to a meeting of Council due to a shortfall of more than 5 car parking bays.

BACKGROUND:

Nil.

DETAILS:

The proposal involves the Change of Use from a vacant tenancy (formerly a Consulting Room use known as Hypoxi Studios) to a Small Bar and associated Café and an external catering service with associated alterations and additions at No. 356 Charles Street, North Perth.

The proposed hours of operation for the Small Bar Café element are: Wednesday 3-10pm, Thursday 3-10pm, Friday 12noon - 12am, Saturday 12noon - 12am and Sunday 12noon - 10pm. The external catering portion of the business is essentially open all week. The maximum number of employees would be limited to eight (8) and the maximum number of patrons not to exceed one hundred (100).

The existing site does not include any established on-site car parking, with a delivery area available at the rear of the premises. In addition, there is space (10.6 metres) for approximately three vehicles but this is currently an unmarked area.

There are no changes to the external façade, while internally; a bar is proposed to be installed with associated kitchen facilities. A separate male and female toilet is provided for employees, with toilets for patrons to be provided.

The applicant has provided the following justification:

“Small Bars rely on local trade and target the local community. As such we have expectations that a high number of our patrons will walk to our location or utilise public transport. Public transport is in abundance to our location through the Charles Street, Fitzgerald Street and Scarborough Beach Road nodes. Onsite, the building in mention has undercover parking via roller door access and unmarked parking for a minimum of three vehicles (with a 10.6 metre width dimension) immediately outside the building on the title vicinity.”

“The most immediate public parking facilities for the premises are located at the rear of the building in keeping with the Town of Vincent Town Planning Scheme No. 1 for the Charles Centre Precinct. There are 28 car park bays with laneway and street access of which the Council has advised we require 17.9.”

“The vast majority of our operating hours are when this carpark is vacated and other businesses utilising the car park are closed, especially during our peak periods of operation. Our signage “Parking at rear” is advertised in large font under the main front window of our premises to adequately inform our customers.”

“In addition, there are car bays on Angove Street and Farmer Street within a 100m radius. Also there is the North Perth shopping centre located at 299 Charles Street with surplus parking which is a short walk away of less than 200m.

“In keeping with the theming of our establishment, bike racks will also be located at the front of our building for those patrons wishing to ride to and from our venue. Private parking areas in our precinct are clearly labelled with adequate signage. With the plentiful parking and public transport networks available we foresee no parking issues for our neighbours.”

COMPLIANCE:

<i>NON-COMPLIANT REQUIREMENTS</i>		
<i>REQUIREMENTS</i>	<i>REQUIRED</i>	<i>PROPOSED</i>
<i>Non-Compliant Requirement:</i>	<i>“P” Permitted</i>	<i>Small Bar - ‘SA’ Catering Service - ‘SA’ Café - ‘AA’</i>
<i>Officer Comments:</i>		
<i>Not supported. It is noted that the property is zoned Local Centre and is ideally placed for shops/offices to be located along the street area of Charles Street. However, it is noted that parking along the north east shopping area is extremely limited, along with the inability to park along Charles Street. Given the number of businesses located in this vicinity, any increase in patronage in the immediate vicinity will lead to exacerbated parking issues. It is on this basis that the use of the premises as a Small Bar/Café is not supported.</i>		

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

<i>Consultation</i>	
<i>In Support:</i>	<i>One (1)</i>
<i>Comments Received</i>	<i>Officer Comments</i>
<ul style="list-style-type: none"> <i>Adjoining owner supports, however private car park at rear of property (adjoining subject property to the south) not to be utilised as for clients and tenants only.</i> <i>Request a written agreement from new owners/tenants that the car park will not be used.</i> 	<p><i>Noted. The applicant has noted that a written agreement can be provided on request with the adjoining owner.</i></p> <p><i>See above</i></p>
<i>Objections:</i>	<i>One (1)</i>
<i>Comments Received</i>	<i>Officer Comments</i>
<ul style="list-style-type: none"> <i>Concern that a deficient number of car parking provided will lead to customers of the premises utilising the car parks on the opposite side of the premises in the McDonalds and BP car park.</i> 	<i>Supported. The shortfall in parking may lead to vehicles and patrons accessing the premises, parking on the opposite side of the road at the McDonalds and BP carparks.</i>
<i>Advertising</i>	<i>Advertising for the proposal for a period of 21 days was carried out as per the Town’s Policy 4.1.5 relating to Community Consultation.</i>
<i>Other Implications</i>	
<i>Legal/Policy</i>	<i>TPS 1 and associated Policies.</i>
<i>Strategic</i>	<i>Nil</i>
<i>Sustainability</i>	<i>Nil</i>
<i>Financial/Budget</i>	<i>Nil.</i>

<i>Consultation</i>		
<i>Car Parking</i>		
<i>Car parking requirement (nearest whole number) 1 space per 4.5 persons (100 persons proposed)</i>		<i>= 22.22 car bays</i>
<i>Apply the adjustment factors.</i>		
<ul style="list-style-type: none"> • <i>0.85 (within 400 metres of a bus stop)</i> • <i>0.95 (the proposed development is within 400 metres of one or more existing public car parking place(s) with in excess of a total of 25 car parking spaces.</i> 		<i>(0.8075) = 17.9 car bays</i>
<i>Minus the car parking provided on-site</i>		<i>Nil bays on-site.</i>
<i>Minus the most recently approved on-site car parking shortfall.</i>		<i>Not applicable.</i>
<i>Resultant shortfall</i>		<i>17.9 car bays</i>
<i>Bicycle Parking</i>		
<i>Café/Small Bar</i>	<ul style="list-style-type: none"> • <i>1 space per 100 square metres (Public Area): Class 1 or 2 (1 Required)</i> • <i>2 spaces plus 1 space per 100 square metres (Public Area): Class 3 (3 Required)</i> 	<i>Nil Provided. Nil Provided.</i>

COMMENTS:

Small Bar

In May 2007, an amendment was made to section 41 of the Liquor Control Act 1988, to include a Small Bar Licence as a form of Hotel Licence. A Small Bar Licence differs from Hotel and Tavern Licences by the conditions imposed to restrict the scope of the licence. A Small Bar Licence is a form of a Hotel Licence with:

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

Charles Centre Precinct

The premises are located in the Charles Centre Precinct along Charles Street which immediately abuts several types of businesses including offices, retail and associated stores. The precinct is zoned Local Centre which allows for a wide variety of uses. The proposal is for the use of the premises as a Small Bar and Café use with an external catering element.

Parking

The proposed parking provisions for a Small Bar establishment, according to the Town's Parking and Access Policy require 1 space per 4.5 persons of the maximum number approved for the site. Based on this requirement the proposal provides for a 17.9 car bay shortfall to the requirements of the Town of Vincent Parking and Access Policy 3.7.1.

Given the proposed hours of operation, mainly after 12pm Wednesday to Sunday, for the small bar/café element of the business, the most pressure on the car parking within the vicinity would be weekdays between 12 noon and 5pm. It is noted that after 5pm, the majority of businesses along the Charles Street/Scarborough Beach Road area would be closing for the day. It is considered that the Small Bar/Café would be able to utilise the greater proportion of these bays for clientele.

The applicant has stipulated that a greater majority of the clientele of the small bar/café part of the proposal would come from local traffic that could access the premises by walking/cycling or using public transport. Whilst this may be the case for a number of persons, it is expected that once a business is functioning, the greater majority of clientele will access the premises by using vehicles.

The Town's Policy relating to Parking and Access suggests that the Council may determine to accept a cash-in-lieu payment where the shortfall is greater than 0.5 car bays, to provide and/or upgrade parking in other car parking areas. The policy stipulates that:

“Cash-in-lieu provisions are only to be permitted in localities where the Town already provides off-street public car parking which has spare capacity, or the Town is proposing to provide or is able to provide a public car park (including enhanced or additional on-street car parking where appropriate) in the near future, within 400 metres of the subject development;”

Whilst taking this provision of the Policy into account, the premises are located adjacent to the Pansy Street Car Park located at the rear of the property with access via a laneway and Pansy Street. The Pansy Street Car Park includes twenty-eight (28) free car parking bays. It is noted that whilst the café/small bar entrance is to Charles Street, there is no public rear entrance which will require users to walk around the block to the premises.

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

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

If the shortfall in car parking were to be supported, a cash in lieu payment would be required. The cash in lieu payment required would be \$3000 per bay based on the 2010/11 fees; \$53,700 in this instance.

In light of the above, the proposal with a substantial parking shortfall of 17.9 car bays, and the only bays available at the rear of the property already substantially utilised by the surrounding businesses, there is concern the proposal would impact the local area.

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

9.2.2 Kyilla Park – Installation of Fitness Track

Ward:	North	Date:	9 March 2011
Precinct:	North Perth – P8	File Ref:	RES0018
Attachments:	001 – Plan No. 2760-CP-01A Proposed Fitness Track locations 002 – Summary of Comments		
Tabled Items:	-		
Reporting Officer:	J van den Bok; Manager Parks & Property Services		
Responsible Officer:	R Lotznicker; Director Technical Services		

OFFICER RECOMMENDATION:

That the Council APPROVES the installation of a junior and senior fitness track at Kyilla Park as shown as OPTION 1, on attached Plan No. 2760-CP-01A, at an estimated cost of \$85,880.

COUNCIL DECISION ITEM 9.2.2

Moved Cr Farrell, Seconded Cr Burns

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Harvey had not yet arrived to the meeting.)

PURPOSE OF REPORT:

To advise the Council of the results of the community consultation, and to seek approval for the project to proceed, so that the school and local community can utilise this facility as soon as possible.

BACKGROUND:

At the Ordinary Meeting of Council held on 21 December 2010 a report was presented outlining the proposal to install a senior and junior fitness track at Kyilla Park in North Perth.

At the meeting the Council resolved as follows:-

"That the Council;

- (i) *APPROVES IN PRINCIPLE the proposed installation of a fitness track at Kyilla Park as shown on the attached Plan No. 2760-CP-01 at an estimated cost of \$85,880;*
- (ii) *APPROVES BY AN ABSOLUTE MAJORITY to re-allocate \$880 from the Kyilla Park Maintenance Budget to the Kyilla Park Upgrade/Fitness Track Project;*
- (iii) *CONSULTS with the local community in relation to the proposed installation; and*
- (iv) *NOTES that:*
 - (a) *the Town in association with the Kyilla Park Primary School were successful in securing a grant of \$60,000 from LotteryWest towards this project; and*
 - (b) *a further report will be submitted to the Council at the conclusion of the consultation period, should any comments be received".*

DETAILS:

Community Consultation – January 2011

On Friday 7 January 2011 one hundred (100) letters with attached plans were distributed around Kyilla Park. At the conclusion of the consultation period only three (3) responses had been received, all from owner/occupiers directly abutting the park as follows:

In favour of proposal – 2 responses

Excellent idea; love to see more activities at the park; rubber matting instead of sand in playground; more trees, great to see this proposal being installed; thoroughly support plans to install fitness tracks; being neighbours we will ensure that it is well looked after, require basketball ring to be replaced; thank you and congratulations on a great idea.

Not in favour of proposal – 1 response

There has been an increase in vandalism and loutish behaviour at the park; neighbour recently sold property to move out of the area; have experienced graffiti, alcohol and eggs being thrown into my property; behaviour increases during school holidays; new bbq has added to the problem; youths hang out causing a general nuisance; installation of fitness track opposite my home will add to this ongoing problem; plenty of play area already available; another target for vandals.

Officer Comments:

The respondent against the proposal called the Town and spoke directly with the Town's Chief Executive Officer in regards to her concerns and following further discussion with officers it was decided to consult a wider area and include two (2) options for the siting of both the junior and senior fitness tracks on Kyilla Park.

Further Community Consultation – February 2011

A total of two hundred and forty six (246) letters with attached plans were distributed on 18 February 2011 and at the conclusion of this further consultation period a total of sixty nine (69) responses were received.

Thirty Five (35) respondents were in favour of Option 1 (the original location) and thirty two (32) were in favour of Option 2. Two (2) respondents indicated either location was suitable.

A summary of the comments received is attached.

Officer's Comments:

Option 1 was the original location selected and following the consultation period has again been recommended by the officers. There is more room at this end of the park and the locations of the junior & senior fitness tracks are close to the playground, drinking fountain and BBQ where parents tend to congregate. In addition the layout of the school's athletic track would not be affected in this location.

The existing street trees located near the corner of Lawler and Hunter Street provide suitable screening and additional trees being proposed along the Hunter Street frontage will limit the visual impact of the equipment on adjoining owner/occupiers.

Whilst it has been suggested that Option 2 provides more shade, the existing native trees along Union Street are not significant and very little shade is provided until very late in the afternoon.

Whilst vandalism and undesirable behaviour in and around Kyilla Park has been highlighted and has been a problem in the past, generally issues have decreased over the past few years. The Town's Rangers have received 4 complaints in relation to Kyilla Park over the past 12 months, including 2 x dog complaints, 1 x abandoned vehicle and 1 x security issue with the toilet block being locked.

There has been a record of 50 tags being removed from the toilets and shelter over the past 12 months; however adjacent to a school this is not unusual and is an area that is constantly monitored and tags removed by the Graffiti Officer within 24 hours.

The Town's Coordinator Safer Vincent has also provided the following comments in relation to the issues raised by the original respondent against the proposal:

Comments by Coordinator Safer Vincent:

To deter vandalism and anti social behaviour in public spaces which would include Kyilla Park, the Town has employed a number of proven strategies to deter or minimise such behaviour. One of the most effective ways is to encourage positive use of space by installing equipment such as planned for Kyilla Park including BBQ's, half basketball courts and fitness tracks.

In general blank open spaces with little to do will tend to encourage negative use of space and undesirable elements of anti social and criminal behaviour.

WA Planning Commission Designing Out Crime Planning Guidelines 2006:

Designing out crime objectives:

- to promote surveillance;
- to promote a wide range of legitimate activities; and
- to promote community ownership and increased use of public spaces.

Rationale:

Activity generators are facilities that attract people, create normal activities and increase casual surveillance within a space.

The purpose of activity generators or visitor attractions is to add 'eyes on the street'; to make places more secure by populating them.

This reduces opportunities for criminal activities and increases the perception of safety. Examples include:

- recreational activities
- cafes
- public seating areas
- community facilities.

CONSULTATION/ADVERTISING:

Consultation has now been undertaken in accordance with Council's Community Consultation Policy No. 4.1.5. All respondents will be advised of the Council decision.

LEGAL/POLICY:

Nil.

RISK MANAGEMENT IMPLICATIONS:

Low: The equipment is well constructed and has a life expectancy of in excess of ten (10) years. The equipment when installed will also form part of the Town's regular playground routine maintenance by staff and operational inspections undertaken quarterly by an accredited playground installer.

STRATEGIC IMPLICATIONS:

In accordance with the objective of Strategic Plan 2009-2014 – Key Result Area One: 1.1.5 Enhance and maintain parks, landscaping and community facilities“(b) continue to implement infrastructure improvements for public open space, including the Wetlands Heritage Trail and the Greenway Plan.

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

The cost for the supply and installation of the junior and senior fitness tracks at Kyilla Park is \$85,880.

The budget for this project is made up of contributions from the Town, LotteryWest and the Kyilla Primary School who have provided \$10,000 through fund raising events held at the school.

• LotteryWest	\$60,000
• Town of Vincent	\$15,880
• Kyilla Primary School	<u>\$10,000</u>
Total	\$85,880

COMMENTS:

As indicated in the previous report to the Council, the Town's Physical Activity Strategic Plan aims to provide a framework and a set of objectives to assist the Town of Vincent to plan, develop, implement, evaluate and sustain physical activity programs, opportunities and services into the future.

The Kyilla Park Fitness Track meets the objectives and intent of the Town of Vincent Physical Activity Strategic Plan 2008-2013 and directly targets:

- Children in the North Perth area;
- Families in the North Perth area;
- People living in the vicinity of the Kyilla Park; and
- Individuals and groups accessing facilities promoted through the Town of Vincent.

The infrastructure will be owned and managed by the Town of Vincent with ongoing liaison and promotion of the Fitness Track and facilities will be an undertaking of the Town and the school community.

It is therefore recommended that the Council approve the installation of the junior and senior fitness tracks at Kyilla Park as indicated on the attached plan at Option 1 and the works proceed as soon as possible.

9.3.2 Authorisation of Expenditure for the Period 1 – 28 February 2011

Ward:	Both	Date:	2 March 2011
Precinct:	All	File Ref:	FIN0032
Attachments:	001 – Creditors Report		
Tabled Items:	Vouchers, supporting invoices and other relevant documentation		
Reporting Officers:	K Ball, Finance Officer – Accounts Payable; B Tan, Manager Financial Services		
Responsible Officer:	M Rootsey, Director Corporate Services		

OFFICER RECOMMENDATION:

That the Council CONFIRMS the;

- (i) *Schedule of Accounts for the period 1 February – 28 February 2011 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;*

paid under Delegated Authority in accordance with Regulation 13(1) of the Local Government (Financial Management) Regulations 1996 as shown in Appendix 9.3.2.

DECLARATION OF INTEREST

Members/Officers	Voucher	Extent of Interest
Nil.		

COUNCIL DECISION ITEM 9.3.2

Moved Cr Farrell, Seconded Cr Burns

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Harvey had not yet arrived to the meeting.)

PURPOSE OF REPORT:

To present to the Council the expenditure and list of accounts approved by the Chief Executive Officer under Delegated Authority for the period 1 February to 28 February 2011.

BACKGROUND:

The Council has delegated to the Chief Executive Officer (Delegation No. 3.1 the exercise of its power to make payments from the Town's Municipal and Trust funds. In accordance with Regulation 13 of the Local Government (Financial Management) Regulations 1996 a list of accounts paid by the Chief Executive Officer is to be provided to the Council, where such delegation is made.

The Local Government Act provides for all payments to be approved by the Council. In addition the attached Schedules are submitted in accordance with Regulation 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		
Automatic Cheques	069630- 069760	\$151,492.26
Transfer of Creditors by EFT Batch	1184, 1186-1190, 1192, 1193, 1195-1197	\$2,136,860.89
Transfer of PAYG Tax by EFT	February 2011	\$203,984.10
Transfer of GST by EFT	February 2011	
Transfer of Child Support by EFT	February 2011	\$1,087.08
Transfer of Superannuation by EFT:		
• City of Perth	February 2011	\$26,736.44
• Local Government	February 2011	
Total		\$2,520,160.77
Bank Charges & Other Direct Debits		
Bank Charges – CBA		\$8,457.38
Lease Fees		806.82
Corporate Master Cards		\$4,251.71
Loan Repayment		\$56,737.45
Rejection Fees		\$15.00
Total Bank Charges & Other Direct Debits		\$70,268.36
Less GST effect on Advance Account		0.00
Total Payments		\$2,590,429.13

LEGAL POLICY:

The Council has delegated to the Chief Executive Officer (Delegation No. 3.1) the power to make payments from the municipal and trust funds pursuant to the Local Government (Financial Management) Regulations 1996. Therefore, in accordance with Regulation 13(1) of the Local Government (Financial Management) Regulations 1996 a list of accounts paid by the Chief Executive Officer is prepared each month showing each account paid since the last list was prepared.

RISK MANAGEMENT IMPLICATIONS:

In accordance with Section 6.8 of the Local Government Act 1995, a local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure is authorised in advance by an absolute majority decision of the Council.

STRATEGIC IMPLICATIONS:

Strategic Plan 2009-2014 – Key Result Area 4.2 – Governance and Management

“Adopt best practice to manage the financial resources and assets of the Town.”

SUSTAINABILITY IMPLICATIONS:

Expenditure has been incurred in accordance with the adopted Budget, which has been structured on financial viability and sustainability principles.

ADVERTISING/CONSULTATION:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

All expenditure from the municipal fund was included in the Annual Budget adopted by the Council.

COMMENT:

All municipal fund expenditure included in the list of payments is in accordance with the Council’s adopted Annual Budget or has been authorised in advance by the Council where applicable.

Vouchers, supporting invoices and other relevant documentation are available for inspection at any time following the date of payment and are tabled.

9.3.3 Financial Statements as at 28 February 2011

Ward:	Both	Date:	8 March 2011
Precinct:	All	File Ref:	FIN0026
Attachments:	001 – Financial Reports		
Tabled Items:	Nil		
Reporting Officers:	B Wong, Accountant		
Responsible Officer:	B Tan, Acting Director Corporate Services		

OFFICER RECOMMENDATION:

That the Council RECEIVES the Financial Statements for the month ended 28 February 2011 as shown in Appendix 9.3.3.

COUNCIL DECISION ITEM 9.3.3

Moved Cr Farrell, Seconded Cr Burns

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Harvey had not yet arrived to the meeting.)

PURPOSE OF REPORT:

The purpose of this report is to present to the Council the Financial Statements for the period ended 28 February 2011.

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; and
- 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 28 February 2011:

- Income Statement;
- Summary of Programmes/Activities (pages 1-17);
- Income Statement by Nature or Type Report (page 18);
- Capital Works Schedule (pages 19-25);
- Statement of Financial Position (page 26);
- Statement of Changes in Equity (page 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 (pages 34-38); and
- Monthly Financial Positions Graph (pages 39-41).

Comments on the financial performance are set out below:

Income Statement and Detailed Summary of Programmes/Activities**Net Result**

The net result is Operating Revenue less Operating Expenses plus Capital Revenue and Profit/(Loss) of Disposal of Assets.

YTD Actual	-	\$8.1 million
YTD Budget	-	\$9.4 million
Variance	-	-\$0.3 million
Full Year Budget	-	\$10.6 million

Summary Comments:

The current favourable variance is due to timing on extended funding.

Operating Revenue

YTD Actual	-	\$33.3 million
YTD Budget	-	\$33.4 million
YTD Variance	-	-\$0.1 million
Full Year Budget	-	\$38.4 million

Summary Comments:

The total operating revenue is currently 99.77% of the year to date Budget estimate. Mid-year budget reviewed was adopted in February to reflect increment of revenue from Development Application, parking fees and infringements and money received from insurance claims submitted as a result of the March 2010 storm.

The total operating revenue is currently 99.77% of the year to date Budget estimate. The budget for operating revenue has been increased in the mid-year review attributed increased revenue from Development Application, increased fees from parking fees and infringements and money received from insurance claims submitted as a result of the March 2010 storm.

Major variances are to be found in the following programmes:

Governance – 33% over budget;

Law Order and Public Safety – 35% below budget;

Education and Welfare – 11% below budget;

Administration General – 275% over budget.

More details variance comments are included on the page 34 – 38 of this report.

Operating Expenditure

YTD Actual	-	\$26.0 million
YTD Budget	-	\$27.5 million
YTD Variance	-	-\$1.5 million
Full Year Budget	-	\$40.3 million

Summary Comments:

The operating expenditure is currently 5.4% below budget.

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

Health – 14% below budget;

Education and Welfare – 13% below budget;

Community Amenities – 16% below budget;

Economic Services – 14% over budget;

Administration General – 82% below budget.

Detailed variance comments are included on the page 34 – 38 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 2010/11 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 28 February 2011 of \$4,665,894, which represents 32% of the revised budget of \$14,489,863.

	Budget	Revised Budget	Actual to Date (Include commitment)	%
Furniture & Equipment	\$214,900	\$217,400	\$133,003	61%
Plant & Equipment	\$2,662,600	\$1,908,250	\$1,729,531	91%
Land & Building	\$12,125,150	\$3,711,630	\$402,598	11%
Infrastructure	\$10,843,834	\$8,652,583	\$2,400,762	28%
Total	\$25,846,484	\$14,489,863	\$4,665,894	32%

Statement of Financial Position and Statement of Changes in Equity

The statement shows the current assets of \$24,246,688 and non-current assets of \$141,996,668 for total assets of \$166,243,356.

The current liabilities amount to \$9,636,996 and non-current liabilities of \$12,569,179 for the total liabilities of \$22,206,175. The net asset of the Town or Equity is \$144,037,181.

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 28 February 2011 is \$9.2m. The balance as at 30 June 2010 was \$9.1m.

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 \$627,358 is outstanding at the end of February 2011.

Out of the total debt, \$159,932 (25.5%) relates to debts outstanding for over 60 days, which is related to Cash in Lieu Parking and \$181,003 (28.8%) relates to the storm damage claim from FESA which is yet to be finalised.

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 2010/11 were issued on the 19 July 2010.

The Local Government Act 1995 provides for ratepayers to pay rates by four instalments. The due dates for each instalment are:

First Instalment	23 August 2010
Second Instalment	25 October 2010
Third Instalment	5 January 2011
Fourth Instalment	9 March 2011

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)	\$8.00
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 28 February 2011 including deferred rates was \$2,182,728 which represents 10.17% of the outstanding collectable income compared to 9.62% at the same time last year.

Statement of Financial Activity

The closing balance carry forward for the year to date 28 February 2011 was \$6,495,758.

Net Current Asset Position

The net current asset position as at 28 February 2011 is \$15,691,629.

Beatty Park – Financial Position Report

As at 28 February 2011 the operating deficit for the Centre was \$259,417 in comparison to the year to date budgeted deficit of \$298,231.

The cash position showed a current cash surplus of \$35,238 in comparison year to date budget estimate of a cash deficit of \$14,026. 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.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

Section 6.4 of the Local Government Act 1995 requires a local government to prepare an annual financial report for the preceding year and such other financial reports as are prescribed.

Regulation 34(1) of the Local Government (Financial Management) Regulations 1996 requires the local government to prepared, each month, a statement of financial activity reporting on the source and application of funds as set out in the adopted Annual Budget.

RISK MANAGEMENT IMPLICATIONS:

Low: In accordance with Section 6.8 of the Local Government Act 1995, a local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure is authorised in advance by an absolute majority decision of the Council.

STRATEGIC IMPLICATIONS:

Strategic Plan 2009-2014 – Key Result Area 4.2 – Governance and Management:

“Adopt best practice to manage the financial resources and assets of the Town.”

SUSTAINABILITY IMPLICATIONS:

Expenditure has been incurred in accordance with the adopted Budget, which has been structured on financial viability and sustainability principles.

FINANCIAL/BUDGET IMPLICATIONS:

Not applicable.

COMMENT:

All expenditure included in the Financial Statements are incurred in accordance with the Council’s adopted Annual Budget or has been authorised in advance by the Council where applicable.

9.3.4 Proposed Artwork for Gladstone Park, East Perth

Ward:	South	Date:	22 February 2011
Precinct:	Banks	File Ref:	PRO1748
Attachments:	001 - Artwork concept drawings		
Tabled Items:	Nil		
Reporting Officer:	R Gunning, Arts Officer		
Responsible Officer:	M Rootsey, Director Corporate Services		

OFFICER RECOMMENDATION:

That the Council APPROVES the Town's Art Advisory Group recommended for the artwork proposal by Glow Studios as part of the Percent for Art Scheme (Cash in Lieu) in regard to the development at 159 Lord Street, East Perth.

COUNCIL DECISION ITEM 9.3.4

Moved Cr Farrell, Seconded Cr Burns

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (8-0)

(Cr Harvey had not yet arrived to the meeting.)

PURPOSE OF REPORT:

To seek approval for the proposed artwork regarding the development at 159 Lord Street, East Perth.

BACKGROUND:

The development at 159 Lord Street is a commercial development which is subject to the Town's Percent for Art Scheme requirements. In most cases the developer manages the artwork themselves; however they can also elect to pay cash-in-lieu. If this option is chosen, the Town manages the project and the artwork is placed on Town of Vincent land in the vicinity of the development.

The developers of 159 Lord Street, Caltex Australia Petroleum Pty Ltd elected to take the cash-in-lieu option. At the Ordinary Meeting of Council 14 September 2010 Gladstone Park, East Perth was approved as the location for the artwork.

DETAILS:

An artist's brief was sent out calling for submissions, as soon as the location had been confirmed. Five artists responded with submissions which were then reviewed by the Art Advisory Group at their meeting held on 19 January 2011.

The Group's preference was for the submission by Glow Studios, an art and design studio headed by Jude Bunn and Andrea Tate.

The artwork proposal is for a series of abstract linear forms to be built from steel re-enforced concrete with a width of 500mm and with a maximum height of 700mm. The thickness of the artworks is to be approximately 300mm. The work will be comprised of four separate shapes or forms ranging in length from 3 metres to 1.2 metres. The shapes are planned to weave through the park and are designed to function as objects of aesthetic reflection as well as to be used as park furniture or for children to play on (see attachment).

The artwork is to be light grey in colour allowing it to integrate into the park's landscape.

A plaque is to be placed on the artwork recognising that the funds for the work were provided by Caltex as part of the Percent of Art Scheme.

CONSULTATION/ADVERTISING:

The artist's brief was advertised through Artsource, the artist's foundation of Western Australia. Artsource which has a membership of over four hundred artists is the recognised forum for advertising public art projects.

The brief was also posted on the Town's website.

LEGAL/POLICY:

Town of Vincent Policy No: 3.5.13 - Percent for Public Art.

The work will comply with Australian Standards.

RISK MANAGEMENT IMPLICATIONS:

Low: Glow Studios has a reputable history with past art related projects.

STRATEGIC IMPLICATIONS:

Strategic Plan 2009- 2014 - Key Result Area Three: Community Development:

"3.1.1 Celebrate and acknowledge the Town's cultural and social diversity."

SUSTAINABILITY IMPLICATIONS:

The construction of reinforced concrete using form work and concrete footings will ensure a robust and permanent artwork. An anti-graffiti surface will be applied making the work further resistant to vandalism.

FINANCIAL/BUDGET IMPLICATIONS:

The budget for this project is \$16,000. The money has been paid to the Town by the developers as their Percent for Art contribution. The Town will in turn pay the artist the above amount for the project.

COMMENTS:

The proposed artwork by Glow Studios offers a unique site-specific artwork that has the potential to successfully engage the various users of the park, as the artists state, the forms 'can be a seat for reflection, a place to gather, or a multitude of tunnels for the young to explore.'

9.4.1 Constitutional Recognition of Local Government

Ward:	-	Date:	11 March 2011
Precinct:	-	File Ref:	ORG0011
Attachments:	001 – Letter from the Australian Local Government Association		
Tabled Items:	-		
Reporting Officer:	John Giorgi, Chief Executive Officer		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council:

- (i) *DECLARES its support for financial recognition of local government in the Australian Constitution so that the Federal Government has the power to fund local government directly and also for the inclusion of local government in any new Preamble to the Constitution, if one is proposed, and calls on all political parties to support a referendum by 2013 to change the Constitution to achieve this recognition; and*
- (ii) *AUTHORISES the:*
 - (a) *Mayor to write to the Prime Minister, Federal Opposition Leader and Local Federal Parliamentary Members to inform them of the Council's support for constitutional recognition and to seek their support for reform within the Federal Parliament; and*
 - (b) *Mayor and Chief Executive Officer to implement any further initiatives suggested by the Australian Local Government Association to campaign for broad public support for constitutional recognition, as is deemed practical within existing Town resources and Budget 2010-2010.*

COUNCIL DECISION ITEM 9.4.1

Moved Cr Farrell, Seconded Cr Burns

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (8-0)

(Cr Harvey had not yet arrived to the meeting.)

PURPOSE OF REPORT:

The purpose of the report is to seek the Council's endorsement of a position to support the Australian Local Government Association (ALGA) in lobbying for a national referendum in 2013 to amend the *Australian Constitution* to allow direct funding of local government bodies by the Federal Government and include local government in any Preamble to the *Australian Constitution*, if one is proposed.

BACKGROUND:

Correspondence was recently received from ALGA, inviting all local governments in Australia, including the Town of Vincent Council to become directly involved in the campaign for constitutional recognition.

The letter states that, following the 2010 Federal Election, Prime Minister Julia Gillard committed to holding a dual referendum on the constitutional recognition of local government and the recognition of Indigenous Australians. The referendum is anticipated to be held in conjunction with the 2013 Federal Election and ALGA provides that the challenge for local government is now to ensure:

- the referendum is held in 2013;
- that the type of constitutional recognition sought meets the industry's requirements; and
- a positive result in any referendum on this issue is achieved.

ALGA requested that individual Councils now to contribute to an overall national campaign that will enable these three outcomes to be achieved.

DETAILS:

At the ALGA Local Government Constitutional Summit, held in Melbourne from 8-11 December 2008 and attended by the Mayor, Nick Catania, the following resolution was made:

“Delegates of this Local Government Constitutional Summit resolve that:

to ensure the quality of planning and delivery of services and infrastructure provided to all Australians, and the ongoing sustainability of local government, any constitutional amendment put to the people in a referendum by the Australian Parliament (which could include the insertion of a preamble, an amendment to the current provisions or the insertion of a new Chapter) should reflect the following principles:

The Australian people should be represented in the community by democratically elected and accountable local government representatives:

- *The power of the Commonwealth to provide direct funding to local government should be explicitly recognised; and*
- *If a new preamble is proposed, it should ensure that local government is recognised as one of the components making up the modern Australian Federation.”*

This resolution forms the current national position on constitutional recognition for local government, of which ALGA is seeking individual Council support to reiterate this position and ensure that it is considered as part of a national referendum in 2013.

Direct Federal Funding Powers

A campaign has been devised by ALGA to seek formal support from individual Councils across the country for a 2013 referendum on local government constitutional recognition. The importance of this campaign is compounded further by the recent High Court decision of *Pape v Federal Commissioner of Taxation*, in which the High Court set out the limitations of the Australian Government's powers and, in doing so, clearly indicated that the Australian Government does not have the power to fund local government directly in all circumstances.

This could potentially impact on future Federal-local government funding arrangements, should the validity of current funding initiatives be challenged. The more immediate effect of this decision is a reduction in the certainty and security of funding for community services currently delivered by local governments through direct Federal assistance programs, as they would need to be directed through the States to administer. (For example, the *Nation Building Roads to Recovery Program*).

Legal advice obtained by ALGA following the *Pape* decision, considers a successful referendum to amend section 96 of the *Australian Constitution* as a sufficient means of overcoming the issues raised in this case. (This would allow Parliament to grant financial assistance to local governments on any term and condition it thinks fit).

It is acknowledged within the legal opinion that current direct funding arrangements would only be considered invalid in the unlikely circumstance that is challenged in a court of law. Despite this admittance, the advice still recommends that local governments pursue a sufficient safeguard through an appropriate constitutional amendment, given that future challenges cannot be ruled out regardless of how likely or unlikely they are to occur. This is congruent with ALGA's current position that the *Australian Constitution* should provide powers for the Federal Government to allow direct funding to local government.

Symbolic Constitutional Recognition

An amendment to the Constitution's Preamble is currently being considered by the Federal Government within the context of recognising Indigenous Australians. ALGA's position is that if any change to the Preamble is being considered as part of a national referendum, then local government recognition should be included on the amendment agenda.

A symbolic amendment to the Preamble of the *Australian Constitution* is supported by ALGA in order to recognise the existence of local government within a modern Australian Federal System of Government and to further entrench and acknowledge the important services that local governments deliver to communities, as the closest point of contact between governments and the people they represent.

Additional Campaigning Initiatives

In addition to formal Council resolutions to support a national approach to constitutional recognition for local government, ALGA has also invited individual Council's to write to the Prime Minister, Federal Opposition Leader and Local Members of Parliament to request bipartisan support for a referendum on the issue at the 2013 Federal Election.

Draft correspondence templates have been provided by ALGA to assist Councils in conveying a consistent message to each Federal Parliamentary Representative.

Materials to assist Councils in undertaking broad public campaigns to win support for local government constitutional recognition are to be also provided by ALGA in the coming months.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

Not applicable.

RISK MANAGEMENT IMPLICATIONS:

Not applicable.

STRATEGIC IMPLICATIONS:

Not applicable.

SUSTAINABILITY IMPLICATIONS:

Constitutional recognition would assist in the sustainability of a local government.

FINANCIAL/BUDGET IMPLICATIONS:

Not applicable.

COMMENTS:

The Council's support of ALGA's request would assist in providing a "united voice" for local government throughout Australia to seek an amendment to the Australian Constitution to ensure that local government is recognised as the third tier of government in Australia.

9.4.5 Review of the Town of Vincent Plan for the Future and Strategic Plan 2011 – 2016

Ward:	Both	Date:	11 March 2011
Precinct:	All	File Ref:	ADM0038
Attachments:	001 – Strategic Plan 2011-2016		
Tabled Items:	002 – Integrated Planning and Reporting Framework 003 – Integrated Planning Framework – Short Guide		
Reporting Officer:	John Giorgi, Chief Executive Officer		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council;

- (i) *ADOPTS IN PRINCIPLE the amended Town of Vincent Strategic Plan 2011-2016, as shown in Appendix 9.4.5A;*
- (ii) *ADVERTISES the amended document for a period of forty two (42) days, inviting written submissions for the public;*
- (iii) *NOTES that:*
 - (a) *a further report will be submitted to the Council at the end of the consultation period to consider submissions and adopt the Plan; and*
 - (b) *the Local Government Act 1995 is currently being amended to introduce new legislation concerning the requirement for a Strategic Community Plan and a Corporate Business Plan and all Local Governments will be required to comply by 1 July 2012; and*
- (iv) *LISTS an amount of \$20,000 in the draft Budget 2011/2012 to review the Plan for the Future and associated documents, in accordance with the proposed new legislation.*

COUNCIL DECISION ITEM 9.4.5

Moved Cr Farrell, Seconded Cr Burns

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Harvey had not yet arrived to the meeting.)

PURPOSE OF REPORT:

The purpose of the report is to advise the Council of the reviewed Town of Vincent Plan for the Future, including the Strategic Plan 2011-2016, to adopt in principle the draft document prior to consultation and to note proposed new legislation.

BACKGROUND:

The Local Government Act 1995 requires each Council to prepare a Plan for the Future (the Plan). The Plan must cover a minimum period of at least 2 years and be reviewed every two years. The current Plan was originally adopted at the Ordinary Meeting of Council held on 10 March 2009 and was last reviewed in 2009. The Plan is required to be reviewed every two (2) years – hence the current review.

Plan for the Future

The Act and regulations do not prescribe the format of the Plan for the Future – this is the prerogative of each local government.

The Plan for the Future is designed to assist the Council, Administration and the community to understand the broad directions the Town will be taking in the future.

The Town's current Plan for the Future document was used as a basis for the review.

The review process used was predominately a “desk top” review by the Chief Executive Officer, Directors and Managers. This was largely influenced by the timing of the proposed legislative changes for integrated planning and reporting being introduced, as part of the local government reform.

DETAILS:

In January 2011, a letter was received from the Department of Local Government (DLG) which advised (in part) as follows:

“On 21 October 2010, Local Government Minister Hon John Castrilli MLA announced the Integrated Strategic Planning Framework and the release of practical guidelines on its implementation.

The new Framework is planned to be in place from 1 July 2012, and the Department of Local Government will be holding a number of half day workshops in February 2011 to brief local governments and facilitate discussion on the Framework and Guidelines.

The purpose of the Framework is to promote continuous improvement in strategic planning throughout the Western Australian local government sector. It also sets out the minimum requirements for planning and reporting which will be required by the Local Government Act 1995 and its regulations.

Under the Framework each local government will be required to have a Strategic Community Plan, supported by a Corporate Business Plan linking the local government's strategies through its asset management, financial and workforce planning. It is understood that these plans will vary with the size and complexity of each local government, and that local governments will be at different stages in the implementation of their planning process. ...”

An Integrated Planning and Reporting Framework and Guidelines is being introduced in Western Australia as part of the State Government's Local Government Reform Program initiated by Local Government Minister Hon John Castrilli MLA.

The Local Government Reform Steering Committee noted that while there are examples of good organisational planning in the local government sector, the sector overall is not strong in having:

- Strategic planning systems that deliver accountable and measurable linkages between community aspirations, financial capacity and practical service delivery.

- Financial planning systems that accurately demonstrate a local government's capacity to deliver services and manage assets that can sustain their communities into the future.
- Effective asset management systems with the rigour of process and integrity of data to accurately reflect true asset management costs.

The proposed framework document directly addresses these concerns by providing a process to:

- Ensure community input is explicitly and reliably generated.
- Provide the capacity for location specific planning where appropriate.
- Inform the long term objectives of the local government with these inputs.
- Identify the resourcing required to deliver against the long term objectives.
- Clearly articulate long term financial implications and strategies.

An integrated strategic planning approach will enable more effective delivery of the local government's strategic intentions.

The Framework and its Guidelines outline the minimum planning and reporting methodology to achieve the outcomes prescribed in the legislation. They are not intended to restrict the range of processes that may be undertaken within a local government to achieve those outcomes.

The Framework:

- Recognises that planning for a local government is holistic in nature and drive by the community.
- Builds organisational and resource capability to meet community need.
- Optimises success by understanding the integration and interdependencies between the components.
- Emphasises performance monitoring so that local governments remain adaptive and responsive to changes in community needs and the business environment.

The format and structure of individual local government's integrated strategic plans will vary with the size and complexity of the local government. **While it is anticipated that local governments will develop a Strategic Community Plan and a Corporate Business Plan, planning elements such as Informing Strategies and the Corporate Business Plan may be presented in a single document or as a range of separate documents.** [bold added].

The DLG advises that this Integrated Strategic Planning Framework provides the basis for improving the practice of strategic planning in local government. It addresses the minimum requirements to meet the intent of the Act and outlines process and activities to achieve an integrated strategic plan at the individual local government level.

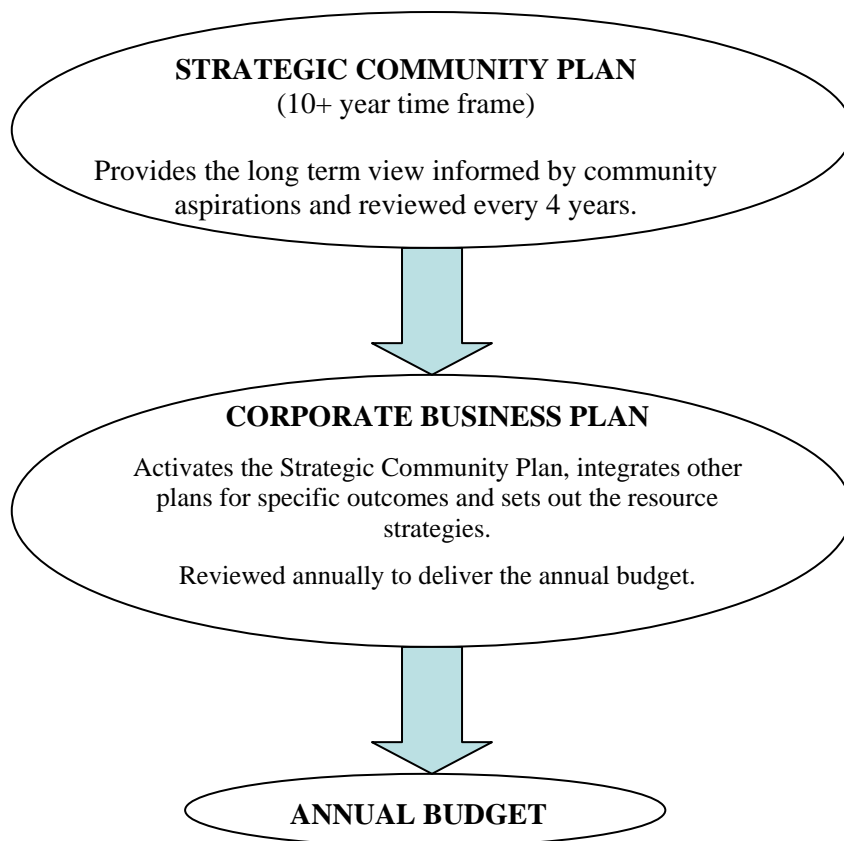
There are three major parties to the development of an integrated strategic plan:

1. **The community** – participates in a community planning process to determine major vision or intended big picture directions and also participates in regular reviews of those directions.
2. **The Council** – signs off the Strategic Community Plan resulting from the community planning process, the four year reviews updating that plan, and the annual budget.

3. **The local government administration** – supports delivery of the Strategic Community Plan, the 4 yearly reviews, and annual budget through its corporate business planning.

To achieve an integrated strategic planning process at least two plans are needed:

Figure 1.1



The minimum requirement to meet the intent of the plan for the future is the development of:

- A Strategic Community Plan; and
- A Corporate Business Plan.

The key principle of the planning process is to provide both the future aspirations for the local government and a path to achieve them. Specific strategies address issues such as community safety or disability plans and place or local area plans. Strategic outcomes are supported by the identification and planning of all financial, human resource, asset and infrastructure requirements and income opportunities over the long term.

The framework does not intend to require a single methodology to be applied by local governments.

Adopting integrated strategic planning is potentially the most important performance improvement initiative available to local governments. Currently, more than two thirds of local governments in Western Australia do not have a strategic planning process that is linked to long term asset management and financial planning.

Current Review

The Strategic Plan 2011-2016 is required to be reviewed to ensure that it is relevant and reflects the aims and aspirations of the Council and community.

The process for the statutory review of the Strategic Plan 2011-2016 was a “desk top review” and will provide the community with a number of opportunities to express community expectations and priorities and influence the strategic direction of the Town of Vincent.

Proposed Changes to Existing Plan for the Future/Strategic Plan

Strategic Community Plan

The **Strategic Community Plan** would be along the lines of the Town’s *Vincent Vision 2024* – it is to be a **10+ year plan** informed by community aspirations. It will respond to three questions put to the community and local government:

- Where are we now?
- Where do we want to be?
- How do we get there?

The Strategic Community Plan is to prioritise community aspirations, giving consideration to:

- Social objectives;
- Economic objectives;
- Environmental objectives; and
- Factors such as changing demographics and land use.

These are matters that were specifically addressed in the *Vincent Vision 2024* visioning process.

Corporate Business Plan

The **Corporate Business Plan** would be along the lines of what is currently the Town’s Strategic Plan and key supporting Strategies and Plans. The Corporate Business Plan activates the Strategic Community Plan by responding to:

- Council’s distillation and prioritisation of the community’s short, medium and long-term aspirations;
- Existing operational plans, priorities and external factors impacting on resourcing; and
- The assessment and integration of services and business area plans.

The process of developing the Corporate Business Plan will include operations planning (Asset Management, Financial Management, Workforce Management) and annual reviews and reprioritisation of the Corporate Business Plan.

The following changes are recommended and have been included into the Draft document as follows:

1. more comprehensive background and demographic information has been included. This will inform a reader about the Town;
2. Key Result Areas – Objectives have been included under each Key Result Area. This makes the document easier to read;

3. Rewording of Key Result Areas Strategies and Action Plans have occurred throughout the document and are not referred to individually in this report;
4. New Strategies and Action Plans (highlighted in light yellow):

Key Result Area One: Natural and Built Environment

1.1.3 Take action to reduce the Town's environmental impacts and provide leadership on environmental matters (previously 1.1.4 Minimise negative impacts on the community and environment).

- (a) Regularly review, update and implement the Sustainable Environment Strategy 2011-2016 and ensure the Town acts in an environmentally sustainable manner in all of its operations.

Chief Executive Officer's Comments:

This will place more emphasis on sustainability.

- (b) Contribute to cleaner air by encouraging the use of and promoting alternative modes of transport (other than car use).

Chief Executive Officer's Comments:

Traffic has been identified as a major concern to the Town. A greater emphasis in this area will be beneficial.

- (c) Promote and implement initiatives to reduce non-renewable energy use and increase the use of renewable energy sources.

Chief Executive Officer's Comments:

Energy has been identified as a major aspect of the Town's operations. Changes in this area will have positive outcomes.

- (d) Ensure effective and efficient management and use of water and encourage water minimisation.

Chief Executive Officer's Comments:

Due to Perth's dry spell, water has been acknowledged as a very precious resource. Accordingly, more emphasis should be given to this matter.

- (e) Protect and improve the quality of surface and ground water resources within the Town.

Chief Executive Officer's Comments:

Water is acknowledged as an important resource and the Town should be more proactive in this area.

- (f) Encourage the reduction of waste within the Town and promote recycling.

Chief Executive Officer's Comments:

Waste and its cost implications is one of the Town's major challenges. More promotion of recycling should be given, which will provide significant cost savings.

- (g) Create, promote and facilitate more efficient management of waste.

Chief Executive Officer's Comments:

Waste management, compiled with the major changes to the Mindarie Regional Council (with the exit of the City of Stirling) will have important ramifications to the Town.

- (h) Reduce the use of toxic, hazardous materials (including E-waste), and promote the proper disposal of such materials.

Chief Executive Officer's Comments:

The Town's administration considers that greater emphasis should be given to this objective.

1.1.4 Enhance and maintain the Town's infrastructure, assets and community facilities to provide a safe, sustainable and functional environment (previously 1.1.5).

- (a) Continue to install outdoor exercise equipment in parks, reserves and at other strategic locations in the Town, in accordance with the Council's Policy and Implementation Plan.

Chief Executive Officer's Comments:

The Council has been progressively approval of the installation of outdoor exercise equipment – this should be given a higher priority as initiatives to fight obesity become more important and the value of exercise is recognised.

- (j) Review the Town's Right of Way Strategy and Management Plan.

Chief Executive Officer's Comments:

The Town has a comprehensive Right of Way Strategy and Management Plan which has been in place for many years. It is appropriate that this document be reviewed.

1.1.5 Take action to improve transport and parking in the Town and mitigate the effects of traffic (previously 1.1.6).

- (f) In partnership with the State Government and stakeholders, investigate options for a light rail system in the Town.

Chief Executive Officer's Comments:

Light rail has been discussed on various occasions over a number of years. The value of this transport system is well recognised and therefore the Town should become more proactive in this area.

1.2.1 Enhance and maintain the Town's parks, landscaping and the natural environment.

- (d) Prepare a Masterplan for land adjoining the Swan River, Banks Reserve and Walters Brook.

Chief Executive Officer's Comments:

Masterplans for these two important pieces of public open space should be prepared in consultation with the local community and other stakeholders (e.g. Swan River Trust).

Key Result Area Three: Community Development and Wellbeing

3.1.1 Celebrate, acknowledge and promote the Town's cultural and social diversity.

- (a) Develop an Arts and Culture Plan.

Chief Executive Officer's Comments:

An Arts and Culture Plan is required to provide a more co-ordinated approach.

- (b) Encourage and promote cultural and artistic expression throughout the Town.

Chief Executive Officer's Comments:

The Town should be more proactive to promote cultural and artistic expression throughout the Town.

- (c) Adopt and implement strategies that respects and recognises Aboriginal Culture, including the adoption of a Reconciliation Plan.

Chief Executive Officer's Comments:

The Town's involvement with the Aboriginal population should be formalised in a Reconciliation Plan.

3.1.2 Promote and foster community safety and security.

- (d) Promote development strategies that incorporate crime prevention through environmental design principles.

Chief Executive Officer's Comments:

The importance of crime prevention through environmental design should become more formalised with the development of strategies.

3.1.3 Promote and provide a range of community events to bring people together and to foster a community way of life.

- (c) Promote the Town's Local History Centre to encourage local history and community participation.

Chief Executive Officer's Comments:

The Council recently approved of a Local History Advisory Group – this objective is a natural extension of the Council's decision.

Key Result Area Four: Leadership, Governance and Management

4.1.1 Develop leadership skills, behaviours and culture that enhance the public image of the Town.

- (b) Maintain high standards of Council Member induction, training and knowledge.

Chief Executive Officer's Comments:

Ongoing training and knowledge for Council Members is considered essential and, therefore, should be acknowledged as an objective. This objective is in keeping with WALGA's actions to promote ongoing training.

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

- (c) Review the Council's Advisory Groups.

Chief Executive Officer's Comments:

At the Ordinary Meeting of Council held on 8 February 2011 the Council authorised a review all of the Council's Advisory Groups during 2011. This will enable the Council to finalise the matter prior to the Election to be held in October 2011.

- (d) Finalise and adopt a Business Continuity Plan for the Organisation.

Chief Executive Officer's Comments:

The importance of a Business Continuity Plan has been demonstrated by the recent devastating fire which destroyed the Town of Claremont Administration Centre. The Town's current plan requires refinement and updating. This will be considered as part of the Organisational Risk Management Plan.

4.1.3 Provide Excellence in Customer Service.

- (a) Review the Town's Customer Service Charter to ensure excellent customer service is provided.

Chief Executive Officer's Comments:

The importance of customer service is acknowledged by all. The Town's current Customer Service Charter has been in place for a number of years and it is therefore appropriate that it be reviewed to ensure that it meets current standards and expectations.

- (b) Maximise the Town's business systems to improve Customer Service.

Chief Executive Officer's Comments:

The importance of improving customer service through business systems should be given a higher priority.

4.1.4 Plan effectively for the future.

- (b) Prepare an Investment Plan for the proceeds generated from the Tamala Park Redevelopment.

Chief Executive Officer's Comments:

The Tamala Park Regional Council is well advanced in its land development and considerable funds are expected to be received by the Town over the forthcoming years. It is appropriate that a Plan be prepared for the use of such funds.

- (c) Conduct a Climate Change Risk Assessment.

Chief Executive Officer's Comments:

This is part of the Council's initiatives to prepare a Climate Change Strategy.

- (d) Prepare and implement a Climate Change Adaptation Plan.

Chief Executive Officer's Comments:

See above.

4.3.1 Enhance knowledge management and promote technology opportunities to improve the Town's business communications, security and sustainability.

- (b) Develop the Town's website and maintain it to enhance and promote online access and functionality for the community.

Chief Executive Officer's Comments:

The development of the Town's website will improve communication with the Town's ratepayers, residents and visitors.

- (f) Develop and maintain a Corporate System in line with industry best practice and technology advancements.

Chief Executive Officer's Comments:

The development of the Town's Corporate Systems in line with industry best practice should be given greater importance and a higher priority.

CONSULTATION/ADVERTISING:

The Local Government Act requires the Plan for the Future to be the subject of consultation with the electors and ratepayers.

However, it should be noted that the Town will be required to repeat this process prior to 1 July 2012.

Indicative Consultation Process

The Council previously approved of following consultation process:

1. draft Town of Vincent Strategic Plan 2011-2016, as shown in Appendix 9.4.3, be used as a basis of the draft document;
2. Chief Executive Officer, Directors and Town Managers/key Officers to further review the draft document from October 2010 – January 2011;
3. Council Members to provide feedback/comments on the draft document by 1 December 2010.
4. Workshop/Forum with Council Members and Town Senior Officers be conducted in late January/early February 2011 to further consider and refine the draft document;
5. report to Council in February/March 2011 to Adopt in Principle the Draft Plan for the Future 2011-2014;
6. draft document to be advertised for a minimum period of six (6) weeks in March/April 2011;
7. the Council to consider submissions and adopt the Plan for the Future in May 2011; and
8. the draft document to be placed on the Town's website and copies provided at the Administration Centre and in the Town's Library and Local History Centre; and

LEGAL/POLICY:

It is a legal requirement for each local government to have a Plan for the Future.

The Council has previously resolved that the Plan for the Future will consist of the Strategic Plan and Associated Plans, Strategic Policies and other documents as outlined in this report. No change to this is recommended (other than updating – where required).

The Local Government Act and regulations do not prescribe the format for the required Plan for the Future. The Town's Plan for the Future will continue to be a combination of various plans, such as Strategic Plan, long term financial plans etc.

1. The Local Government Act (section 5.56) states as follows:

“Local Government Act 1995

5.56 Planning for the future

- (1) *A local government is to plan for the future of the district.*
- (2) *A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.*

The regulations require local government to make a plan for the future of its district in respect of the period specified in the plan (being at least 2 financial years) and state that:

- *A plan for the future of a district is to set out the broad objectives of the local government for the period specified in the plan.”*

It requires each local authority to prepare a Plan for the Future in respect of each financial year after the financial year ending 30 June 2006. The Plan must cover a minimum period of at least two years.

Consultation is required with electors, ratepayers and residents. In this regard, the draft document will be advertised for community consultation and will be provided to all Community/Precinct Groups. Submissions and feedback from the community is to be considered and where appropriate, included into the Plan.

Proposed Legislation

The Department of Local Government has advised that the proposed regulations under S5.56 (2) of the *Local Government Act (1995)* are shown below. This will not be the final wording, but is an indication of general intent.

“That local governments develop a long term strategic plan that links community aspirations with the Council’s long term strategy.”

“That the local government has a corporate business plan linking to long term financial planning that integrates resourcing plans and specific council plans (Informing Strategies) with the strategic plan.”

RISK MANAGEMENT IMPLICATIONS:

High: Failure to comply with legislative requirements will be a breach of the Local Government Act 1995.

STRATEGIC IMPLICATIONS:

This is in keeping with Key result Area 4.1 – *“Provide good strategic decision making, governance, leadership and professional management”*.

Progress reports on the Strategic Plan are reported to Council for each quarter as follows:

Period	Report to Council
1 January – 31 March	April
1 April – 30 June	July
1 July – 30 September	October
1 October – 31 December	February

The quarterly progress reports will continue to be provided and will also include quarterly reports on the Annual Plan (previously the Capital Works Program). The Strategic Plan provides the elected Council and administration with its aims, goals and objectives (key result areas) for the next five (5) years.

SUSTAINABILITY IMPLICATIONS:

The Council's Plan for the Future is probably one of the most important documents for the Town. It details the future direction of the Town of Vincent and details how and when matters will be carried.

The new Plan will include Key Focus Areas that support sustainability including:

- Preservation of the Natural and Built Environment;
- Sustainable Urban Development;
- Economic Prosperity;
- Community wellbeing and Engagement;
- Financial Sustainability;
- Good Leadership, Governance and Management; and
- Long Term Planning.

FINANCIAL/BUDGET IMPLICATIONS:

No specific funds are contained in the Budget 2010-2011 for the Review of the Plan for the Future. Sufficient funds are contained in the Town's Operating Budget for this matter.

Funding implications for the new/revised KRA's will be provided as more information becomes available and will be considered during the Budget Process 2011-2012.

Due to a more comprehensive process and major review being required, it is recommended that \$20,000 be listed in the Draft Budget 2011/2012.

COMMENTS:

The Town's Chief Executive Officer and Directors attended the DLG Workshop in mid February 2011 and obtained clarity on a number of matters concerning the proposed changes.

The Town's Plan for the Future and Strategic Plan are considered to be of a high standard and meet the current and proposed legislative requirements. The Town's current "*Plan for the Future*" will be renamed "*Strategic Community Plan*" and the Town's "*Strategic Plan*" will be renamed "*Corporate Business Plan*". This will meet the new statutory requirements.

The Town of Vincent has a key leadership role to play in contributing to a high quality of life for the community through the provision of infrastructure, facilities, services and opportunities to be involved in the identification of local priorities.

The Council's Plan will provide the direction for the Elected Council and the Town's administration for the future. It will also provide information to the electors and ratepayers on the broad direction the Town will be taking in the future. Accordingly, it is appropriate that the process involve the community in early 2012, when the major review is carried out.

The Chief Executive Officer therefore recommends the Council approve of the Officer Recommendation.

9.4.7 Loftus Recreation Centre Management Committee – Receiving of Unconfirmed Minutes

Ward:	North	Date:	1 March 2011
Precinct:	Leederville	File Ref:	PRO3549
Attachments:	001 – Loftus Recreation Centre Management Committee Minutes		
Tabled Items:	Nil		
Reporting Officer:	M Rootsey, Director Corporate Services		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council RECEIVES the Unconfirmed Minutes of the Loftus Recreation Centre Management Committee Meeting held on 24 February 2011 as shown in Appendix 9.4.7.

COUNCIL DECISION ITEM 9.4.7

Moved Cr Farrell, Seconded Cr Burns

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Harvey had not yet arrived to the meeting.)

PURPOSE OF REPORT:

The purpose of the report is for the Council to receive the Unconfirmed Minutes of the Loftus Recreation Centre Management Committee meeting held on the 24 February 2011.

BACKGROUND:

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

“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 supervise the Loftus Recreation Centre, 99 Loftus Street, Leederville;*
- (ii) in accordance with the Deed of Contract between the Town and Belgravia Leisure Pty Ltd, to APPOINT the Chief Executive Officer and Executive Manager Corporate Services, with the Manager Community Development as Deputy to both, to the Committee; and*
- (iii) to delegate the following functions to the Committee;*
 - (a) to supervise the performance of the Services by the Contractor and to ensure that the Contractor performs the Services in accordance with the KPIs and the Contract;*

- (b) *to establish and review the Key Performance Indicators (KPIs) in conjunction with the Contractor;*
- (c) *to receive and consider Performance Reports;*
- (d) *to advise the Town on Capital Improvements required for the Recreation Centre and the Premises and to make recommendations to the Town about the use of the Reserve Fund; and*
- (e) *to review the Risk Management Plan for the Premises.”*

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

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

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

This is in keeping with the Town's Strategic Plan 2009-2014:

Key Result Area Four - "*Leadership, Governance and Management*", in particular,

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

SUSTAINABILITY IMPLICATION:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

Not applicable.

COMMENT:

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

9.4.8 Loftus Centre, 99 Loftus Street, Leederville – Management Committee

Ward:	South	Date:	22 February 2011
Precinct:	Oxford Centre	File Ref:	PRO3829
Attachments:	001 – Loftus Centre Management Committee Minutes		
Tabled Items:	Nil		
Reporting Officer:	M Rootsey, Director Corporate Services		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council RECEIVES the Unconfirmed Minutes of the Loftus Centre Management Committee Meeting held on 1 February 2011 as shown in Appendix 9.4.6.

COUNCIL DECISION ITEM 9.4.8

Moved Cr Farrell, Seconded Cr Burns

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Harvey had not yet arrived to 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 1 February 2011.

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:

Not applicable.

LEGAL/POLICY

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

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

The Town of Vincent's Plan for the Future, Strategic Plan 2009 – 2014:

"Key Result Area Four – Leadership, Governance and Management - Objective 4.1: Provide Good Strategic Decision-Making, Governance, Leadership And Professional Management:

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

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

Not applicable.

COMMENTS:

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

9.4.9 Donation – Australian Red Cross Japan and Pacific Disaster Appeal 2011

Ward:	-	Date:	14 March 2011
Precinct:	-	File Ref:	FIN0008
Attachments:	-		
Tabled Items:	Nil		
Reporting Officer:	Manuela McKahey, Personal Assistant		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council APPROVES a donation of \$6,158 (six thousand, one hundred and fifty eight dollars) (which is the maximum amount) to the Australian Red Cross Japan and Pacific Disaster Appeal 2011, in accordance with the Town's Policy No. 4.1.27 - "Disaster Appeals - Donations and Assistance".

COUNCIL DECISION ITEM 9.4.9

Moved Cr Farrell, Seconded Cr Burns

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (8-0)

(Cr Harvey had not yet arrived to the meeting.)

PURPOSE OF REPORT:

To approve of a donation to the Australian Red Cross Japan and Pacific Disaster Appeal 2011.

BACKGROUND:

On Friday, 11 March 2011, an 8.9-magnitude quake hit Japan, triggering a wall of water up to 10 metres tall to surge inland.

Sadly, at the time of writing this report, the death toll from the devastating earthquake and tsunami has risen to over 2,800, with many thousands more still reported to be missing and/or injured. The death toll is still expected to rise.

Many small communities in Japan have been stranded by remaining water as the tsunami receded. The worst-affected areas stretch over a distance of almost 600 kilometres. Millions of people still have no water or electricity.

Severe damage to infrastructure is widespread, including damage to several of Japan's nuclear reactors.

DETAILS:

The Australian Red Cross is running the Japan and Pacific Disaster Appeal 2011 to assist those affected by the disaster and is on standby to further assist with their partner organisation, Japanese Red Cross Society in the response to this disaster. Australia is assisting as part of an international support team for this disaster.

According to the Red Cross, more than 4 million people have been affected by the disaster. The Red Cross has stated; *"This is the biggest disaster, or the biggest earthquake, to hit Japan in more than 140 years."*

Many Japanese Red Cross volunteers are already taking action by distributing relief items, including thousands of blankets, ensuring displaced people are offered hot meals, clearing debris and providing medical transportation.

Authorities have also evacuated 20-kilometre exclusion zone around the Fukushima nuclear power plant due to potential leaks of radiation. The situation at this power plant is still not clear.

Previous Donations

The Town of Vincent has previously provided donations for disaster relief as follows:

Date	Details	Amount
January 1998	Lord Mayor's Distress Relief Fund for the Brookton/Pingelly Bush Fire	\$ 500
April 1999	<ul style="list-style-type: none"> • Lord Mayor's Moora Flood Appeal • Lord Mayor's Exmouth Cyclone Appeal 	\$ 1,000 \$ 1,000
November 2002	Lord Mayor's Distress Relief Fund for the Victims of the Bali Bombing	\$ 5,000
January 2005	Tsunami Appeal to CARE Australia	\$ 5,000
November 2005	Earthquake Relief Appeal - Afghanistan, India, Pakistan and Kashmir	\$ 2,500
March 2006	Lord Mayor's Distress Disaster Relief Fund (<i>General request for Donations</i>)	\$ 500
April 2006	Premier's Disaster Relief Appeal Fund for the communities affected by Cyclone Larry in North Queensland	\$ 2,500
June 2006	Australian Red Cross - Indonesian Earthquake Appeal Fund	\$ 2,000
February 2007	Lord Mayor's Disaster Relief Fund – Dwellingup Fires Appeal	\$ 2,500
May 2008	CARE Australia – Myanmar (Burma) Cyclone Nargis Appeal	\$ 3,500
May 2008	Australian Red Cross - China Sichuan Earthquake Appeal 2008	\$ 3,500
February 2009	Australian Red Cross - Victorian Bushfire Appeal 2009	\$10,000
April 2009	Italian Earthquake Appeal 2009	\$ 3,000
December 2009	Bushfires Appeal 2009 - Toodyay	\$ 3,000
January 2010	World Vision Australia - Haiti Earthquake Appeal 2010	\$ 5,950
August 2010	Australian Red Cross - Pakistan Monsoon Floods Appeal 2010	\$ 6,158
December 2010	Lord Mayor's Disaster Relief Fund - Gascoyne and Mid West Floods Appeal	\$ 3,000
January 2011	Queensland Premier's Disaster Relief Appeal Fund - Queensland Floods	\$ 6,158
January 2011	Red Cross Victorian Flood Relief Appeal	\$ 3,000
February 2011	Lord Mayor's Distress Relief Fund - Perth Hills Fire	\$ 3,000
March 2011	New Zealand Red Cross 2011 Earthquake Appeal	\$ 6,158

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

The Town's Policy No. 4.1.27 - "Disaster Appeals - Donations and Assistance" (in part) states;

"OBJECTIVES

To provide guidance to the Council when considering requests for the provision of financial assistance and other support to alleviate the impact of disasters and other significant emergencies.

POLICY STATEMENT

1. *Council to Approve Requests*

All requests to provide financial assistance and other support to alleviate the impact of disasters and other significant emergencies shall be in response to an appeal launched by the Federal, State, Local Government or other bona fide agency and shall be reported to the Council for consideration and determination.

2. *Financial Support*

- (a) *Financial support shall be limited to a maximum of \$6,158 to any one disaster or other significant emergency appeal.*
- (b) *In the event of more than one relief organisation/agency being involved in the Disaster Appeal, the Council shall determine the most appropriate relief organisation to receive the support.*
- (c) *Financial support will only be made to approved agencies/organisations and cash donations will not be made directly to individuals."*

RISK MANAGEMENT IMPLICATIONS:

Not applicable.

STRATEGIC IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

An amount of \$6,158 (six thousand, one hundred and fifty eight dollars) (the maximum) would be expended from the Donation Account 2010-2011. In view of the high number of donations made, the Donations Account will show an over-expenditure. This matter will be considered at the Town's next Budget Review.

COMMENTS:

The donation is in accordance with the Town's Policy. Whilst it is always difficult to quantify a donation in terms of dollars/victims, the devastation caused by the earthquake and tsunami and the loss of life is substantial. Therefore, a donation of \$6,158 is considered appropriate.

9.4.10 Information Bulletin

Ward:	-	Date:	11 March 2011
Precinct:	-	File Ref:	-
Attachments:	001 – Information Bulletin		
Tabled Items:	Nil		
Reporting Officer:	A Radici, Executive Assistant		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council RECEIVES the Information Bulletin dated 22 March 2011, as distributed with the Agenda.

COUNCIL DECISION ITEM 9.4.10

Moved Cr Farrell, Seconded Cr Burns

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Harvey had not yet arrived to the meeting.)

DETAILS:

The items included in the Information Bulletin dated 22 March 2011 are as follows:

ITEM	DESCRIPTION
IB01	Letter from the Department of Planning regarding Increased Penalties for Unauthorised Development
IB02	Letter from Swan River Trust regarding Water Quality Improvement Plans Progress Report 2008-10
IB03	Letter from Western Australian Planning Commission (WAPC) regarding the Metropolitan Region Scheme (MRS) – Development Control Clause 32 Resolution RES 2011/01
IB04	Letter from State Administrative Tribunal (SAT) regarding Matter No. DR/361 of 2009 – Caltex Australia Petroleum Pty Ltd v Town of Vincent, Nos. 317-321 (Lots 12,13 & 14) Vincent Street, Leederville
IB05	Letter of Appreciation from Ms G Merchant regarding fall at Hyde Park
IB06	Congratulatory letter from Royal Life Saving regarding the recent incident at Beatty Park Leisure Centre
IB07	Minutes of the Safer Vincent Crime Prevention Partnership (SVCPP) Meeting held on 2 February 2011
IB08	Minutes of the Party Bus Working Group Meeting held on 8 December 2010
IB09	Minutes of the Parks People Project Working Group (PPPWG) Meeting held on 9 December 2010
IB10	Minutes of Mindarie Regional Council Ordinary Meeting of Council held on 24 February 2011
IB11	Minutes of Party Bus Working Group meeting held on 8 December 2011
IB12	Notice of Special Forum - 29 March 2011

9.1.3 Scheme Amendment No. 30 to the Town of Vincent Town Planning Scheme No. 1 and Proposed West Perth Metropolitan Region Scheme Amendment 1199/41

Ward:	South	Date:	9 March 2011
Precinct:	Hamilton, P11 (CPS No. 2)	File Ref:	PLA0208; PLA0231
Attachments:	001 - Scheme Amendment No. 30 Report		
Tabled Items:	-		
Reporting Officer:	R Marie, Planning Officer (Strategic)		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

- (i) *ADVISES the Western Australian Planning Commission that the Town wishes to HOLD IN ABEYANCE Metropolitan Region Scheme Amendment 1199/41 relating to the proposed rezoning of the area bounded by Loftus Street, Newcastle Street, Charles Street and the Graham Farmer Freeway, West Perth, from 'Industrial' to 'Urban', at this point in time for the following reasons;*
- (a) *the costs associated with preparing the Strategic Transport Assessment Noise Abatement Study and a Water and Waste Water Infrastructure Assessment are significant (approximately \$215,000) and have not been budgeted for at this point in time;*
 - (b) *the West Perth Regeneration Masterplan is considered to be outdated as it was prepared prior to the release of Directions 2031 Spatial Framework for Perth and Peel, the Multi Unit Housing Code and the Draft Central Metropolitan Perth Sub-Regional Strategy;*
 - (c) *there is limited interest from land owners in the West Perth area to develop in the area in the short to medium term;*
 - (d) *the Town has prioritised the promotion and implementation of the Leederville Masterplan and resources should be focussed on efficiently managing and implementing this Masterplan;*
 - (e) *the Town's Town Planning Scheme No. 1 requires amendment to address the 2007 Local Government boundary changes, and the proposed Metropolitan Region Scheme Amendment in its current form will delay amendments to the local scheme;*
- (ii) *pursuant to section 75 of the Planning and Development Act 2005, RESOLVES to INITIATE Scheme Amendment No. 30 to the Town's Town Planning Scheme No. 1 to:*
- (a) *include the West Perth area bounded by Loftus Street, Newcastle Street, Charles Street and the Graham Farmer Freeway, ceded from the City of Perth to the Town of Vincent, as part of the Local Government boundary changes in July 2007, into the Town's Town Planning Scheme No. 1, by incorporating the area into Scheme Map 5 – Cleaver Precinct;*

- (b) *Amend clause 8 of the Town Planning Scheme No. 1, by adding clauses (f) as follows:*

“... (f) City of Perth City Planning Scheme No. 2, 9 January 2004;”

- (iii) *ENDORSE the Scheme Amendment No. 30 Report as shown in Appendix 9.1.3.*
-

Moved Cr Lake, Seconded Cr Maier

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

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

- (iv) *REQUESTS that a Progress Report be presented to the Council in June 2012, relating to the proposed West Perth Regeneration Masterplan, to assess whether it is an appropriate time to move forward with the project.”*

Debate ensued.

Cr Farrell departed the Chamber at 6.35pm.

Debate ensued.

Cr Farrell returned to the Chamber at 6.37pm.

AMENDMENT NO 1

Moved Cr Lake, Seconded Cr Topelberg

That a new subclause (i)(d) be inserted as follows and the remaining clauses be renumbered:

- “(i)(d) the Town writes to the land owners in the West Perth area south of Newcastle Street to advise them of the Town’s intention to hold the Scheme Amendment in abeyance and seek any comments they may have;”*

AMENDMENT NO 1 PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Harvey had not yet arrived to the meeting.)

Debate ensued.

AMENDMENT NO 2

Moved Cr Topelberg, Seconded Cr Farrell

That subclause (i)(c) be amended to read as follows:

- “(i)(c) there is limited interest from land owners in the West Perth area south of Newcastle Street to develop in the area in the short to medium term;”*

AMENDMENT NO 2 PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Harvey had not yet arrived to the meeting.)

MOTION AS AMENDED PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Harvey had not yet arrived to the meeting.)

COUNCIL DECISION ITEM 9.1.3

That the Council;

- (i) *ADVISES the Western Australian Planning Commission that the Town wishes to HOLD IN ABEYANCE Metropolitan Region Scheme Amendment 1199/41 relating to the proposed rezoning of the area bounded by Loftus Street, Newcastle Street, Charles Street and the Graham Farmer Freeway, West Perth, from 'Industrial' to 'Urban', at this point in time for the following reasons;*
- (a) *the costs associated with preparing the Strategic Transport Assessment Noise Abatement Study and a Water and Waste Water Infrastructure Assessment are significant (approximately \$215,000) and have not been budgeted for at this point in time;*
 - (b) *the West Perth Regeneration Masterplan is considered to be outdated as it was prepared prior to the release of Directions 2031 Spatial Framework for Perth and Peel, the Multi Unit Housing Code and the Draft Central Metropolitan Perth Sub-Regional Strategy;*
 - (c) *there is limited interest from land owners in the West Perth area south of Newcastle Street to develop in the area in the short to medium term;*
 - (d) *the Town writes to the land owners in the West Perth area south of Newcastle Street to advise them of the Town's intention to hold the Scheme Amendment in abeyance and seek any comments they may have;*
 - (e) *the Town has prioritised the promotion and implementation of the Leederville Masterplan and resources should be focussed on efficiently managing and implementing this Masterplan;*
 - (f) *the Town's Town Planning Scheme No. 1 requires amendment to address the 2007 Local Government boundary changes, and the proposed Metropolitan Region Scheme Amendment in its current form will delay amendments to the local scheme;*
- (ii) *pursuant to section 75 of the Planning and Development Act 2005, RESOLVES to INITIATE Scheme Amendment No. 30 to the Town's Town Planning Scheme No. 1 to:*
- (a) *include the West Perth area bounded by Loftus Street, Newcastle Street, Charles Street and the Graham Farmer Freeway, ceded from the City of Perth to the Town of Vincent, as part of the Local Government boundary changes in July 2007, into the Town's Town Planning Scheme No. 1, by incorporating the area into Scheme Map 5 – Cleaver Precinct;*
 - (b) *Amend clause 8 of the Town Planning Scheme No. 1, by adding clauses (f) as follows:*

“(f) City of Perth City Planning Scheme No. 2, 9 January 2004;”
- (iii) *ENDORSE the Scheme Amendment No. 30 Report as shown in Appendix 9.1.3; and*
- (iv) *REQUESTS that a Progress Report be presented to the Council in June 2012, relating to the proposed West Perth Regeneration Masterplan, to assess whether it is an appropriate time to move forward with the project.*

PURPOSE OF REPORT:

The purpose of this report is to initiate Scheme Amendment No. 30 to incorporate the subject West Perth area into the Town of Vincent Town Planning Scheme No. 1, following the Local Government boundary changes promulgated on 1 July 2007. The subject area is bounded by Loftus Street, Newcastle Street, Charles Street and the Graham Farmer Freeway, West Perth.

The report also presents an update on the progress of the Metropolitan Region Scheme (MRS) Amendment 1199/41 and identifies that it may not be appropriate to progress with the Amendment at this point in time.

BACKGROUND:

- 1 July 2007 The area bounded by Loftus Street, Newcastle Street, Charles Street and the Graham Farmer Freeway, West Perth was transferred to the Town of Vincent from the City of Perth as part of a local government boundary change.
- 2 December 2008 The Town requested the Western Australian Planning Commission (WAPC) to consider a proposed rezoning for the West Perth area from 'Industrial' to 'Urban' under the MRS to allow the Town to implement the West Perth Regeneration Masterplan.
- 27 July 2010 The Council at its Ordinary Meeting resolved to initiate a Scheme Amendment to include the areas ceded from the City of Perth and City of Stirling as part of the 2007 local government boundary change, into the Town's Town Planning Scheme No. 1.
- 25 August 2010 The Town received a letter from the WAPC advising that the WAPC resolved to support the rezoning, subject to a number of conditions being met, prior to the amendment being finalised.
- 10 December 2010 The 3 month formal public inspection period for the MRS Amendment, facilitated by the WAPC, began. Advertising closes on 18 March 2011.
- 1 February 2011 The Town met with representatives from the Department of Planning (DoP) to discuss the Town's proposed Scheme Amendment No. 29, to include areas affected by the 2007 Local Government boundary change into the Town's Town Planning Scheme No. 1. The Department advised that West Perth should be included as a separate Amendment given the potential delays the proposed MRS Amendment could cause.
- 22 February 2011 The Town wrote to the WAPC requesting additional time in order to comment on the MRS Amendment 1199/41. A hearing was also requested at that point in time, which would provide the Town the opportunity to further express opinion in relation to the Amendment. It was noted that a request for a hearing could not be made after the public inspection dated closed.
- 23 February 2011 The Town's Officers met with representatives from the DoP to discuss the MRS amendment and proposed Scheme Amendment relating to West Perth. It was reiterated should the Town wish to continue with the MRS Amendment in its current form, as it currently relates to the Draft Masterplan, the Town will be required to address those issues raised in the letter from the WAPC dated 25 August 2010, through a Local Scheme Amendment, as detailed in the table below.

Further to this, an Officer at the DoP advised that there is no timeframe to complete an MRS amendment and it can be kept in abeyance.

DETAILS:

For the purpose of this report, the Town Planning Scheme Amendment and MRS Amendment will be considered separately.

Metropolitan Region Scheme Amendment 1199/41

As previously reported in an Information Bulletin to the Ordinary Meeting of Council held on 28 September 2010, a letter dated 25 August 2010 from the WAPC advised that the proposed MRS Amendment was supported, subject to the Town undertaking a separate parallel Local Scheme Amendment, in consultation with the DoP and City of Perth. The WAPC advised that the Scheme Amendment is to address a number of issues as identified in the column titled *Issues to be Actioned*, of the following table. It is noted that the issues raised mainly relate to the scale and type of development proposed in the West Perth Regeneration Masterplan and not so much the proposal to rezone the land from 'Industrial' to 'Urban'. The table also provides notes/clarification on each issue as a result of a recent meeting held with representatives from the DoP:

No.	Issues to be Actioned	Notes	Indicative Cost
1.	Strategic Transport Assessment being undertaken to the satisfaction of Main Roads WA.	The Masterplan site is surrounded by regional road networks and the proposed increase in population in the area could have impacts on the surrounding transport routes. The Assessment would assess the potential effect on the road network as a result of the Masterplan; it would make recommendations on its appropriateness and suggest improvements where appropriate.	Estimated at \$100,000 The estimate was provided by Main Roads WA. No formal quotations have been obtained.
2.	Provision for cycle and pedestrian connectivity.	The DoP indicated that consideration of pedestrian and cycle connectivity needed to be further explored and articulated. Such investigations could be undertaken as part of the Strategic Transport Assessment.	To be absorbed in the above cost.
3.	Noise abatement issues being addressed.	The DoP advised that any new residential development may be impacted by noise generated from the major transport routes, which flank the area. The potential impact of this is to be identified and measures put in place (i.e. conditions on planning approvals) to mitigate any conflict.	Estimated at \$15,000 The estimate was provided by Main Roads WA. No formal quotations have been obtained.

4.	The nature and scale of future land uses including some provision for service industrial land uses.	<p>The DoP indicated that there was a case to keep some of the industrial uses in the area. Should the Town not wish to make provisions in the Masterplan for service industrial land uses in the area, justification would be required and would need to address;</p> <ul style="list-style-type: none"> - Why such service industrial land uses are no longer appropriate in the area? - Where the existing service industrial land uses could be relocated to? - The level of impact the removal of such uses would have on the Town and broader inner city area? 	<p>To incorporate service industrial land uses in the Masterplan would require the intent, scope and content of the Masterplan to be reevaluated.</p> <p>A preliminary quote to amend the Masterplan to incorporate the issues raised during the 2008 public consultation period, the government agencies and the DoP/WAPC has been provided at a total cost of \$29,000.</p>
5.	The provision for developer contributions towards upgrading of road and servicing infrastructure (i.e. Water Corporation requirements).	<p>The Masterplan proposes an intensification of uses which would have an impact on the existing infrastructure in place. Upgrades would be required to meet the level of development proposed. The Water Corporation has advised that a Water and Waste Water Infrastructure Assessment would be required to assess the infrastructure needs and associated cost implications. A Developer Contribution Plan could then be created based on the information obtained from the assessments.</p> <p>The Town would most likely have to prefund any works to ensure the infrastructure is available once the first land owner develops.</p>	<p>Estimated at \$100,000 for the assessment, not the potential upgrades.</p> <p>The estimate was provided by Water Corporation. No formal quotations have been obtained.</p>

As outlined above, significant detailed investigations and analysis needs to be undertaken prior to the rezoning from 'Industrial' to 'Urban' being gazetted. The studies and assessments required cannot be undertaken in house and preliminary quotations estimate the assessments could cost in the vicinity of \$215,000.

Whilst reviewing the extent and detail of the analysis required, the Town's Officers have identified a need to revisit the scope and intent of the Masterplan as it is considered outdated, given that there have been numerous changes in the State strategic planning framework since the Masterplan was prepared in late 2008. Furthermore, significant changes to the document are still required to ensure that it responds to and addresses the issues raised during the 2008 public consultation period; and comment received from other the government agencies and the DoP/WAPC such as, removing reference to the proposed Cleaver Street train station.

Given this, and the considerable funds required to progress with the Amendment, consideration has been given to the best way to progress the matter, as explored in the following three proposed options:

Option 1 – Proceed and Undertake Studies as Prescribed by the WAPC

This option would be to continue with the MRS Amendment in its current form, using the existing West Perth Regeneration Masterplan as the basis for the various Transport, Noise and Infrastructure studies.

As outlined above, there would be a need for the Town to expend approximately \$215,000 on the various studies to the satisfaction of other government agencies. Prior to commissioning the various studies, the Masterplan document would need to be modified to respond to and address the issues raised during the 2008 public consultation period; and comment received from other the government agencies and the DoP/WAPC.

Developer Contributions will be required should this option be selected. Whilst costs will be covered for upgrades as land owners develop, it is likely the Town will have to pre-fund works which would later be recovered. This could be a significant cost to the Town, with no guarantee that complete redevelopment would occur, hence not all costs recovered.

Option 2 – Proceed and Start Over

Option 2 would involve the Town requesting that the MRS Amendment be held in abeyance until such time as the Town has reviewed and undertaken stakeholder consultation on the scope and intent of the Masterplan, with the view of potentially creating a new guiding document. It is noted that no consultation between the Town and affected land owners has occurred since 2008 when the Draft Masterplan was advertised for public comment.

This option is proposed as there is concern that the Masterplan document is outdated and no longer represents or reflects the current planning framework. In addition, the validity of and need for the Masterplan is questioned in light of the following:

- Since the development of the Masterplan, there have been numerous changes to the state planning framework including the release of the State Planning Policy No. 4.2 Activity Centres for Perth and Peel, the draft Industrial Land Strategy, Directions 2031, the draft Central Metropolitan Perth Sub-regional Strategy and the implementation of the Multi Unit Housing Code through the amendment to State Planning Policy No. 3.1 Residential Design Codes (Variation 1). All of which have not been considered in the Masterplan.
- Discussions with DoP have revealed that there is limited impetus from owners in the subject area to develop in the near future. The Town has also received a letter from Knight Frank, dated 24 February 2011 on behalf of a property owner, expressing concern with the proposed amendment stating:
- “with pedestrian and limited public transport accessibility, it is considered unlikely that the proposed use of the area would benefit anyone else than those in the immediate walking zone... redevelopment of the area would not be beneficial...”
- The Town does not have any land holdings in this area, which could be developed to act as a catalyst for renewal, as it does in the Leederville Masterplan area.

- As indicated by Mackay Urban Design as part of the review of the Leederville Masterplan, sometimes the term ‘Masterplan’ is not necessarily appropriate as it implies a specific predetermined outcome in single ownership that will be constructed in stages. In practice, the plan provides a ‘framework’ within which development may occur at some point by a variety of stakeholders. In this respect, the term ‘Framework Plan’ would be a better description.
- Request that the MRS Amendment be held in abeyance until such time that the Town is ready to proceed with the amendment, following further consultation and investigation.
- Further consideration required as to the status of the Masterplan as a planning tool and subsequent amendments to the Town Planning Scheme to implement the Masterplan in its existing form.

Option 3 – Not Proceed with the MRS Amendment

As outlined in the above two options, there will be significant cost to the Town to progress the Masterplan and that the validity of and need for the Masterplan in its current form could be debated. Therefore in the short term, it is not considered appropriate to proceed with the Masterplan and MRS Amendment. In making this recommendation, the following is noted:

- It is considered more appropriate that the Town prioritise the progress of the Leederville Masterplan, given its regional significance. The West Perth Regeneration Masterplan was initially proposed as an extension to the Leederville Masterplan, which is not scheduled to start construction until 2014 (stage 1).
- At this point in time there is no indication that significant development would occur should the Town progress with the MRS Amendment.
- The main interest in the Masterplan has been from the property owners on the northern side of Newcastle Street. However these properties are not impacted by the MRS Amendment as they have been within the Town’s boundaries since the Town formed in 1994 and are zoned Urban under the MRS. The Draft Town Planning Scheme No. 2 addresses the need for increased development potential of these sites.
- Whilst Directions 2031 does recognise the West Perth Regeneration area as a ‘planned growth area’, this document looks forward into the future to the year 2031. The West Perth Regeneration Masterplan could be reactivated as a longer term goal.
- The retention of the light service industries would not be to the detriment of the Town. The area provides an important service not only to the Town but for surrounding municipalities.
- The proposed continuation of the Commercial zoning will continue to allow for a variety of uses to develop within the area, ranging from service and light industrial, to shops, offices and multiple dwellings.

Scheme Amendment No. 30

In 2007 the Town acquired a portion of West Perth from the City of Perth bounded by Loftus Street, Newcastle Street, Charles Street and the Graham Farmer Freeway. The land is zoned ‘Commercial’ under the City of Perth City Planning Scheme No. 2 and the surrounding roads are zoned as per the MRS, Loftus Street as Other Regional Road, and Charles Street and the Graham Farmer Freeway as Primary Regional Road.

On 27 July 2010, the Council requested a Scheme Amendment to include all those areas transferred to the Town as part of the 2007 Local Government boundary change, under the Town of Vincent Town Planning Scheme No. 1. This was formally initiated by the Council through Amendment No. 29 at its Ordinary Meeting held on 28 September 2010. For the West Perth area, the Town is proposing a Commercial zoning under Town Planning Scheme No. 1. This is consistent with the City of Perth zoning and compatible with the underlying MRS zoning.

At a meeting held with the DoP on 1 February 2011, it was recommended that the Town separate Scheme Amendment No. 29 so that the West Perth area was considered as its own Amendment. This was proposed as it was considered that the MRS Amendment could potentially hold up the Scheme Amendment, given that there were a number of issues to be addressed.

Whilst the Town notes the comments made by the DoP, the Scheme requires amending regardless of the MRS Amendment given it has been almost 4 years since the boundary changes. It is more practical and efficient to use the Town's Scheme and Policies when considering Development Applications within the Town's boundaries and for this reason; it is recommended that Scheme Amendment No. 30 be initiated to address the issue of the boundary change. Should the Town wish to pursue MRS Amendment 1199/41 and aim to address those issues raised by the WAPC in the letter dated 25 August 2010, an additional Scheme Amendment would be undertaken, either to the existing Town Planning Scheme No. 1 or proposed Town Planning Scheme No. 2.

Following the completion of Scheme Amendment No. 29, the Town's Planning and Building Policy Manual will be amended accordingly.

CONSULTATION/ADVERTISING:

The public inspection period for the MRS Amendment commenced on 10 December 2010 and closes on 18 March 2011, facilitated by the WAPC.

In relation to Scheme Amendment No. 30, the Town will carry out consultation with all affected landowners within the subject areas for a period of 42 days, in line with the *Town Planning Regulations 1967*, following endorsement from the WAPC.

LEGAL/POLICY:

Town of Vincent Town Planning Scheme No. 1 and associated Policies;
Metropolitan Region Scheme;
Planning and Development Act 2005; and
Town Planning Regulations 1967.

RISK MANAGEMENT IMPLICATIONS:

Not applicable.

STRATEGIC IMPLICATIONS:

The Town of Vincent Strategic Plan 2009-2014 states:

'Economic Development

2.1 Progress economic development with adequate financial resources

2.1.7 Implement the Leederville Masterplan and West Perth Regeneration Masterplan.'

SUSTAINABILITY IMPLICATIONS:

Whilst the Masterplan would facilitate inner city urban growth as promoted by the State Government, it is considered more sustainable to progress with the Leederville Masterplan in the first instance which has more regional significance and has greater emphasis on sustainable development through Transit Oriented Development and green building design.

It is considered more sustainable to focus on one major project and implement it effectively and efficiently.

Further to this, the existing commercial and service uses allow the Town and inner City area, to be more self-sufficient.

FINANCIAL/BUDGET IMPLICATIONS:

The 2010/2011 Town of Vincent Budget allocates \$10, 000 to the West Perth Regeneration Plan.

COMMENTS:

As outlined above, the Town's Officers consider that the MRS Amendment should not proceed at this point in time. Due to the cost implications, the priority allocated to the Leederville Masterplan and the lack of impetus from owners in the area to develop, the Town's Officers recommend that the amendment be held in abeyance and viewed as a longer term action.

In the short term, there remains a strong need to include the West Perth area into the Town's Town Planning Scheme No. 1 area as a result of the 2007 Local Government boundary changes.

In light of the above, it is recommended that the Council adopt the Officer Recommendation to amend the Town of Vincent Town Planning Scheme No. 1 to include the area transferred from the City of Perth in 2007 into the West Perth area and to not proceed with the MRS Amendment and West Perth Regeneration Masterplan at this point in time.

9.4.3 Community Perceptions Survey 2010 – Strategies and Initiatives

Ward:	Both	Date:	11 March 2011
Precinct:	-	File Ref:	CVC0024
Attachments:	-		
Tabled Items:	-		
Reporting Officer:	John Giorgi, Chief Executive Officer		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report relating to strategies concerning the Community Perceptions Survey 2010;*
- (ii) *REQUESTS the Town's:*
 - (a) *Local Area Traffic Management Advisory Group to review “the management and control of traffic on roads” and provide recommendations to the Council; and*
 - (b) *Safer Vincent Crime Prevention Partnership to review “the control of graffiti, vandalism and anti-social behaviour” and provide recommendations to the Council; and*
- (iii) *NOTES that the various strategies and initiatives will be progressively implemented during 2011.*

Moved Cr Maier, Seconded Cr Topelberg

That the recommendation be adopted.

Debate ensued.

Cr Harvey entered the Chamber at 6.43pm.

Debate ensued.

AMENDMENT

Moved Cr Maier, Seconded Cr Buckels

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

- “(iv) *REQUESTS the Chief Executive Officer to prepare a report for the Ordinary Meeting of Council on 5 April 2011 which identifies the costs, benefits and timeframe for holding scoping meetings and workshops with Directors and Managers; and conducting focus group based research to identify the reasons for dissatisfaction within the community and identify possible actions and strategies to address the areas of concern.*”

Debate ensued.

Cr Lake suggested changing the amendment to include the words “and any other methods”.

The Mover, Cr Maier and the Seconder, Cr Buckels agreed.

Debate ensued.

AMENDMENT PUT AND CARRIED UNANIMOUSLY (9-0)

Debate ensued.

MOTION AS AMENDED PUT AND CARRIED UNANIMOUSLY (9-0)

COUNCIL DECISION ITEM 9.4.3

That the Council;

- (i) *RECEIVES the report relating to strategies concerning the Community Perceptions Survey 2010;*
- (ii) *REQUESTS the Town’s:*
 - (a) *Local Area Traffic Management Advisory Group to review “the management and control of traffic on roads” and provide recommendations to the Council; and*
 - (b) *Safer Vincent Crime Prevention Partnership to review “the control of graffiti, vandalism and anti-social behaviour” and provide recommendations to the Council;*
- (iii) *NOTES that the various strategies and initiatives will be progressively implemented during 2011; and*
- (iv) *REQUESTS the Chief Executive Officer to prepare a report for the Ordinary Meeting of Council on 5 April 2011 which identifies the costs, benefits and timeframe for holding scoping meetings and workshops with Directors and Managers; and conducting focus group based research and any other methods to identify the reasons for dissatisfaction within the community and identify possible actions and strategies to address the areas of concern.*

PURPOSE OF REPORT:

The purpose of the report is for the Council to receive the information relating to strategies and initiatives concerning the Community Perceptions Survey 2010.

BACKGROUND:

At the Ordinary Meeting of Council held on 22 February 2011 the Council received information concerning the Community Perceptions Survey 2010 and resolved as follows:

“That the Council;

- (i) *RECEIVES the Information Bulletin dated 22 February 2011 as distributed with the Agenda;*

- (ii) *REQUESTS, as a matter of urgency, that the Chief Executive Officer prepares a report which identifies the most effective method of establishing the causes of concern that has resulted in the significant decrease in satisfaction measures; and*
- (iii) *considers listing an amount of \$25,000 on the 2011/2012 Draft Budget to conduct another Community Perception Survey in 2011/2012."*

Survey Objectives:

The survey objectives were to identify:

- The Community's perceptions of local government's services and their level of service expectation;
- information to assist in performance improvement in accordance with best practice models;
- awareness, usage and satisfaction with particular services; and
- satisfaction with specific facilities.

Survey Findings

"Overall Satisfaction" received a rating of 73%. Whilst this is lower than in 2004, it nevertheless is considered satisfactory. Improvement can be achieved and this will be the aim for 2011 and onwards.

Action/Strategies

The matter was further discussed with the Town's Executive Management Team on several occasions and also with the Town's Consultant – Catalyse who provided the following information:

"In relation to the general drop in overall satisfaction, we'd suggest consideration of the following approach:

1. *Scoping meetings and workshops – we suggest a meeting with Directors/Managers to review the research findings, and develop hypotheses (based on their current understanding) as to why satisfaction has dropped in some areas. We would also work with staff to develop concepts/solutions that can be tested in a series of focus groups.*
2. *Benchmarking – We'd suggest a review of Councils that have been achieving higher levels of performance to find out what is working in these Councils. These concepts/solutions may also be presented to focus group participants for consideration.*
3. *Focus Group Research – we suggest running a series of focus groups (around 4) to explore the reasons for dissatisfaction and discuss possible actions/strategies to address areas of concern. The groups would begin with a general discussion about how they regard the area (what they like/dislike), then focus on key areas of concern (such as safety, accessibility, etc) to better understand their concerns and develop/test some solutions. We'd suggest structuring the groups by location, and inviting a representative cross-section of residents to each group. We'd work with you to develop a more detailed discussion guide. We'd be responsible for recruitment, facilitation and reporting. The Town would provide a venue and refreshments."*

Chief Executive Officer's Comments:

Scoping Meetings and Workshops

This strategy has also been commenced and will continue during 2011. A further meeting with Catalyse will also be arranged.

Due to budgeting constructions, the future engagement of an external consultant will be on a limited basis.

Benchmarking

This strategy has already been commenced. Copies of Surveys have been obtained from several other local governments. It is interesting to note that none have conducted a "hard copy" survey.

Follow-up meetings will be carried out to discuss what actions they currently perform.

Focus Group Research

Due to budgetary constraints, it is recommended that this strategy be deferred until further research has been carried out by the Town's Administration.

In addition to the above, it is suggested that the following action can be taken:

1. Follow-up Survey Form – Planning and Building Applications

It is proposed to prepare a follow up survey form which will be sent to all applicants following the completion of their planning approval process. This survey form will be prepared with professional assistance and will be conducted in house by the Town's Public Relations Officer. Feedback provided will then be reviewed by the Chief Executive Officer and Director and will then be provided to the planning and building Officers.

2. Mystery Shopper Survey

This form of survey is relatively inexpensive and can be carried out for various service areas. This will be further explored and will be mainly used to test customer service throughout the organisation.

3. Benchmarking

The Department of Local Government has identified the Town's Development Approval process as being best practice. It has provided this information in a report about the City of Albany – who are currently experiencing difficulties with their governance and performance. The Department have recommended the Town's process to the City of Albany and the City of Albany Officers have since visited the Town of Vincent. Follow-up with the Department will be pursued.

Further information is provided under Comments for each of the areas requiring improvement.

Areas of High Service Performance

It is pleasing to note that the following areas achieved a high rating:

- Satisfaction with library and information services – **93%**;

- Satisfaction with weekly rubbish collections – **91%**;
- Satisfaction with fortnightly recycling services – **90%**;
- Satisfaction with festivals, events and cultural activities – **90%**;
- Satisfaction with sport and recreation facilities – **87%**; and
- Satisfaction with Beatty Park Leisure Centre – **85%** (in 2004 – 90%).

Areas Requiring Improvement

- Satisfaction with Planning and Building Approvals – **49%**;

Chief Executive Officer's Comments:

This rating reflected the problems which were being experienced in the development approval process. The problems experienced with development approval process has been previously reported to the Council. The Town's Administration has worked hard to improve performance in this area and the following action has been taken:

1. *employment of new and more experienced staff;*
2. *more extensive delegations;*
3. *streamlining of processes and procedures;*
4. *the establishment of a dedicated Building and Development Application Working Group comprising relevant staff involved in the Statutory Approvals Process that meet on a fortnightly basis to improve applications faster;*
5. *recognition and action of new initiatives to improve the Development Application Process, which has resulted in reducing the timeframe in determining Development Applications and Building Licences; and*
6. *implementation of the State Government planning reform initiatives.*

FURTHER INFORMATION:

The following reasons/feedback was received from Catalyse concerning this matter:

Item	%
<i>Responsiveness with applications/approvals</i>	<i>26%</i>
<i>Protection of heritage/character; Customer Service</i>	<i>14% each</i>
<i>Inconsistency in applying guidelines</i>	<i>13%</i>
<i>Staff knowledge/experience; Complexity of process</i>	<i>10% each</i>
<i>Increasing density; Parking concerns; Consultation with neighbours</i>	<i>9% each</i>
<i>Fees; Restrictions</i>	<i>7% each</i>
<i>Needs to be more vibrant/progressive; Town's reputation among professionals;</i>	
<i>Heights/invasiveness; "Want higher density"</i>	<i>5% each</i>

Chief Executive Officer's Comments:

In addition to the in-house Survey Form, the following actions have been taken or are proposed:

1. **customer service training** – this has been provided to all planning, building and health officers and all customer service officers;
2. **community consultation policy** – the Policy has been revised and is reported to this meeting (Ordinary Meeting of Council 22 March 2011). A revised letter, form and frequently asked questions will also be issued as part of the community consultation process;
3. **delegated authority** – the recently increased level of delegated authority (November 2010) concerning minor applications has resulted in improved processing times. The statistics reveal that there has been a 10 per cent improvement in processing times for development applications dealt with under 20 working days under delegated authority.
4. **Town Planning Scheme (TPS) and associated documentation** – as the Council is aware, the review of the TPS and associated documentation is well advanced and all going well, should be reported to the Council in April 2011 for approval of the Local Planning Strategy. As part of this process, policies will be reviewed and updated – this will remove the complexity from a number of the policies. The Chief Executive Officer considers that this project should be given the highest priority.

- Satisfaction with the control of parking – **60%**;

Chief Executive Officer's Comments:

This rating reflected the problems being caused by parking and the Town's response to ratepayer requests. The Council has since adopted a revised Parking Strategy and has approved of a number of reports during 2010 to improve this area as follows:

1. *Endorsing a Car Parking Implementation Plan to guide new initiatives to improve the Town's approach to managing parking;*
2. *Endorsing a Car Parking Communication Strategy to better engage and inform the community on matters relating to car parking;*
3. *Endorsing the installation of an additional 128 Ticket Machines to provide a better utilisation of existing car parking spaces in the Town for all users;*
4. *A new Verge Parking Policy;*
5. *A Registered agreement for Rangers to enforce parking on a Kadina Street Property; and*
6. *Modified operating times for parking restrictions in Raglan Road Car Park.*

FURTHER INFORMATION:

A review of the Town's Customer Service Complaints/Requests Register will be carried out to analysis the types of complaints received. This will identify any common trends. Once completed, further actions may be required.

Concurrently, the Town's Administration has been progressing the implementation of the Car Parking Strategy and Implementation Plan adopted by the Council. Approximately 8,500 consultation letters and accompanying information will be posted to the owners and occupiers of affected streets in mid March 2011. The closing date for consultation is 8 April 2011.

The aim is to implement the ticket machines to be in operation by 30 June 2011.

Work has also been carried out concerning permits for residents and business proprietors. Once adopted by the Council, it is considered that this may remove a significant cause for complainant.

- Satisfaction with the management and control of traffic on local roads – **66%**;

Chief Executive Officer's Comments:

This rating was not surprising and reflected the problems (real or perceived) being caused by traffic in the Town.

The Town, through the Local Traffic management Advisory Group, actively prompts and encourages community engagement in addressing traffic issues within the Town. However there are limited range of the measures that can taken without having an adverse impact on the wider Vincent community.

Further consideration of this matter is required, however, traffic management is very difficult to solve to the satisfaction of residents as the Town's close proximity to the Central Business District results in high traffic volumes.

FURTHER INFORMATION:

It is recommended that this matter will be referred to the Town's Local Area Traffic Management Advisory Group for consideration and advice. Further information will also be obtained from Mainroads WA and other government agencies. Once the information is received, it will be reported to the Council.

- Satisfaction with how the community is consulted about local issues – **66%**; and

Chief Executive Officer's Comments:

The Survey Consultant has advised that community consultation traditionally rates "moderate to low" in most local governments. The rating of 66% is down on that received in 2004 (76%) however, a lot higher than 1998 (45%). The rating of 66% is considered a moderate score and endeavours will be made for this to be improved in the future.

FURTHER INFORMATION:

The following actions have been carried out:

1. review of the Town's Community Consultation Policy – as previously reported;
2. new website – a new website has been prepared and is proposed to go live in April 2011. The website offers a number of advantages over the current website including easier to use, more information, ability to lodge online requests and obtain online information.

- Satisfaction with control of graffiti, vandalism and anti-social behaviour – **69%**.

Chief Executive Officer's Comments:

This result was surprising and feedback from the Survey Consultant indicated that it probably reflected problems with anti-social behaviour and vandalism. In addition, the question was considered too broad, which may have affected the rating. As Council is aware, the Town's in-house graffiti removal service has previously been acknowledged as being of a high standard and welcomed by the community.

Graffiti is very visible and it appears that the community want it removed as soon as practicable.

The problems experienced with anti-social behaviour and vandalism have, from time-to-time cause problems and are, in the main, the province of the West Australian Police.

Graffiti crime is a global and ongoing issue that is growing in prevalence. It is also a very emotive and costly issue for the Town's businesses, ratepayers and Local Governments alike, so it is not unexpected that it rates high levels of dissatisfaction, in terms of its occurrence.

The Town provides a very comprehensive graffiti removal service including a removal service offered to businesses and residents, whereby the Town tries to remove Graffiti within 24 hours (or 4 hours for offensive, racial, or explicit Graffiti). All reports are logged on the Town's GIS Intra-maps systems including photographs and this is reported to WA Police. Residents and business are also provided with free Graffiti Safe wipes, via the Town's Safer Vincent Program, to self-remove graffiti if required. The Town is exploring new strategies in conjunction with the WA State Government and WA Police, including links between the Town's graffiti data base and the State Government "Good Bye Graffiti" website, as well as the development of an "Urban Art Policy".

In conjunction with WA Police, the Town has developed a number of pro-active strategies to deal with anti-social behaviour, as documented in the Safer Vincent Crime Prevention Plan and the Vincent Accord. It is noted that perceptions of crime and safety (including anti social behaviour and vandalism) do not always match the actual occurrences. Encouragingly, the latest statistics released from the Office of Crime Prevention support the fact that the Town of Vincent is, indeed, a safer place to live, work and recreate, with recorded decreases in most offences since 2003.

FURTHER INFORMATION:

It is recommended that this matter will be referred to the Town's Safer Vincent Crime Prevention Partnership for consideration and recommendations. Once the information is received, it will be reported to the Council.

CONSULTATION/ADVERTISING:

This survey was carried out by an independent organisation, engaged by the Town.

LEGAL/POLICY:

Not applicable.

RISK MANAGEMENT IMPLICATIONS:

Low: Monitoring levels of customer satisfaction with services provided by the Town is considered most beneficial as it provides feedback to the Town's Administration and the Council.

STRATEGIC IMPLICATIONS:

This is in keeping with the Town's Strategic Plan 2009-2014, Key Result Area 4.1.2 – *"Manage the organisation in a responsible, efficient and accountable manner"*.

SUSTAINABILITY IMPLICATIONS:

Customer satisfaction or perception is a measure of an organisations performance at a given point in time. Responses received assist an organisation in the provision of efficient and effective services.

FINANCIAL/BUDGET IMPLICATIONS:

There are no further funds on the 2010/2011 Budget to carry out further surveys. As such, any actions will be carried out in-house and charged against the Town's Operating Budget.

COMMENT:

The 2010 Customer Perception Survey results show that, in the main, residents are satisfied with the services provided by the Town of Vincent. A number of service areas attracted extremely high satisfaction ratings indicating that residents are very satisfied with service levels and service activities.

Community Consultation is an important part of local government activities and customer perception/satisfaction surveys play an integral role in responding to community expectations. However, it should be noted that "perception surveys" are just perceptions and these do fluctuate from time to time and are influenced by other factors which prevail at the time (e.g. publicity, whether a Council is function cohesively etc). Those services and activities that attracted lower satisfaction ratings will be the focus for improvements in 2011 and beyond, however, the Town will continue to look for improvements in all service areas. Action to improve areas which need to be monitored, such as Planning and Building approvals, control parking, control graffiti, vandalism and anti-social behaviour has already been commenced.

The 2010 Customer Perception Survey report provided useful information relating to services and service delivery. The Town's Administration will utilise the information to introduce and build on improvements in all service areas, as outlined in this report. Subject to approval of the necessary funds, a Perception Survey will be carried out in 2012.

9.1.2 Amendment No. 77 to Planning and Building Policies – Policy No. 3.5.10 relating to Sustainable Design – Final Adoption

Ward:	Both Wards	Date:	8 March 2011
Precinct:	All Precincts	File Ref:	PLA0209
Attachments:	001 – Amended Draft Policy No. 3.5.10 relating to Sustainable Design 002 – Submissions Received During Formal Advertising		
Tabled Items:	-		
Reporting Officer:	A Gordon, Project Officer – Sustainability		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

- (i) *ADOPTS the final amended version of Amendment No. 77 – Draft Policy No. 3.5.10 relating to Sustainable Design, as shown in Appendix 9.1.2, in accordance with Clause 47(5)(b) of the Town’s Town Planning Scheme No. 1, subject to the Policy Statement being amended as follows:*
 - (a) *A new clause being inserted as clause 5, as follows:*
 - 5. *The Town takes a holistic approach to assessing planning applications, and will consider relaxing design requirements where the applicant can demonstrate that such relaxation is conducive to the design achieving a sustainable outcome.*
 - (b) *Existing clause 5 and subsequent clauses to be re-numbered accordingly; and*
- (ii) *AUTHORISES the Chief Executive Officer to advertise the final amended version of the adopted Policy No. 3.5.10 relating to Sustainable Design, as shown in Appendix 9.1.2, in accordance with Clause 47(6) of the Town’s Town Planning Scheme No. 1.*

Moved Cr Buckels, Seconded Cr McGrath

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Topelberg, Seconded Cr Farrell

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

- “(i) *ADOPTS the final amended version of Amendment No. 77 – Draft Policy No. 3.5.10 relating to Sustainable Design, as shown in Appendix 9.1.2, in accordance with Clause 47(5)(b) of the Town’s Town Planning Scheme No. 1, subject to the Policy Statement being amended as follows:*
 - (a) *A new clause being inserted as clause 5, as follows:*
 - 5. *The Town takes a holistic approach to assessing planning applications, and ~~will~~ may consider relaxing design requirements where the applicant can demonstrate that such relaxation is conducive to the design achieving a sustainable outcome that would otherwise not be achieved.*
 - (b) *Existing clause 5 and subsequent clauses to be re-numbered accordingly; and”*

AMENDMENT PUT AND CARRIED (8-1)

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

Against: Cr McGrath

MOTION PUT AND CARRIED AS AMENDED UNANIMOUSLY (9-0)

COUNCIL DECISION ITEM 9.1.2

That the Council;

(i) *ADOPTS the final amended version of Amendment No. 77 – Draft Policy No. 3.5.10 relating to Sustainable Design, as shown in Appendix 9.1.2, in accordance with Clause 47(5)(b) of the Town’s Town Planning Scheme No. 1, subject to the Policy Statement being amended as follows:*

(a) *A new clause being inserted as clause 5, as follows:*

5. *The Town takes a holistic approach to assessing planning applications, and may consider relaxing design requirements where the applicant can demonstrate that such relaxation is conducive to the design achieving a sustainable outcome that would otherwise not be achieved.*

(b) *Existing clause 5 and subsequent clauses to be re-numbered accordingly; and*

(ii) *AUTHORISES the Chief Executive Officer to advertise the final amended version of the adopted Policy No. 3.5.10 relating to Sustainable Design, as shown in Appendix 9.1.2, in accordance with Clause 47(6) of the Town's Town Planning Scheme No. 1.*

PURPOSE OF REPORT:

The purpose of this report is to provide the Council with an overview of the outcome of the formal advertising period for the Draft Policy relating to Sustainable Design, and to present to the Council the final amended version of the Draft Policy, and to seek its final adoption.

BACKGROUND:

24 June 2008: At its Ordinary Meeting, the Council received a report relating to Sustainability Management System Review, and endorsed the proposal to introduce a set of Sustainable Design Guidelines to encourage new development along the principles of sustainable urban design.

27 April 2010 At its Ordinary Meeting, the Council received Progress Report No. 1 relating to the development of a Sustainable Design Policy and Sustainable Design Guidelines.

28 September 2010 At its Ordinary Meeting, the Council received Progress Report No. 2 relating to the development of a Sustainable Design Policy and Sustainable Design Guidelines.

- 25 October 2010 The Town's Sustainability Advisory Group (SAG) considered the issue of promoting sustainable design within the Town, and provided comment on a draft Sustainable Design Policy and a draft Sustainable Residential Design Checklist.
- 7 December 2010 At its Ordinary Meeting, the Council resolved to advertise the draft Policy No. 3.5.10 relating to Sustainable Design for public comment for a period of 28 days, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1.
- 11 January – The Draft Policy was advertised for public comment.
8 February 2011

DETAILS:

The Draft Policy No. 3.5.10 relating to Sustainable Design has been advertised as required by Clause 47 of the Town's Town Planning Scheme No. 1, with advertising commencing on 11 January 2011 and closing on 8 February 2011.

Submissions Received

Seven submissions on the Draft Policy were received, as follows:

- City of Bayswater;
- City of Subiaco;
- East Perth Redevelopment Authority;
- Heritage Council of Western Australia;
- Main Roads WA;
- Swan River Trust; and
- Water Corporation.

Five of the submissions supported the Draft Policy, one did not object, and one did not state either support or objection. A summary of the submissions are provided as shown in Appendix 9.1.2.

The Town's Officers have amended the Draft Policy to incorporate the following minor changes as a result of the submissions received, as indicated in strikethrough and underline in the Draft Policy (Appendix 9.1.2):

- A new objective, and a new Clause 2 have been added, to note that the Town encourages the retention of existing buildings where possible, in view of the embodied energy of existing buildings and the reduction of waste that results from re-using a building rather than demolishing;
- Clarification by way of examples has been provided as to what constitute "appropriate features" for buildings to provide shade and cross-ventilations, in Clause 3.1(b); and
- Reference to minimising stormwater runoff has been added to Clause 3.3.

The Town's Officers have also made some additional minor changes to the draft Policy, also indicated in Attachment 001, including the addition of headings to enhance clarity and ease of reading.

Sustainable Residential Design Checklist and Sustainable Design Portal

The Town's Officers note that under Clause 5 of the Draft Policy, the Town commits to making available to the public a Sustainable Residential Design Checklist. The Checklist is intended to be a useful and simple tool for prospective homeowners to refer to, setting out key sustainability considerations that they should discuss with their builder or designer at an early stage in planning their new home, or alterations and additions to their existing home. This Checklist was considered by the Council at its Ordinary Meeting of 7 December 2010, and is now available on the Town's website at the following link: http://www.vincent.wa.gov.au/3/785/1/sustainable_design.pm. The Checklist will also be available in hard copy from the Town's Customer Service Centre shortly.

The Town also commits under Clause 7 of the Draft Policy to make available:

"...a Sustainable Design Portal on the Town's website, which will include detailed information relating to sustainable design, and will provide up-to-date information, including information about available rebates and funding, to guide homeowners, developers and builders in the design of sustainable buildings".

The Town's Officers have substantially prepared in draft format a Sustainable Design Portal for the Town's website. This Portal will provide an overview of various aspects of sustainable design, with links provided to more detailed information. The Portal will provide links to relevant Town policies and programs, and will also provide details of available government funding and rebates.

As the Town is currently in the advanced stages of redeveloping its website, the Town's Officers are currently exploring the best means of presenting the Sustainable Design Portal on the Town's redeveloped website. It is aimed to have the new website go "live" in April 2011.

CONSULTATION/ADVERTISING:

The Draft Amended Policy was advertised for a period of 28 days, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1. The formal advertising period commenced on 11 January 2010 and closed on 8 February 2011.

In total, seven submissions were received, with five supporting the Draft Policy, one which did not object, and one which did not state either support or objection.

A summary of the comments received in the submissions can be found in Appendix 9.1.2.

LEGAL/POLICY:

Town Planning Scheme No. 1 and associated Policies.

RISK MANAGEMENT IMPLICATIONS

Not applicable.

STRATEGIC IMPLICATIONS:

The Town's Strategic Plan 2009-2014 states:

"Natural and Built Environment

- Objective 1.1 Improve and maintain environment and infrastructure,*
- 1.1.2 Develop and implement a Town Planning Scheme and associated policies, guidelines and initiatives that deliver the community vision,*
- 1.1.4 Minimise negative impacts on the community and environment."*

SUSTAINABILITY IMPLICATIONS:

The design of the built environment has a significant impact on the environment and the sustainable use of resources. The Draft Policy demonstrates that the Town recognises the importance, and the benefits, of sustainable design, and seeks to encourage and promote best practice in the design of new building projects and renovations.

FINANCIAL/BUDGET IMPLICATIONS:

Final advertising of the Sustainable Design Policy will be funded from the “Town Planning Scheme Amendments and Policies” account, which is allocated \$58,200 in the current 2010/2011 Budget.

COMMENTS:

The Town’s Officers consider that it is important that the Town adopt a policy regarding sustainable design, so that the Town has a formal and public stance on the importance of sustainable design, and makes clear the Town’s expectations for development in terms of sustainability.

The Sustainable Residential Checklist will form a useful supporting document and will be a helpful resource for those who are looking to build or renovate a home within the Town. In addition, the soon-to-be-launched Sustainable Design Portal on the Town’s website will be a valuable resource providing access to comprehensive information regarding sustainable design. The Town is also intending to host Green Building Council of Australia training courses in the future. This suite of measures will together form an extensive package to promote sustainable design within the Town.

In light of the above and the submissions received, it is recommended that the Council adopts the amended version of the Draft Policy in accordance with the Officer Recommendation.

9.1.5 Nos. 372-376 (Lot 1; D/P: 931) Fitzgerald Street, corner Raglan Road, North Perth – Retrospective Signage Addition to Existing Shop (Pharmacy)

Ward:	North Ward	Date:	8 March 2011
Precinct:	North Perth Precinct; P8	File Ref:	PRO1690; 5.2011.98.1
Attachments:	001 – Property Information Report, Development Application and Plans		
Tabled Items	Nil		
Reporting Officer:	C Harman, Planning Officer (Statutory)		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, REFUSES the application submitted by J Bell for proposed Signage Addition to Existing Shop (Pharmacy), at Nos. 372-376 (Lot 1; D/P: 931) Fitzgerald Street, corner Raglan Road, North Perth, and as shown on plans stamp-dated 23 February 2011, for the following reasons:

- (i) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) *the non-compliance with the Town’s Signs and Advertising Policy 3.5.2; specifically:*
 - (a) *Clause 3) xviii) Window Signs a); and*
 - (b) *Clause 3) xviii) Window Signs b); and*
- (iii) *ADVISES the applicant that within twenty eight (28) days from the issue of the ‘Refusal to Commence Development’ that the non-compliant signage noted in (ii) above shall be removed or amended to comply with the Town’s Signs and Advertising Policy No. 3.5.2.*

Moved Cr Farrell, Seconded Cr Burns

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND LOST (3-6)

For: Cr Burns, Cr Lake, Cr Maier

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

Reasons:

1. **There is interaction and surveillance internally and externally onto Fitzgerald Street.**
2. **There have been previous approvals with the signage.**
3. **The present signage is deemed to be better than what has previously been approved.**

ALTERNATIVE RECOMMENDATION - COUNCIL DECISION ITEM 9.1.5

Moved Cr Farrell, Seconded Cr Buckels

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by J Bell for proposed Signage Addition to Existing Shop (Pharmacy), at Nos. 372-376 (Lot 1; D/P: 931) Fitzgerald Street, corner Raglan Road, North Perth, and as shown on plans stamp-dated 23 February 2011, subject to the following conditions:

- (i) *the signage shall not have flashing or intermittent lighting;*
- (ii) *all signage shall be subject to a separate Sign Licence application being submitted to and approved by the Town prior to the erection of the signage; and*
- (iii) *signage shall be kept in a good state of repair, safe, and be non-climbable and free from graffiti for the duration of its display on-site.*

ALTERNATIVE MOTION PUT AND CARRIED (6-3)

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

Landowner:	J Bell
Applicant:	J Bell
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. f71 (TPS 1): District Centre
Existing Land Use:	Shop
Use Class:	Shop
Use Classification:	"P"
Lot Area:	498 square metres
Access to Right of Way	Eastern side, 3 metres wide, sealed, Town owned

PURPOSE OF REPORT:

This proposal requires referral to the Council for determination, as it is a retrospective application and the signage is not of a minor nature. As such, the Town's Administration does not have delegated authority to deal with such applications.

BACKGROUND:

10 July 2001 The Council at its Ordinary Meeting conditionally approved an application for retrospective approval for signage at the subject property.

29 December 2008 The Town received a letter of complaint regarding the excessive signage at the subject property. The complainant requested advice as to whether the signage complied with the Town's Policy No. 3.5.2 relating to Signage and Advertising and/or had been approved by the Town.

Further to this, a site inspection by the Town's Officers, and a search of the Town's records, revealed that some signage had been installed without the prior approval of the Town.

- 9 January 2009 The Town wrote to the owner of the subject place to advise that, as neither Planning Approval nor a Sign Licence had been granted for the signage, the signage was considered to be unauthorised. The owner was requested to remove the unauthorised signage and reinstate the property to its original state within fourteen (14) days of the date of the letter.
- 30 April 2009 A site visit undertaken by the Town's Officer revealed that a large proportion of the unauthorised signage from the property had been removed. However, the following unauthorised signs had not been removed:
- One (1) under awning sign (“lotterywest”);
 - One (1) wall sign on the western elevation (“Fitzgerald St. Lottery Centre & Newsagency”);
 - Two (2) window signs on the western elevation (northern most windows) (“We Won’t Be Beaten By Price” and “National Diabetes Services Scheme”);
 - One (1) intermittent/flashing light; and
 - One (1) projecting sign (awning) (“Open 7 Days”).
- 8 May 2009 The Town's Officers wrote to the owner and requested that the remaining unauthorised signage and solid screening to the shop front windows be removed, or to apply to the Town for retrospective Planning Approval, within fourteen (14) days of the date of the letter.
- 11 August 2009 The Council at its Ordinary Meeting resolved to support a retrospective application for Signage Addition to Existing Shop (Pharmacy), subject to the following conditions:
- “(i) *within 28 days of the issue of the ‘Approval to Commence Development’, the following signage shall be permanently removed and the window made visually permeable:*
- (a) *the “National Diabetes Services Scheme” window sign on the western elevation.....*
- (ii) *within 28 days of the issue of the ‘Approval to Commence Development’, the two central windows, which have been blocked in, shall be made 100 per cent visually permeable;*
.....
- (vii) *the doors, windows and adjacent floor areas on the ground floor fronting Fitzgerald Street shall maintain an active and interactive relationship with this street.”*
- 15 January 2010 to 4 February 2011 Multiple correspondences between Mr. Bell and the Town had taken place regarding the erection of the proposed window signs, with the Town reiterating the need for Planning Approval prior to erecting the signs as well as the Town’s position of non-support of the proposed signage.

DETAILS:

The proposal involves an application for Approval of multiple window signs to an existing Pharmacy, on the Fitzgerald Street frontage.

The signage consists of multiple window signs, affixed to the inside of all windows along the shop front, displaying images of the inside of the store, for the full dimensions of the glazed window. The applicant has stated that the reason for such extensive signage is that the shop front faces west and therefore is subject to extensive periods of sun penetration, which in turn raises the temperature inside the shop and can have an adverse impact on some of the products.

There are two sections of automatic sliding doors along the shop front, which the applicant has stated are to remain clear. However, it should be noted that these automatic sliding doors only account for approximately 11 per cent of the shop frontage.

COMPLIANCE:

NON-COMPLIANT REQUIREMENTS			
REQUIREMENTS		REQUIRED	PROPOSED
Signs and Advertising Policy No. 3.5.2			
Window Signs (Clause 3)		(xviii)(a) Not cover more than 50 per cent of the glazed area of any one window or exceed 10 square metres in area in total per tenancy on one lot. (xviii)(b) Maintain an active and interactive presentation to the street for the balance of the window.	Window Sign covers 100 per cent of all windows to the shop front. No interaction with streetscape due to completely obscure windows.
Officer Comments:			
Not Supported – considered to have an undue impact on the amenity of the area as the proposed window signage does not allow for surveillance of the street or interaction between the shop front and Fitzgerald Street and provides a barrier to visual amenity. Furthermore, covering the entire glazed area of the windows is not permitted, as per the Performance Criteria of the Town’s Shop Fronts and Front Facades to Non-Residential Buildings Policy 3.5.15, which requires non-residential buildings to provide for natural surveillance and good visual penetration, which is significantly compromised by the proposed signage.			

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

Consultation Submissions	
The proposal was not advertised as it is considered not to involve intensification of the current use of the site, is incidental, associated and ancillary to the usage and development of the site, and is being referred to the Council for consideration and determination.	

Other Implications	
Legal/Policy	TPS 1 and associated Policies.
Strategic	Nil.
Sustainability	Nil.
Financial/Budget	Nil.

COMMENTS:

The Town's objective concerning signs and advertising is to ensure that the display of advertisements on properties does not adversely impact upon the amenity of the surrounding areas, while providing appropriate exposure of activities or services.

Whilst the signage reflects what would potentially be viewed from the street with clear glazing, there is a significant loss of passive surveillance and interaction with the streetscape as the windows would become permanently obscured and there would be no views from the inside of the shop to the street. The Town's Shop Fronts and Front Facades to Non-Residential Buildings Policy, considers that shop fronts and front facades to non-residential buildings have an effect on the quality of the urban environment. The visual quality of shop fronts and front facades to non-residential buildings depends on design that enhances the activation and interaction of the streetscape.

Visually impermeable external and internal roller doors and shutters prevent window shopping, stop light spilling out on to the footpath, hinder surveillance of the premises and the street, and they obscure the design and detailing of the shop front and front facades to non-residential buildings.

The Town is mindful of the principles for 'Designing Out Crime', which encourages natural surveillance. It is considered that the covering of windows does not promote interaction with the streetscape and severely impedes the natural surveillance of the premises and the street. Furthermore, if the signage were approved, due to the removable nature of the signage, there is the potential to change the signage without the need for further planning approval.

Whilst the Town's Officers are aware that the Council approved a similar application for retrospective signage addition to an existing shop at No. 259 Walcott Street, North Perth, at an ordinary meeting on 9 November 2010, it should be noted that the reason for that approval was the fact that it was simply replacing existing signage rather than increasing the area of signage. In this instance, no such signage has been approved for the site and the proposed signage is considered excessive to the needs of the use, and would create an undesirable precedent for other commercial uses. In light of the above, it is recommended that the Council refuses the proposed signage.

9.1.6 No. 396 (Lot 300; D/P: 302634) Charles Street, corner Mabel Street, North Perth - Proposed Fixed Board Window Signage Addition over Existing Window of Existing Shop (Beauty Salon) - Retrospective Application

Ward:	North Ward	Date:	8 March 2011
Precinct:	North Perth Precinct; P8	File Ref:	PRO2811; 5.2011.58.1
Attachments:	001 – Property Information Report, Development Application and Plans		
Tabled Items	-I		
Reporting Officer:	T Cappellucci, Planning Officer (Statutory)		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, REFUSES the application submitted by D M Kellett on behalf of the owner D Kellett & Estate of Late D R Kellett for proposed Fixed Board Window Signage Addition over Existing Window of Existing Shop (Beauty Salon) - Retrospective Application, at No. 396(Lot 300; D/P: 302634) Charles Street, corner Mabel Street, North Perth, and as shown on plans stamp-dated 3 February and 1 March 2011, for the following reasons:

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) the non-compliance with the Town’s Signs and Advertising Policy 3.5.2; specifically:*
 - (a) Clause 3) xviii) Window Signs a); and*
 - (b) Clause 3) xviii) Window Signs b); and*
- (iii) ADVISES the applicant that within twenty eight (28) days from the issue of the ‘Refusal to Commence Development’ that the non-compliant signage noted in (ii) above shall be removed or amended to comply with the Town’s Signs and Advertising Policy 3.5.2.*

Moved Cr Buckels, Seconded Cr Farrell

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND LOST (4-5)

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

Reasons:

- 1. Client comfort and privacy is important – the sign provides this.**
- 2. There are products that need to be protected against the sun.**
- 3. Due to the nature of the business, privacy is very important.**

ALTERNATIVE RECOMMENDATION - COUNCIL DECISION ITEM 9.1.6

Moved Cr Buckels, Seconded Cr Farrell

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 D M Kellett on behalf of the owner D Kellett & Estate of Late D R Kellett for proposed Fixed Board Window Signage Addition over Existing Window of Existing Shop (Beauty Salon) - Retrospective Application, at No. 396 (Lot 300; D/P: 302634) Charles Street, corner Mabel Street, North Perth, and as shown on plans stamp-dated 3 February and 1 March 2011, subject to the following conditions:

- (i) *the signage shall not have flashing or intermittent lighting;*
- (ii) *all signage shall be subject to a separate Sign Licence application being submitted to and approved by the Town prior to the erection of the signage; and*
- (iii) *signage shall be kept in a good state of repair, safe, and be non-climbable and free from graffiti for the duration of its display on-site."*

ALTERNATIVE MOTION PUT AND CARRIED (5-4)

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

Landowner:	D Kellett & Estate of Late D R Kellett
Applicant:	D Kellett
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R60
Existing Land Use:	Shop
Use Class:	Shop
Use Classification:	"SA"
Lot Area:	487 square metres
Access to Right of Way	Not Applicable

PURPOSE OF REPORT:

This proposal requires referral to the Council for determination, as it is a retrospective application and the signage is not of a minor nature. As such, the Town's Administration does not have delegated authority to deal with such applications.

BACKGROUND:

- 14 September 2004 The Council at its Ordinary Meeting conditionally approved an application for retrospective approval for proposed change of use from shop, office and showroom to shop (beauty salon) and associated signage.
- 13 September 2005 The Council at its Ordinary Meeting resolved to constructively refuse an application for the proposed demolition of existing outbuilding and alterations and additions to existing shop (beauty salon).

- 11 July 2006 The Council at its Ordinary Meeting resolved to refuse an application for the proposed partial demolition of and alterations and additions to existing shop (beauty salon).
- 21 August 2006 The Town received a SAT application to appeal the decision made by the Council on 11 July 2006.
- 13 September 2006 Directions Hearing held at the SAT.
- 25 September 2006 The Town received additional information from the applicant in response to the reasons for refusal. This further information was to be considered at a Council Meeting.
- 10 October 2006 The Council at its Ordinary Meeting resolved to not support the additional information received by the Town on 25 September 2006.
- 19 October 2006 Further Directions Hearing held at the SAT.
- 21 November 2006 The Council at its Ordinary Meeting resolved to file and serve a list of draft “without prejudice” conditions.
- 7 December 2006 Final Hearing held at the SAT.
- 9 March 2007 The SAT determined that the decision under review is set aside and therefore approved subject to conditions.
- 20 June 2007 The applicant lodged an appeal to a condition in the SAT approval dated 9 March 2007, and this was upheld by the SAT on 20 June 2007.
- 26 May 2008 The applicant lodged Building Licence application for alterations and additions to existing shop (beauty salon).
- 27 May 2009 The Building Licence was issued for the alterations and additions to existing shop (beauty salon).
- 30 September 2009 A Building Licence was issued for car park alterations to the existing shop (beauty salon).
- 10 November 2009 A planning application was lodged for the addition of an awning and signage as the awning was damaged in a storm in August 2009.
- 2 December 2009 The Town under delegated authority from the Council recommended approval to the Western Australian Planning Commission for signage and awning addition to existing shop (beauty salon).
- 4 January 2010 A Building Licence was issued for the replacement of roof to existing shop (beauty salon).
- 12 February 2010 The Western Australian Planning Commission approved the application for signage and awning addition to existing shop (beauty salon).
- 24 February 2010 The Building Licence was issued for the signage and awning addition to existing shop (beauty salon).

- 26 February 2010 A site inspection revealed that when the roof was replaced, it was replaced from a pitch roof to a flat roof which raised the wall height from 2.914 metres to 4.543 metres. A retrospective planning application was requested in a letter dated 9 March 2010.
- 18 March 2010 The applicant submitted a retrospective application for the replacement of the roof to the existing shop (beauty salon).
- 8 June 2010 Council at its Ordinary Meeting resolved to approve the proposed retrospective application for the replacement of a roof of an existing shop (beauty salon).

DETAILS:

The proposal involves an application for Retrospective Approval of window signage to the Charles Street frontage of an existing Beauty Salon.

The signage is in the form of a brand signage (*Advanced Skin Treatments & Hair Removal Technology – North Perth Beauty – 9242 3155*) for the full dimensions of a temporary fixed board (same colour as building), which has been installed over a previously approved glazed window. The window is 3.7 metres x 2 metres; 7.4 square metres in area.

COMPLIANCE:

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
Sign Standards		
Window Signs	Not cover more than 50% of the glazed area of any one window or exceed 10 square metres in area in total per tenancy on one lot.	Window Sign completely covers window pane, now temporary fixed board, and provides no interaction with streetscape.
	Maintain an active and interactive presentation to the street for the balance of the window.	Window Sign completely covers window pane, now temporary fixed board.

Officer Comments:

It is considered that the proposed window signage is not supportable given the 100% coverage of the window does not allow for interactive surveillance of the entire street and provides a barrier to visual amenity.

While there are other existing windows along the Charles Street frontage of the beauty salon which provide for natural surveillance, the bricking up, in this instance the temporary fixed boarding of a glazed window and subsequent window signage, for the complete window pane, is not permitted, as per Acceptable Development A3 'Shopfronts and Front Facades to Non-Residential Buildings' of the Town's Shop Fronts and Front Facades to Non-Residential Buildings Policy 3.5.15.

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

Consultation Submissions

The proposal was not advertised as it is considered not to involve intensification of the current use of the site, is incidental, associated and ancillary to the usage and development of the site, and is being referred to the Council for consideration and determination.

Other Implications	
Legal/Policy	TPS 1 and associated Policies.
Strategic	Nil.
Sustainability	Nil.
Financial/Budget	Nil.

COMMENTS:

The Town's objective concerning signs and advertising is to ensure that the display of advertisements on properties does not adversely impact upon the amenity of the surrounding areas, while providing appropriate exposure of activities or services.

The building in this instance has signage which does not complement the existing visual amenity approved for the site in which, four (4) window panes were approved when the site was changed to a beauty salon in 2004. It is considered that the unauthorised window signage, over a temporary fixed board, which is replacing an approved window pane, does not promote casual passive surveillance and is considered excessive to the needs of the use, and would create an undesirable precedence to other commercial uses.

The Town's Shop Fronts and Front Facades to Non-Residential Buildings policy, considers that shop fronts and front facades to non-residential buildings have an effect on the quality of the urban environment. The visual quality of shop fronts and front facades to non-residential buildings depends on design that enhances the activation and interaction of the streetscape. Visually impermeable external and internal roller doors and shutters prevent window shopping, stop light spilling out on to the footpath, hinder surveillance of the premises and the street, and they obscure the design and detailing of the shop front and front facades to non-residential buildings.

The Town is also mindful of the principles for 'Designing Out Crime', which encourages natural surveillance. It is considered that the covering of windows does not promote interaction with the streetscape and severely impedes the natural surveillance of the premises and the street.

In light of the above, the signage is considered to adversely impact on the visual amenity of the subject site and surrounding area and is not supported for the reasons outlined above.

The Presiding Member, Mayor Nick Catania advised that Cr Topelberg had declared a proximity interest in Item 9.2.1. Cr Topelberg departed the Chamber at 7.33pm and did not speak or vote on this matter.

9.2.1 Traffic Related Matter - Intersection Leake Street and Vincent Street, North Perth – Further Report No. 2.

Ward:	South	Date:	9 March 2011
Precinct:	Smith's Lake P6	File Ref:	TES0535
Attachments:	001 – Plan No. 2759.CP.01 002 – Plan No. 2759.CP.01B 003 – Summary of Comments		
Tabled Items:	-		
Reporting Officer:	R Lotznicker, Director Technical Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

- (i) *APPROVES the proposed Traffic Safety Improvements at the intersection of Leake and Vincent Street as shown on attached revised Plan No. 2759.CP.01B;*
- (ii) *NOTES that:*
 - (a) *National Black Spot funding for improvements to the Leake and Vincent Street intersection has been approved for 2011/2012 and has been listed for consideration in the 2011/2012 draft budget;*
 - (b) *the introduction of a dedicated right turn phase at the intersection of Fitzgerald and Vincent Street will be further investigated in the context of the intersection configuration and existing signal phasing; and*
 - (c) *a traffic assessment will be undertaken before and after the works are implemented to determine whether there has been a significant change in driver behaviour in the street and/or a significant redistribution of traffic in the adjoining local street network.*

COUNCIL DECISION ITEM 9.2.1

Moved Cr Maier, Seconded Cr Farrell

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

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

Cr Topelberg returned to the Chamber at 7.34pm. The Presiding Member, Mayor Catania advised that the item was carried unanimously.

PURPOSE OF REPORT:

To provide a further report on a traffic matter considered by the Council at its Ordinary Meeting held on 7 December 2011.

BACKGROUND:

The Council considered a report at its Ordinary Meeting held on 7 December 2011 regarding traffic management at the intersection of Leake and Vincent Street where the following decision was made:

“That the Council;

- (i) APPROVES IN PRINCIPLE the proposed Traffic Safety Improvements at the intersection of Leake and Vincent Street as shown on attached Plan No. 2759.CP.01; and*
- (ii) NOTES that:*
 - (a) a black spot funding submission for improvements at the Leake Street and Vincent Street intersection has been submitted for 2011/2012; and*
 - (b) a further report on the matter will be submitted to the Council at the conclusion of a fourteen (14) day community consultation period.”*

DETAILS:

In accordance with the Council’s decision in January 2011 over 40 letters were distributed to residents in Leake Street. At the close of consultation eight (8) responses were received with six (6) in favour, one (1) against, and one (1) partially in favour.

Proposal:

Based on the traffic data, the Town’s officers submitted an application for Black Spot funding to restrict the intersection to ‘left in left out’ as shown on attached concept Plan No. 2759-CP-01.

As can be seen from the results of the consultation the majority of respondents were in favour of the proposal and the plan has been improved (refer revised Plan No. 2759-CP-01B) to better enforce the proposed ‘left in left out’ reconfiguration.

Discussion/Conclusions:

Some of the comments received are discussed below:

- *Although the "rat runners" will move to Camelia St, the visibility from this intersection is far better - particularly when the lights at Vincent St/Fitzgerald are red.*

Officers Comments

It is considered that there would be no benefit to use Camellia Street as most of the vehicles currently turning right into Leake Street are either residents or motorists accessing the wider street network. A traffic assessment will be undertaken before and after the works are implemented to determine whether there has been a significant redistribution of traffic in the local street network.

- *I recommend that the turning light functionality at these lights be enabled on a permanent basis to allow traffic to enter Fitzgerald Street north of Vincent. Currently this does not appear to be the case which would lead to lengthy delays.*

Officers Comments

The signals at this intersection were modified by MRWA several years ago to facilitate pedestrians crossing Fitzgerald Street (north side). The introduction of a dedicated right turn phase could be further investigated in the context of the intersection configuration and signal phasing.

- *Vehicles turning north from Vincent into Leake regularly accelerate to speeds far in excess of the speed limit.*
- *Vehicles travelling both directions along Leake Street regularly travel at speeds observably faster than the speed limit, past the children's play areas along the east side of Leake Street.*

Officers Comments

In accordance with Main Roads WA, Black Spot intersection rankings, this intersection has had 19 recorded accidents over the last five (5) years. The predominant accident type is right angle and right through. This confirms the appropriateness of previous treatment that was proposed.

The proposal is predominantly to improve safety at the intersection and in turn improve the street amenity and reduce through traffic.

The 85% speed is approximately 4 kph higher than the posted speed (measured in late 2010). As mentioned above, a traffic assessment will be undertaken before and after the works are implemented to determine whether there has been a significant change in driver behaviour in the street.

It is considered that the revised plan will ensure that the proposal achieve the desired results.

CONSULTATION/ADVERTISING:

Residents in the street will be advised of the Council decision.

LEGAL/POLICY:

The Town is responsible for the care, control and management of over 140km of roads.

RISK MANAGEMENT IMPLICATIONS:

Medium: The proposal will improve safety at the intersection and reduce the number of accidents.

STRATEGIC IMPLICATIONS:

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

SUSTAINABILITY IMPLICATIONS:

Improved safety as a result of the proposal.

FINANCIAL/BUDGET IMPLICATIONS:

No funds are currently allocated in the 2010/2011 budget for this proposal. National black spot funding for improvements at the Leake Street and Vincent Street intersection has been approved for 2011/2012 and funds have been allocated in the draft budget for the Council's consideration.

COMMENTS:

The proposal to restrict the intersection of Leake/Vincent to 'left in left out' has been supported by the majority of respondents and national Black Spot funding for 2011/2012 has been approved for this project.

9.2.3 Robertson Park – Installation of Vietnamese Boat People Monument of Gratitude & Drainage Retention Basin – Progress Report 3

Ward:	South	Date:	9 March 2011
Precinct:	Hyde Park;P12	File Ref:	CMS0021
Attachments:	001 – Plan No. 2751-CP-01B 002 – Plan No. 2751-CP-01 003 – Summary of Comments		
Tabled Items:	-		
Reporting Officers:	R Lotznicker; Director Technical Services J van den Bok; Manager Parks & Property Services		
Responsible Officer:	R Lotznicker; Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

- (i) *APPROVES the installation of the Vietnamese Boat People Monument of Gratitude, ‘Option 2’ and Drainage Retention Basin within Robertson Park as shown on the attached Plan No. 2751-CP-01B;*
- (ii) *LISTS an amount of \$30,000 to progress an Approval, pursuant to Section 18 of the Aboriginal Heritage Act for the installation of the Vietnamese Monument, and associated works, and \$75,000 for construction of retention basin for consideration in the draft 2011/12 budget; and*
- (iii) *SUBMITS the final plans of the proposed Vietnamese Boat People Monument of Gratitude and the Landscaped Drainage Retention Basin to the Heritage Council of Western Australia for their assessment.*

Cr Burns departed the Chamber at 7.35pm.

COUNCIL DECISION ITEM 9.2.3

Moved Cr Farrell, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

Cr Burns returned to the Chamber at 7.36pm.

Debate ensued.

The Presiding Member, Mayor Catania advised that Cr McGrath had declared a Proximity interest in Item 9.2.3 and was required to depart the Chamber whilst the Item was being voted on. Cr McGrath departed the Chamber at 7.39pm and did not vote.

MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

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

Cr McGrath returned to the Chamber at 7.40pm. The Presiding Member, Mayor Catania advised that the item was carried unanimously.

PURPOSE OF REPORT:

The purpose of the report is to advise the Council of the results of the recent community consultation in relation to the proposal to install a Vietnamese Boat People Monument of Gratitude and Drainage Retention Basin within Robertson Park and to seek approval to progress these works.

BACKGROUND:

At the Ordinary Meeting of Council held on 9 November 2010 a report was presented in relation to the proposal where the following decision was made:

“That the Council;

- (i) *APPROVES IN PRINCIPLE;*
 - (a) *locating the Vietnamese Boat People Monument of Gratitude in the north east corner of Robertson Park as shown on the attached Plan No. 2751-CP-01; and*
 - (b) *the proposal to further investigate the feasibility of constructing a suitably designed drainage retention basin and associated infrastructure in the north east corner of Robertson Park as shown on Plan No. 2751-CP-01; and*
 - (c) *consideration be given to community safety and maximising usable park space in the design of the basin;*
- (ii) *CONSULTS with the local community surrounding Robertson Park for a period of twenty one (21) days seeking their views in relation to the proposals and obtains comments from the Heritage Council of Western Australia with respect to the proposals as outlined in clause (i);*
- (iii) *NOTES that;*
 - (a) *the President of the Vietnamese Community has advised that Robertson Park is considered the most suitable alternative option for the installation of the Vietnamese Boat People Monument of Gratitude;*
 - (b) *in accordance with Section 18 of the Aboriginal Heritage Act 1972, consent to use Robertson Park (an Aboriginal Registered Site) is required from the Minister for Health; Indigenous Affairs for the proposed installation of the Vietnamese Boat People Monument of Gratitude and the landscaped drainage retention basin;*
 - (c) *the estimated costs associated with clause (iii)(b) above will be in the order of \$28,500 and no funds are currently allocated for locating the Vietnamese Boat People Monument of Gratitude; and*
 - (d) *the estimated cost of constructing a suitably designed drainage retention basin and associated infrastructure in Robertson Park has not yet been determined; and*
- (iv) *RECEIVES a further report on the matter at the conclusion of the community consultation.”*

DETAILS:

Community Consultation:

On the 1 December 2010 over 1,300 letters with attached plans were distributed around the Robertson Park area advising the community of the proposed installation of a Vietnamese Boat People Monument of Gratitude and proposed construction of a Drainage Retention Basin.

At the close of consultation 113 responses were received.

Vietnamese Boat People Monument of Gratitude

Eighty five (85) were in favour of locating the monument in the Park and twenty eight (28) were against. Many of the respondents ticked the boxes on the comments sheet but did not provide comments. Twenty four (24) respondents were in favour of Option 1 with 50 respondents in favour of Option 2 and six (6) In favour of either option.

Several respondents while in favour of either option 1 or 2 suggested alternative locations for the monument e.g. by the Aids memorial or where the Cape Lilac tree is located off Palmerston Street.

Drainage Retention Basin

Eighty two (82) were in favour of this proposal with twenty six (26) against and five (5) with other comments

A summary of the responses received is attached.

Vietnamese Boat People Monument of Gratitude:

During the consultation period various calls were received by officers in regards to the dimensions of the monument. Originally it was intended to be around 4 metres in height and have a diameter of around 6 metres.

Many community members and officers alike considered that if Option 2 was the preferred site for the monument then it would be more in scale with this area of the park if it was reduced in size.

Following further discussions with the President of the Vietnamese community, officers were advised that the dimensions of the proposed monument were not set and they would be more than happy to accommodate our request to reduce the scale of the proposed monument to better 'fit into' the park.

A number of the comments received against the proposal were baseless with some verging on racism. Note: some of these comments have not being included in the summary sheet.

Concerns raised by the community in regards to this proposal included, the removal of tree(s), loss of recreational area, the look and scale of the monument and who would fund the proposal if it proceeded.

Officers Comments:

With the support and recommendation for Option 2, no trees will be removed and whilst one (1) respondent indicated that the monument should be located where the dead mulberry tree is, this tree is in fact not dead at all.

The area of the park where Option 2 is proposed is not well utilised. When taking into account the use of the whole park and with the scale of the monument now likely to be reduced this location is considered the most appropriate and would have the least impact.

As indicated previously the monument will be fabricated and installed at no cost to the Town and the design, whilst not to everyone's liking, is not too over bearing.

Landscaped Drainage Retention Basin/Open drain

As the Council was previously advised on 22 March 2010 a severe storm battered the Perth metropolitan area causing wide spread damage and flooding.

One street that experienced extensive property flooding was Randall Street. Extensive flooding in this street during times of severe rainfall has occurred on a number of previous occasions.

An option investigated to assist in mitigating this flooding is to construct a depression (retention basin) in Robertson Park and construct a channel in road verge on the south side of Randall Street (possibly incorporating a vegetated swale) connected to a new piped drainage system leading to the depression (compensation basin).

Some of the respondents indicated that a retention basin *will create an area for fly and mosquito breeding as well as being an untidy swamp look*. Others indicated that they had *never seen flooding in the street* while others *did not want to lose green/park space*. Another respondent suggested that the pipeline be extended to the Robertson park wetland.

Officers Comments:

The street has definably flooded on numerous occasions and houses in the low point of the street have been in undated with water (refer photo A below).

While the retention basin will have some associated landscaping it is proposed that the area remain predominantly grass with gentle slopes so it can still be used for passive recreation (refer photo B below).

The option of extending the pipe line to discharge into the Roberson park wetland was previously investigated however hydraulically this will not work given the existing ground levels and the existing level at the base of the wetland.



Photo A: Randall Street 22 March 2010



Photo B: Example of a grassed retention basin

CONSULTATION/ADVERTISING:

Consultation was undertaken in accordance with the Towns Community Consultation Policy No. 4.1.5. All respondents will be advised of the Council decision.

LEGAL/POLICY:

Aboriginal Heritage:

A Section 18 Approval was issued to the Town by the Minister for Aboriginal Affairs on 2 January 2001 with consent to use the land, for the purpose of 'developing and improving Robertson Park, including the creation of a wetland'.

At a meeting held with the Department of Indigenous Affairs on 22 October 2010, the Town's Officers were advised that the purpose of this approval issued in 2001 does not address relatively large interpretive structures, such as a Vietnamese Monument, and recommended that the Town submit a Section 18 Application, to avoid the breach of section 17 of the Aboriginal Heritage Act 1972.

As such, in light of the Officer Recommendation, it is recommended that a Section 18 Application is submitted for approval of the installation of the Vietnamese Monument and associated additional works.

In addition, to the Aboriginal heritage significance of this site, Robertson Park is also listed in the State Register of Heritage Places. As such, the proposal is required to be forwarded to the Heritage Council of Western Australia for consideration, and planning approval may also be required.

In accordance with Section 18 of the Aboriginal Heritage Act 1972, consent to use an Aboriginal Registered Site is required from the Minister for Health; Indigenous Affairs.

Failure to receive consent is likely to result in a breach of Section 17 of the Aboriginal Heritage Act 1972.

RISK MANAGEMENT IMPLICATIONS:

Medium: The construction of a retention basin will assist in protecting nearby houses from being inundated with water during the next severe storm event.

STRATEGIC IMPLICATIONS:

In accordance with the objective of Strategic Plan 2009-2014 – Key Result Area One: 1.1.5 Enhance and maintain parks, landscaping and community facilities. *“(b) Continue to implement infrastructure improvements for public open space, including the Wetlands Heritage Trail and the Greenway Plan.”*

SUSTAINABILITY IMPLICATIONS:

Vegetated swales and planted retention basins are normally designed to cater for the 1 in 1 year storm. Storms of greater magnitude require stormwater to flow quickly away from a problem area.

The drainage retention basin being proposed will basically be an open turfed area with some fringing native plantings along the western and northern sides, thus not restricting access or use of this part of the park.

FINANCIAL/BUDGET IMPLICATIONS:

Section 18 approval:

A total of \$30,000 has been quoted by consultants to progress a Section 18 approval from the Department of Indigenous Affairs. This amount includes consultation with indigenous families and monitoring of the site whilst earthworks are being undertaken.

Vietnamese Boat People Monument of Gratitude:

As indicated in the previous report presented to the Council all costs associated with any additional feature lighting and the design, construction and installation of the monument will be borne by the Vietnamese community. The Town could assist with any minor reserve reinstatement works following the completion of the works.

Retention Basin:

The estimated cost to construct the basin is \$75,000.

COMMENTS:

As previously advised, Robertson Park is now the preferred site for the installation of the Vietnamese Boat People Monument of Gratitude and in conjunction with a suitably designed drainage retention basin as shown on the attached plan this would provide added features without compromising too much of the open space currently provided.

Robertson Park already contains many interesting features including Artworks, Aids Memorial, Ormiston House foundations “footprint,” Seasonal wetland, Aboriginal landscape and burial site, Playground, Outdoor Gym equipment and Barbeque.

9.2.4 Beaufort Street Enhancement Working Group – Progress Report No. 3

Ward:	South	Date:	11 March 2011
Precinct:	Beaufort P13	File Ref:	TES0067
Attachments:	-		
Tabled Items	-		
Reporting Officers:	R Lotznicker, Director Technical Services J Anthony, Manager Community Development		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council NOTES:

- (i) *the indicative ‘Draft Five (5) year Improvement Program for Beaufort Street Enhancements’, estimated to cost in the order of \$882,000, to be considered in the context of subsequent annual budget deliberations;*
- (ii) *that a total of \$160,000 has been allocated in the 2010/2011 budget for street litter bin replacement and Beaufort Street enhancement;*
- (iii) *a further report (with examples of street furniture, bike racks and street litter bins, and their proposed locations) will be presented for consideration in April 2011 following further consideration by the Beaufort Street Enhancement Working Group; and*
- (iv) *that prior to the inclusion of any funds in the Town’s future Budgets, that further consultation will be carried out with the business and property owners along Beaufort Street and in the immediate area to ensure there is support for the Town’s Working Group’s recommended resources and enhancements.*

Moved Cr Lake, Seconded Cr Farrell

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Lake, Seconded Cr Topelberg

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

- “(iv) *that prior to the expenditure inclusion of any funds in future years, ~~in the Town’s future Budgets,~~ that further consultation will be carried out with the business and property owners along Beaufort Street and in the immediate area to ensure there is support for the Town’s Working Group’s recommended resources and enhancements.”*

AMENDMENT PUT AND CARRIED UNANIMOUSLY (9-0)

Debate ensued.

MOTION AS AMENDED PUT AND CARRIED UNANIMOUSLY (9-0)

COUNCIL DECISION ITEM 9.2.4

That the Council NOTES:

- (i) *the indicative 'Draft Five (5) year Improvement Program for Beaufort Street Enhancements', estimated to cost in the order of \$882,000, to be considered in the context of subsequent annual budget deliberations;*
 - (ii) *that a total of \$160,000 has been allocated in the 2010/2011 budget for street litter bin replacement and Beaufort Street enhancement;*
 - (iii) *a further report (with examples of street furniture, bike racks and street litter bins, and their proposed locations) will be presented for consideration in April 2011 following further consideration by the Beaufort Street Enhancement Working Group; and*
 - (iv) *that prior to the expenditure of any funds in future years, further consultation will be carried out with the business and property owners along Beaufort Street and in the immediate area to ensure there is support for the Town's Working Group's recommended resources and enhancements.*
-

PURPOSE OF REPORT:

The purpose of this report is to provide an update on the progress of the Beaufort Street Enhancement Working Group.

BACKGROUND:

Ordinary Meeting held on 8 June 2010:

The Council considered the formation of the Beaufort Street Enhancement Working Group, where the Council approved the establishment of a "Beaufort Street Enhancement" Working Group, comprising the Town's officers and representatives of the Beaufort Street Business Community, to develop a long term Enhancement Program for Beaufort Street between Walcott Street and St Albans Avenue.

The Council also adopted the "Beaufort Street Enhancement Working Group - Terms of Reference" for the proposed Working Group.

Ordinary Meeting held on 14 September 2010:

The Council appointed representatives for the Beaufort Street Enhancement Working Group for a two year term as follows:

- three (3) Beaufort Street Network Representatives
- two (2) Local Business Representatives
- two (2) Local Resident Representatives
- three (3) Town of Vincent Officers.

DETAILS:

Beaufort Street Enhancement Working Group Meetings:

21 October 2010

At the inaugural meeting of the working group there was general discussion by various members on the following:

- Colours, is there anything about beauty;

- Innovative design and streetscape, e.g. bike rack design;
- Place of activation, place of destination, place of intrigue, arts and music destination;
- Streetscapes to be forward looking, respect for idiosyncrasy.

It was indicated that the Beaufort Street Network was opposed to an Art Deco theme and there was general agreement on the theme for the street should be based on contemporary, unique, and eclectic elements.

28 October 2010

The group met at the Planet Video meeting room and proceeded along the street to undertake an audit from the corner of Walcott Street to the corner of St Alban's Avenue.

The site visit determined good aspects (what people liked) e.g. trees, drinking fountain, some existing building facades; areas requiring improvements e.g. dull boring bike racks, different types of lights - Art deco lights in middle of street managed by TOV and the others managed by Western Power, base of trees ugly – trip hazard, need more trees, additional bins etc.

The group also identified a number of possible locations/spaces for public art, seating, bike racks:

- In front of IGA – public art, trees, bike racks;
- Blank pavement in front of newsagent/lotto - Public Art – visual;
- Space next to Adultshop.com – skaters in view - corner to have public art;
- Public Art – corner Barlee and Beaufort Street;
- On pavement rather than on building;
- Corner of HJ's – potential Public Art;
- Room/space on Nando's corner;
- 544 Beaufort St corner Harold Street;
- Bench seat in front of Soto's.

The group also identified a number of Blank wall/canvas opportunities:

- Blank wall between Exomod Coffee and Mt Lawley open market;
- Blank wall next to Envy (corner Barlee and Beaufort);
- Possible mural on blank space next to Beaufort St Realty Top of Beaufort St books;
- White brick wall next to Homestead Realty (behind Bus stop);
- Temporary fencing of developments.

Drinking fountains and Fairy lights on trees and that the branding of the area was suggested.

6 December 2010

The Town's strategic planning officer was invited to attend and answered a number of questions regarding the Town's Policies/Guidelines with regards to development in the Beaufort Street area.

The group considered that the 'old' Art Deco streetlights (Walcott Street end) be replaced with the recently installed (Barlee Street to Broome Street) and more contemporary double outreach, Western Power supported, 250 watt HPS lights.

The group further considered that the palms in the middle of the road be removed and replaced with native trees and to liaise with the City of Stirling to remove the palms in the centre of Walcott Street.

Art work was discussed and the consensus was that generally the Group did not like art that had been recently installed on the various developments in the precinct under the Town's Percent for Policy. Of concern was the 'art pieces' on the façade rather than at street level.

Developers should be encouraged to provide public art in the street not in the 'sky'.

Potential and confirmed development sites where the extensive/large public art could be incorporated under the Town's Percent for Art policy was discussed including existing locations where Town sponsored public art could be erected.

The increasing popularity of motor scooters was discussed and the need for more and prominent parking. The suggestion was made to utilise some of the wider paved nibs at the intersections. It was cautioned that the Parking Local Law would have to be amended and that there was doubt that the Rangers would support it.

A public toilet was also discussed and it was advised that the cost of an 'Exceloo' self cleaning toilet started at \$140,000 and again, would have to be accommodated in a suitable location. However, as the City of Stirling was in the process of installing one (to the north of Walcott Street) was it warranted?

1 March 2011

The group was advised that a progress report on the project was due to Council shortly and it was important that decisions be made on how the allocated budget was going to be spent. Funding to replace the art deco street lights in Beaufort Street has been prioritised and listed for consideration in the 2011/2012 draft budget. It was advised that there is an existing budget for additional trees and further funding may also be available for street name plate replacements.

It was also indicated that the previous Council decision has been to maintain Manchurian Pear trees along the verges and Spotted Gums in the median islands.

It was suggested that more shade is required with any future seating installation.

Bike racks in various artistic forms and shapes were discussed and there were suggestions of unique street furniture near the corner of Mary Street where there is existing shade. There was general consensus that more trees needed to be planted along the street for more shade.

The Beaufort Street Network is investigating 'a wishing tree art installation' in the street. This would be purchased with the profits from the 2010 festival. A temporary installation of this nature worked well at the Beaufort Street Festival.

The large expanse of wall space at the Barlee Street car park was discussed as an area that needed attention with possibilities of using it as a graffiti wall. The meeting was advised the Council had previously adopted a drinking fountain plan for the Town and one for the Barlee Street car park was discussed.

An update of the 'entry signage' project that was provided where it was indicated that additional information was being sought from shortlisted applicants and the Art Advisory Group would be considering the works at the end of March.

It was suggested that the Sculpture by the Sea exhibition be looked at for potential works by artists for Beaufort Street.

Conclusions/Recommendations:

The group agreed that that with the current funding that priority be given to the installation of appropriate street furniture and unique bike racks. Street litter Bins were also listed as important despite some challenges in design without compromising their functionality and easy access for emptying the contents.

The bins at the Perth Institute of Contemporary Arts (PICA) were mentioned as worthy of consideration as they have digital imagery on them.

It was also suggested that a 5 year implementation plan be developed for ongoing improvements.

Officers Comments:

As can be seen from the discussions during the various meetings held the group considered the following main aspects to be incorporated in a long term improvement plan with priority given to street furniture, and bike racks in the first instance:

- Street furniture
- Bike racks
- Street litter bins (street litter bin replacement program)
- Removal of palm trees
- Replace art deco lighting with western power lights
- Street art, with significant art work pieces and minor works
- Drinking fountains/self cleaning toilet
- Street art
- More shade for seating
- Unique street signage
- Treating blank walls/ temporary Fencing
- Motor scooter parking
- Traffic calming
- All the above to give the area its distinctive identity
- precinct cleaning/security

Indicative five (5) Year Improvement program:

YEAR	PROPOSAL	ESTIMATED
2010/2011 - year 1	- street furniture, seating/shade	Existing \$120,000
	- designer bike racks - street signs - street litter bins	Existing \$40,000 \$160,000
2011/2012 - year 2	- remove palms/replant with natives (\$12,000)	\$12,000
	- remove deco street lights and replace with western power lighting	\$150,000
	- self cleaning toilet (public toilet strategy)	\$140,000
	- scooter parking (car parking strategy)	\$15,000 \$317,000
2012/2013 - year 3	- major artwork piece	\$80,000
	- blank walls	\$15,000
	- additional trees	\$10,000 \$105,000

YEAR	PROPOSAL	ESTIMATED
2013/2014 - year 4	- street art with major artworks	\$150,000
2014/2015 - year 5	- additional street furniture, seating/shade - additional designer bike racks - creating spaces/additional street art	\$150,000
	TOTAL	\$882,000

CONSULTATION/ADVERTISING:

The proposal was advertised in accordance with the Town's policies.

LEGAL/POLICY:

Beaufort Street is classified as a District Distributor A road under the care, control and management of the Town.

RISK MANAGEMENT IMPLICATIONS:

Low: Improvement to aesthetics and amenities only.

STRATEGIC IMPLICATIONS:

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

SUSTAINABILITY IMPLICATIONS:

To improve the economic vibrancy of the area and make the area more sustainable for both business activity and by the type of infrastructure improvements to be proposed.

FINANCIAL/BUDGET IMPLICATIONS:

An allocation of \$120,000 has been included in the draft 2010/2011 budget for Beaufort Street with an additional \$40,000 for the street litter bin replacement (currently on hold).

COMMENTS:

The working group has now met on a number of occasions and improvements have been identified and prioritised as outlined in the report.

The Chief Executive Officer advised that Mayor Catania and Cr Burns had declared a financial interest in Item 9.3.1. They departed the Chamber at 7.45pm. They did not speak or vote on this matter.

Deputy Mayor, Cr Sally Lake assumed the Chair at 7.45pm.

9.3.1 Investment Report as at 28 February 2011

Ward:	Both	Date:	2 March 2011
Precinct:	All	File Ref:	FIN0033
Attachments:	001 – Investment Report		
Tabled Items:	Nil		
Reporting Officers:	B Tan, Manager Financial Services; B Wong, Accountant		
Responsible Officer:	M Rootsey, Director Corporate Services		

Disclosure of Financial Interest:

Mayor Nick Catania and Cr Anka Burns have disclosed a financial interest in this item.

OFFICER RECOMMENDATION:

That the Council NOTES the Investment Report for the month ended 28 February 2011 as detailed in Appendix 9.3.1.

COUNCIL DECISION ITEM 9.3.1

Moved Cr Maier, Seconded Cr McGrath

That the recommendation be adopted.

MOTION PUT AND CARRIED UNANIMOUSLY (7-0)

(Mayor Catania and Cr Burns were absent from the Chamber and did not vote on this matter.)

Mayor Catania and Cr Burns returned to the Chamber at 7.46pm. Mayor Catania, assumed the Chair. The 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 investment 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 28 February 2011 were \$18,335,510 compared with \$19,335,155 at 31 January 2011. At 28 February 2010, \$15,774,304 was invested.

Investment comparison table:

	2009-2010	2010-2011
July	\$12,782,999	\$11,109,646
August	\$21,773,889	\$22,184,829
September	\$21,773,889	\$20,084,829
October	\$21,273,889	\$20,084,829
November	\$20,274,076	\$21,086,506
December	\$18,774,076	\$19,585,155
January	\$17,274,076	\$19,335,155
February	\$15,774,304	\$18,335,510

Total accrued interest earned on Investments as at 28 February 2011:

	Annual Budget	Budget Year to Date	Actual Year to Date	%
Municipal	\$454,000	\$380,500	\$435,925	96.02
Reserve	\$403,000	\$268,664	\$281,384	69.82

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

Funds are invested in accordance with the Town's Investment Policy 1.2.4.

RISK MANAGEMENT IMPLICATIONS:

High: Section 6.14 of the Local Government Act 1995, section 1 states:

“(1) Subject to the regulations, money held in the municipal fund or the trust fund of a local government that is not, for the time being, required by the local government for any other purpose may be invested in accordance with Part III of the Trustees Act 1962.”

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.

Limited investment funds have been required to be drawn during this month. The investment interest income received is over budget due to a few investments were invested for longer term at a better interest rates.

The report comprises of:

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

9.4.2 Consideration of Submission Concerning – Community Consultation Policy No. 4.1.5 – Further Report

Ward:	Both Wards	Date:	14 March 2011
Precinct:	All Precincts	File Ref:	PLA0116
Attachments:	001 – Submission Received 002 – Consultation Letter 003 – Community Consultation Submission Form 004 – Additional Information to Consultation Letter 005 – Amended Policy		
Tabled Items:	-		
Reporting Officer:	John Giorgi, Chief Executive Officer		
Responsible Officer:	John Giorgi, Chief Executive Officer		

FURTHER OFFICER RECOMMENDATION:

That the Council;

- (i) ***CONSIDERS the one (1) submission received concerning Policy No. 4.1.5 – Community Consultation as shown in Appendix 9.4.2A; and***
- (ii) ***APPROVES BY AN ABSOLUTE MAJORITY to adopt Policy No. 4.1.5 – Community Consultation as amended and shown in Appendix 9.4.2.***

COUNCIL DECISION ITEM 9.4.2

Moved Cr Farrell, Seconded Cr Topelberg

That the recommendation be adopted.

Debate ensued.

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

FURTHER REPORT:

At the Ordinary Meeting of Council held on 22 February 2011, a report was presented to the Council relating to consideration of submissions and adoption of the Council’s Policy No. 4.1.5 – Community Consultation where the Council resolved to defer the matter for further consideration, in particular the planning application letter and supporting information.

During consideration of the item at the Ordinary Meeting of Council held on 22 February 2011, the Council indicated a strong desire to ensure that the letter, form and accompanying information provided to owners/residents as part of the consultation should be able to assist and better inform the potentially affected owners and residents.

Proposed Planning Letter and Format

The Town's current consultation letter as shown in Appendix 9.4.2B and form as shown in Appendix 9.4.2C have been re-drafted. The accompanying information is shown at Appendix 9.4.2D. It is recommended that this be used as a Proforma format of the Town’s letter which is sent to the affected neighbours – it may change slightly as circumstances required.

Changes to the Town's current procedure and documents include the following:

1. the letter and forms will be printed double sided – to save paper and postage costs; and
2. the Consultation Form will now include:
 - an email contact address for the Planning Officer – for ease of obtaining further information;
 - information concerning privacy;
 - a box to allow for public disclosure of Personal Information;
 - details of aspects requiring Local Government discretion – as proposed by Cr Maier and the Mayor; and
 - details of what are Acceptable Development Standards and Performance Criteria.

The above documents will be included as an Appendix to the revised Community Consultation Policy.

Revised Policy

The Policy has been amended at Clause 9(b), to include the following:

- “(b) Where the Form seeks a comment on a planning element that requires the Town to exercise discretion the Form will include:
- a description of the Planning Element (e.g. Ground Floor Setback);
 - a reference to the applicable policy clause (e.g. Residential Design Codes - 6.8.1);
 - the Performance Criteria (if applicable);
 - the Acceptable Development Standard (if applicable);
 - what is proposed for that element; and
 - space for a comment on that element.”

On 9 March 2011, a copy of the draft letter, form and accompanying information was emailed to the Mayor and Councillors for comment. The matter was also considered at the Forum held on 15 March 2011.

Non-Statutory Consultation

The Policy has been amended to include “minor works” – for parks – this change arose during consideration of the draft Policy Item 9.4.5 at the Ordinary Meeting of Council held on 22 February 2011. The change includes consultation for minor works occurring on parks, as follows:

PARKS AND RESERVES UPGRADES AND ENHANCEMENTS	<p><i>Minor Works:</i> Information Bulletin delivered <u>Consultation will be carried out</u> prior to the commencement of works to all owner(s) and occupier(s) adjoining the park/reserve for at least fourteen (14) days.</p> <p><i>Significant Works:</i> Consultation will be carried out to an area of not less than 500m surrounding the park or reserve <u>for at least fourteen (14) days</u>. Local Public Notice (if required at the discretion of the Chief Executive Officer/Director).</p>
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Summary

The review of the Town's Policy, consultation letter, form and accompanying information has been comprehensive. The final documentation is therefore recommended for approval.

PURPOSE OF REPORT:

The purpose of the report consider the one (1) submissions received from Cr Maier, concerning the Policy No. 4.1.5 – Community Consultation.

BACKGROUND:

At the Ordinary Meeting of Council held on 7 December 2011, a report was presented to the Council relating to the adoption of the Council's Policy No. 4.1.5 – Community Consultation.

The Policy was advertised on Tuesday 18 January 2011 and closed on Friday 11 February 2011. As at the closing date of submissions, no submissions were received. However, on Monday 14 February 2011 two emails were received from Cr Maier as shown in Appendix 9.4.2A.

Summary of Submission

Cr Maier has advised of the following issues:

1. he believes there is very little understanding of the performance based nature of the Development Application process;
2. the consultation letter sent to neighbours requires amendment; and
3. the Chief Executive Officer should have the discretion to request an applicant to hold a public meeting/workshop in certain circumstances.

The following comments are provided in response to the submission:

1. believes there is very little understanding of the performance based nature of the Development Application process;

“From my experience as a councillor I believe that there are two issues that should be addressed concerning the Town's consultation with residents about development applications. I believe that the process needs to be made clearer to neighbours who are consulted and the letter that is sent out to neighbours needs to be reviewed to better reflect the approval process by revising the so called 'compliance table'.

I believe that there is very little understanding of the performance based nature of the DA approval process. I often get the comment that 'it does not comply so it should be refused'. I respond by explaining the hierarchy of rules and why a performance based approach has been adopted. I explain that the performance criteria are 'the rule' rather than the acceptable development standards and I have found that most people can understand the concept and reasoning behind it fairly quickly.

I therefore think that a document needs to be developed that explains the process and that this document should be made readily available to people who are being consulted. I think the document may be several pages long and so may be too large to send out with every consultation letter - hopefully not. If it does prove to be too cumbersome to post the consultation letter should make reference to how it can be downloaded from the Town's web site and that it can be posted out to residents on request.

The document should include the following:

- *the hierarchy of rules (e.g. Town Planning Scheme, R-Codes and policies). This is important so that people who wish to delve deeper into the rule can understand where they need to look to find out more information.*
- *how the performance based approach works and why it was adopted. It needs to make clear that the focus is on getting reasonable outcomes rather than having a formula that results in every dwelling looking similar. It needs to emphasise that the performance criteria are 'the rules' and that the acceptable development standards are just one, conservative, way of complying with the rules.*
- *how the performance criteria are subjective in nature and that the Town needs to exercise discretion.*
- *that the Town has no discretion if the application meets the acceptable development criteria.*
- *that comments will be taken into account when determining whether the application complies with the performance criteria but they will be used to inform the decision. It must be made clear that objectors do not have a right of veto, just that their comments will be given serious consideration.*
- *that objections should focus on planning issues and that the Town is not allowed to take non-planning issues into account.*
- *that the applicant will be given a summarised list of objections and be given the opportunity to amend the application if they like.*
- *that some decisions have been delegated to the Town's staff and that some decisions will be made by the Council.*
- *that once a decision has been made the applicant can appeal that decision to the SAT if they are unsatisfied with any element of the decision but that neighbours do not have a right of appeal.*

This document must be written in conversational English and must avoid jargon. It should also be made available in other languages on request."

Chief Executive Officer's Comment:

The community consultation letter should be written in plain and simple language and should contain sufficient information so that a person can make an informed decision. The inclusion of too much information is not supported as it will complicate the letter, may cause confusion and prove to be too cumbersome and verbose.

As part of the Town's previous review of the Community Consultation Policy, a survey of what other local governments send out to residents was researched. Most, if not all, provide a concise letter and make reference to the local government website where additional information can be found (no local governments send out multiple sheets of paper). Accordingly, it is supported that the letter should include reference as to how further information can be obtained on the Town, via the Town's website.

It is noted that as part of this review an Information Sheet/brochure will be prepared to further explain the community consultation process and will be uploaded on the Town's website.

The community consultation letter will be translated into the five (5) most common languages other than English, spoken in the Town (Italian, Vietnamese, Cantonese, Greek and Macedonian – as specified in Clause 6 of the Policy).

2. the consultation letter sent to neighbours requires amendment:

The other issue that should be addressed is the letter that is sent to neighbours and in particular the 'non-compliance' table. The current letter that is sent is overly bureaucratic and does not adequately describe the rules that apply. It is good that the table included in the letter uses the term 'local authority discretion' rather than 'compliance', and 'acceptable development standards' rather than 'required'. However it misses out completely on describing the performance criteria. It is important that people being asked for their comment understand that this is 'the rule'

The table needs another couple of columns (i.e. Performance Criteria) and therefore should be changed so that it is printed in a landscape format. I would suggest the table should contain the following (for example):

Planning Element	Applicable Rule	Performance Criteria	Acceptable Development Standard (i.e. Deemed to meet performance Criteria)	Proposed	Comment
Visual Privacy: - Balcony (south)	Residential Design Codes - 6.8.1	<ul style="list-style-type: none"> • Direct overlooking of active habitable spaces and outdoor living areas of other dwellings is minimised by building layout, location and design of major openings and outdoor active habitable spaces, screening devices and landscape, or remoteness. • Effective location of major openings and outdoor active habitable spaces to avoid overlooking is preferred to the use of screening devices or obscured glass. • Where these are used, they should be integrated with the building design and have minimal impact on residents' or neighbours' amenity. • Where opposite windows are offset from the edge of one window to the edge of another, the distance of the offset should be sufficient to limit views into adjacent windows. 	<ul style="list-style-type: none"> • 7.5 metres from the boundary <p>OR</p> <ul style="list-style-type: none"> • Provided with permanent vertical screening 	1.7 metres	
Visual Privacy: - Balcony (west)	Residential Design Codes - 6.8.1	(see above)	(see above)	4.8 metres	

<i>Planning Element</i>	<i>Applicable Rule</i>	<i>Performance Criteria</i>	<i>Acceptable Development Standard (i.e. Deemed to meet performance Criteria)</i>	<i>Proposed</i>	<i>Comment</i>
<i>Driveways and Crossovers</i>	<i>Residential Design Elements - SPC15</i>	i) <i>Minimise the number and widths of vehicular access points to frontage streets.</i> ii) <i>Crossovers are to be located to minimise conflicts and designed to operate efficiently and safely taking into consideration the following: The size of the car parking area; and The amount and type of vehicle traffic travelling along the related road.</i> iii) <i>Crossovers are to be located, where possible, so as to maximise the number of kerbside car parking spaces and</i>	<ul style="list-style-type: none"> • <i>No more than one driveway is permitted to a lot with a frontage of less than 25 metres. A second driveway may be permitted provided the total aggregate width of both driveways complies with the widths stated below; and</i> • <i>Subject to the minimum width of 3 metres, the total aggregate width of driveways are not to occupy more than 40 per cent of the frontage of</i> 	<i>6.8 metres (48%)</i>	

”

Chief Executive Officer’s Comment:

The Chief Executive Officer supports the aim and objective of the letter should be to provide sufficient information in order that a person can make an informed decision. It is considered an administrative matter as to how a letter is drafted and presented, and the letter content and layout should not be prescribed in the Consultation Policy. This will be reviewed and, where appropriate and possible, information will be included in plain language. It is noted that as part of this review an information sheet/brochure will be prepared to further explain the community consultation process and will be uploaded on the Town’s website.

3. the Chief Executive Officer should have the discretion to request an applicant to hold a public meeting/workshop in certain circumstances.

Cr Maier considers that feedback from the public should allow for the Town to arrange a public meeting/workshop for significant projects.

He therefore suggests that the Draft Policy should include a new Clause 7(iii) to allow for such public meetings/workshop.

Cr Maier’s suggestion is supported, with minor changes as follows:

“7. *AUTHORITY TO VARY THE EXTENT OF CONSULTATION*

The Chief Executive Officer;

- (i) *shall determine the type and extent of community consultation, in liaison with the Mayor, where it has not been prescribed in the Policy, Guidelines and Procedures.*

(ii) *has the discretion to increase the extent, method ~~of~~ or duration of the consultation ~~the~~ provisions of this policy, ~~with regards to a Planning, Building and Heritage matter~~ due to specific exceptional circumstances relating to ~~that~~ a matter, including, but not limited to:*

- *the unique scale and nature of ~~the~~ a proposal or development;*
- *where the existing proposal or development has received substantial opposition, concerns or complaints; or*
- *the proposed development has a substantially greater potential to cause undue impact on the locality compared to a similar 'standard' development; or*
- *where a Local Planning Policy may have significant implications on a specific sector of the community.*

(iii) *has the discretion to require an Applicant for a proposal to hold one or more public meetings/forums, at no cost to the Town, to explain the proposal to the community where in the opinion of the Chief Executive Officer the proposal may be of a complex or controversial nature, or may affect members of the broader community. Any such meetings/forums should be:*

- *held in the early part of the proposal or development being advertised for public comment;*
- *held in a convenient location (preferably within the local community that is most likely to be impacted by the proposal);*
- *held at a convenient time; and*
- *adequately promoted or advertised through the use of leaflets/flyers, letters, a prominent sign on the site or advertisements in the media, to the satisfaction of the Chief Executive Officer."*

Chief Executive Officer's Comments:

The Chief Executive Officer supports the above information being included in the Policy with references being to "meetings/forums" instead of "meetings/workshops". This clause should relate to all significant/major proposals and developments and therefore, reference to "Planning, Building and Heritage matter" has been deleted. A forum is defined as "an assembly of people for the discussion of questions of public interest" and may include a workshop and is therefore broader in context. A "workshop" is defined as "a group meeting to exchange ideas and study techniques, skills etc" and therefore is not supported. It is considered that the Town should be able to require an applicant to conduct a public meeting/forum (at the Applicant's cost) so that adequate information is made available. If an applicant so desires, they may choose to conduct a workshop or other suitable format as part of the process however, this should not be prescribed for all proposals/developments.

CONSULTATION/ADVERTISING:

The Policy was advised in accordance with the Town's Community Consultation Policy.

LEGAL/POLICY:

The amended Policy will be included in the Council's Policy Manual.

RISK MANAGEMENT IMPLICATIONS:

Not applicable.

STRATEGIC IMPLICATIONS:

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

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The review of the Community Consultation Policy has been comprehensive and extensive. It has been advertised in accordance with the Policy and only one (1) submission was received (from Cr Maier) and it is therefore assumed that the amended Policy is acceptable and meets the needs of the community. In the main, the suggestions are support and it is recommended that the amended Policy be approved as detailed in this report.

9.4.4 Appointment of Council Members and Community Representatives to the Town of Vincent Local History Advisory Group

Ward:	-	Date:	15 March 2011
Precinct:	-	File Ref:	CMS0126
Attachments:	-		
Tabled Items:	-		
Reporting Officer:	M McKahey, Personal Assistant		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council;

- (i) *in accordance with the provisions of the Local Government Act 1995, Section 2.28, APPOINTS the following Council Members to the Local History Advisory Group until 17 October 2011:*

Members:

- 1. *Cr (Chairperson)*
- 2. *Cr*
- 3. *Cr*

and;

the Chair of the Group be Cr; and

- (ii) *APPOINTS three community representatives to the Town of Vincent Local History Advisory Group, for a term until 17 October 2011, from the following nominees:*

- (a) *Ms Barbara Boettcher; or*
- (b) *Ms Lynette Chester; or*
- (c) *Ms Susanna Iuliano; or*
- (d) *Mr Carl Howard Lemnell; or*
- (e) *Ms Anne Mills; or*
- (f) *Ms Marie Slyth; or*
- (g) *Mr Roger Smith; or*
- (h) *Ms Anne Topelberg OAM; or*
- (i) *Ms Suzanne Worner; or*
- (j) *Mr Damon Wheatley.**

(Received after the close of the nomination period.)*

Moved Cr ,Topelberg Seconded Cr Lake

That the recommendation be adopted.

Debate ensued.

The Presiding Member, Mayor Nick Catania called for nominations to the Town of Vincent Local History Advisory Group.

Crs Topelberg, Lake and Maier nominated.

There were no other nominations from the floor.

The Presiding Member, Mayor Nick Catania called for nominations for Chairperson of the Town of Vincent Local History Advisory Group.

Cr Lake nominated Cr Topelberg and Cr Topelberg accepted.

There were no other nominations from the floor.

PROCEDURAL MOTION

Moved Cr Lake, Seconded Cr McGrath

That clause (i) be adopted with the following nominations:

“(i) in accordance with the provisions of the Local Government Act 1995, Section 2.28, APPOINTS the following Council Members to the Local History Advisory Group until 17 October 2011:

Members:

- 1. Cr Joshua Topelberg (Chairperson)*
- 2. Cr Sally Lake*
- 3. Cr Dudley Maier*

and;

the Chair of the Group be Cr Joshua Topelberg.”

**PROCEDURAL MOTION TO APPOINT THE CHAIRPERSON AND
COUNCIL MEMBERS TO THE ADVISORY GROUP WAS
PUT AND CARRIED UNANIMOUSLY (9-0)**

The Presiding Member, Mayor Nick Catania called for speakers to indicate and nominate their preference for community representatives.

Cr Topelberg briefly spoke and advised that he would not be voting on the appointment of community representatives and would be departing the Chamber as one of the representatives is a relation of his.

Cr Topelberg departed the Chamber at 7.54pm.

Cr Lake spoke and indicated her preference for four (4) community representatives and nominated the following:

*Ms Susanna Iuliano;
Ms Anne Mills;
Mr Roger Smith; and
Ms Anne Topelberg OAM.*

The Presiding Member, Mayor Nick Catania called for other nominations.

Debate ensued.

Cr McGrath advised that he would also like to nominate: *Ms Marie Slyth.*

Debate ensued.

The Presiding Member, Mayor Nick Catania advised that as there were more nominated community representatives than vacant positions, a Ballot would be required.

The Chief Executive Officer advised the meeting that the normal process is to hold a secret Ballot and if this was required, he suggested that the Item be adjourned until later in the meeting to allow for Ballot papers to be prepared.

The Presiding Member, Mayor Nick Catania agreed with the Chief Executive Officer's advice and recommended that the Item be adjourned to later in the meeting. He asked the Chief Executive Officer to prepared the necessary Ballot papers.

PROCEDURAL MOTION

Moved Cr Farrell, Seconded Cr Burns

That Item 9.4.4 be ADJOURNED until the necessary Ballot papers have been prepared.

PROCEDURAL MOTION PUT AND CARRIED (6-2)

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

Against: Cr Lake, Cr Maier

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

***Note: This Item was recommitted later in the meeting. Refer to page 132.**

At 8.03pm the Chief Executive Officer and Minutes Secretary departed the meeting to prepared the necessary Ballot papers.

Cr Topelberg returned to the Chamber at 8.03pm. The Presiding Member, Mayor Catania advised that the item was adjourned to later in the meeting for a secret Ballot as there were more nominations than vacant positions.

9.4.6 Draft Sustainable Environment Strategy 2011-2016

Ward:	Both Wards	Date:	11 March 2011
Precinct:	All Precincts	File Ref:	PLA0175
Attachments:	001 – Draft Sustainable Environment Strategy 2011-2016		
Tabled Items:	-		
Reporting Officer:	A Gordon, Project Officer – Sustainability		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

- (i) *ADOPTS IN PRINCIPLE the Draft Sustainable Environment Strategy 2011-2016, as shown in Appendix 9.4.6;*
- (ii) *ADVERTISES the draft document for public comment for a period of forty-two (42) days, inviting written submissions from the public; and*
- (iii) *after the expiry of the period for submissions:*
 - (a) *REVIEWS the Draft Sustainable Environment Strategy 2011-2016 having regard to any written submissions received; and*
 - (b) *ADOPTS the Draft Sustainable Environment Strategy 2011-2016, with or without amendment.*

COUNCIL DECISION ITEM 9.4.6

Moved Cr Burns, Seconded Cr McGrath

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (9-0)

PURPOSE OF REPORT:

The purpose of this report is to obtain the Council's approval to adopt in principle and advertise the Draft Sustainable Environment Strategy 2011-2016 for public comment.

BACKGROUND:

At its Ordinary Meeting held on 13 July 2010, the Council requested that the Chief Executive Officer, in liaison with the Sustainability Advisory Group (SAG), review and update the Town's Sustainable Environment Plan (SEP) 2007-2012.

The Council received a progress report at its Ordinary Meeting of 21 December 2010, noting that a draft Sustainable Environment Strategy, to update and replace the Sustainable Environment Plan 2007-2012, would be presented to the Council for consideration in early 2011.

DETAILS:

The Town adopted its original Sustainable Environment Plan 2007-2012 at its Ordinary Meeting of 12 June 2007. The SEP was intended to be the strategic document guiding the Town's approach to environmental sustainability.

After the Council adopted the SEP, the Town's Officers also developed a Sustainable Environment Plan Implementation Plan (Implementation Plan). The Implementation Plan was the supporting document for the SEP – a more detailed, working document intended to facilitate carrying out the actions in the SEP and enable reporting on the progress in achieving actions. The Implementation Plan was last updated and reviewed by the Council in August 2009.

The Draft Sustainable Environment Strategy

A review of the SEP was thought necessary in light of developments since its adoption in 2007, such as policy changes, the creation of a new "Project Officer – Sustainability" position, and the Town's participation in the ICLEI Water Campaign. Further consideration of the SEP also revealed that many of the actions listed in the SEP were obsolete or outdated, and some could be consolidated.

The Town's Officers have undertaken a thorough process to review the SEP and create a new draft Sustainable Environment Strategy ("draft Strategy") to replace the SEP. Input into the objectives and actions in the draft Strategy has been provided by:

- The SAG, which includes local community members, Councillors, and Town Officers;
- The Town's internal Sustainability Working Group (SWG), which is comprised of the Town's Directors and Officers from across the Town's service areas; and
- Individual Town Officers as necessary.

Actions from the SEP that are still relevant have been carried over into the draft Strategy.

The draft Strategy is intended to provide a framework to progress the Town to an environmentally sustainable future. It outlines the Town's broad environmental objectives for the next five years, and sets out the key actions that the Town will undertake in order to achieve these objectives. The community will play an important role in achieving the objectives of the Strategy, and the Town will engage, inspire and motivate the community to be involved. This is reflected in the two overarching objectives of the draft Strategy:

- (1) To ensure that the Town acts in an environmentally sustainable manner in all of its operations; and
- (2) To encourage, empower and support the Town's community to live in an environmentally sustainable manner.

The actions included in the draft Strategy are organized into five categories – a General Actions section, and four Focus Areas which have been identified as being the general areas of concern for the Town and the Town's community. The Town has formulated high-level objectives for each of the focus areas, and a list of more specific actions that the Town will implement in order to achieve the objectives.

Each category of actions is divided into two sections – those actions that the Town will undertake to improve its own operations, and those actions that the Town will undertake to promote community action.

The categories of actions are as follows:

- (1) **General Actions** – these are actions aimed at achieving the two overarching objectives of the Strategy in a general way, by improving the Town’s operations and fostering environmental sustainability within the community;
- (2) **Air and Emissions** – actions in this focus area are aimed at reducing non-renewable energy use, encouraging the uptake of renewable energy technology, and reducing greenhouse gas and other emissions;
- (3) **Water Quality and Consumption** – these actions reflect the increasing importance of conserving and responsibly managing water;
- (4) **Greening Vincent** – these actions aim to re-establish, conserve and enhance biodiversity within the Town; and
- (5) **Reduce, Re-use, Recycle** – actions in this focus area are aimed at reducing use of resources and production of waste, and promoting better management of waste.

Each of the actions is allocated a priority – high, medium or low – indicating the level of urgency the Town attaches to implementation of the action.

Implementation Plan

The Town’s Strategic Planning Officers, with advice from the SAG and the SWG, will be responsible for overseeing the implementation of the Strategy. To facilitate implementation, the Strategic Planning Officers will prepare an Implementation Plan, which will identify for each action in the Strategy:

- Indicators which will signify achievement of the action;
- The Town’s Officers who will be responsible for achieving the action;
- Budgetary considerations; and
- A target date for completion, taking into account the priority of the action.

Progress reports on the implementation of the Strategy will be prepared and presented to the Council at least twice yearly.

CONSULTATION/ADVERTISING:

As the Sustainable Environment Strategy will form part of the Town’s Plan for the Future, the Draft Sustainable Environment Strategy 2011-2016 is required to be advertised for a minimum period of six weeks, including by providing Local Public Notice under the *Local Government (Administration) Regulations 1996*. The Town’s Policy No. 4.1.5 relating to Community Consultation also provides that advertising of the Plan for the Future will include publication on the Town’s website, and letters to business and community groups.

LEGAL/POLICY:

In accordance with the *Local Government Act 1995*, the Town is required to have in place a Plan for the Future, and to regularly review and update that Plan. As mentioned above, the Sustainable Environment Strategy will form an important part of the Town’s strategic planning framework, and will form an important part of the Town’s overall Plan for the Future.

RISK MANAGEMENT IMPLICATIONS:

Low: Having a current and thorough Strategy in place will ensure that the Town is demonstrating leadership in promoting sustainability, and is proactively taking steps to tackle issues of environmental concern.

STRATEGIC IMPLICATIONS:

The Town's Strategic Plan 2009-14 states:

“Natural and Built Environment

Objective 1.1: Improve and maintain the environment and infrastructure

1.1.4 Minimise negative impacts on the community and environment

(d) Review, and progress the implementation and promotion of the Sustainable Environment Plan 2007-2012.

The Town is currently in the process of preparing a new Corporate Business Plan 2011-2016 to replace the Strategic Plan 2009-2014. It is intended that the objectives of the draft Sustainable Environment Strategy will be incorporated as actions in the Town's draft Corporate Business Plan 2011-2016. Alignment of the Sustainable Environment Strategy with the Corporate Business Plan in this way will facilitate reporting on the achievement of environmental objectives in the Town's Strategic Plan Progress Reports and in the Town's Annual Reports, and will assist in setting the Annual Budgets.

The *Local Government Act 1995* requires that the Town's Plan for the Future must be reviewed every two years. It is recommended that ongoing review of the Sustainable Environment Strategy be undertaken at the same time as future reviews of the Corporate Business Plan to ensure currency and consistency.

SUSTAINABILITY IMPLICATIONS:

An up-to-date and relevant Sustainable Environment Strategy is crucial to ensure that the Town is on track in promoting and implementing the principles of environmental sustainability.

FINANCIAL/BUDGET IMPLICATIONS:

Advertising of the draft Sustainable Environment Strategy will be funded from the "Implementation Sustainable Environment Plan" account, which is allocated \$2,500 in the Town's current 2010/2011 Budget.

It is intended that funding necessary for the implementation of actions in the Sustainable Environment Strategy will be considered in the process to set the Town's Budget for 2011/12.

COMMENTS:

Given the importance of the Town setting and having in place current and relevant strategic direction to tackle issues of environmental concern, it is recommended that the Council endorse the Officer Recommendation to advertise the Draft Sustainable Environment Strategy 2011-2016 for public comment.

10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

10.1 Notice of Motion- Cr Joshua Topelberg - Request to Investigate Artist in Residence/Resident Artist Program

That the Council REQUESTS:

- (i) *the Chief Executive Officer to investigate the establishment of an Artist in Residence/Resident Artist program in the Town.*

The scope of the investigation should include liaison with the Town's Art Officer, the Art Advisory Group, local galleries and appropriate external agencies (e.g. Department of Culture & the Arts) for comment and suggestion, but not be limited to:

- (a) *potential scope & terms of reference for the program, including community engagement;*
 - (b) *possible integration with the Percent for Art Policy;*
 - (c) *examining similar programs in other local governments in Australia;*
 - (d) *potential work and/or exhibition space for an Artist in Residence/Resident Artist, including possible collaboration with local galleries; and*
 - (e) *budget implications; and*
- (ii) *a report be submitted to the Council no later than June 2011, with a view to including funds for such a program in the Budget 2011-2012.*

Moved Cr Topelberg, Seconded Cr Burns

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

“That a new subclause (i)(e) be inserted as follows and subsequent clauses renumbered:

- (e) *potential benefits being investigated; and”*

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (9-0)

COUNCIL DECISION ITEM 10.1

That the Council REQUESTS:

- (i) *the Chief Executive Officer to investigate the establishment of an Artist in Residence/Resident Artist program in the Town.*

The scope of the investigation should include liaison with the Town's Art Officer, the Art Advisory Group, local galleries and appropriate external agencies (e.g. Department of Culture & the Arts) for comment and suggestion, but not be limited to:

- (a) *potential scope & terms of reference for the program, including community engagement;*
 - (b) *possible integration with the Percent for Art Policy;*
 - (c) *examining similar programs in other local governments in Australia;*
 - (d) *potential work and/or exhibition space for an Artist in Residence/Resident Artist, including possible collaboration with local galleries;*
 - (e) *potential benefits being investigated; and*
 - (f) *budget implications; and*
- (ii) *a report be submitted to the Council no later than June 2011, with a view to including funds for such a program in the Budget 2011-2012.*

10.2 Notice of Motion- Cr Sally Lake - Request to Investigate "Living Smart Program"

That the Council:

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

COUNCIL DECISION ITEM 10.2

Moved Cr Lake, Seconded Cr Buckels

That the motion be adopted.

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (9-0)

Background Information Provided by Cr Lake about the "Living Smart Program":

Living Smart in a multi-week course provides participants with the practical knowledge and skills to take action in their own homes and around the community.

The Living Smart program was developed with these objectives:

- Increasing awareness of sustainability issues.
- Creating positive change in environmental behaviour among participants.
- Supporting and strengthening community relationships.

The course covers handy hints on saving water, gas & energy, transport & waste management, safe use of household chemicals, indoor air quality, biodiversity & healthier & happier lifestyles. These topics are what sustainability is about. The program is not about unwanted sacrifices; it is about patience and the ability to look to the future. It will allow you to embrace a connected approach to living, so that long lasting solutions for a quality life now & into the future can be created.

A combination of presentations, workshops, goal setting and field trips Living Smart covers ten topics. A course facilitator presents locally relevant information on each topic with assistance from past participants and local 'experts'. Each topic presentation is followed up with group discussion and sharing of participant knowledge. This is a great way to learn the practical changes you can make in your home.

Participants have found out not only how important sustainability is (and what it means!) but also how easy it can be to start to contribute. Each week of the program participants make a commitment to take an action to improve the quality of their lives. As a result not only has the planet been reaping the benefits of these actions, the participants are finding that it leads to all sorts of benefits for themselves.

Some examples of the things people have been doing include simplifying their life, setting up permaculture gardens, worm farms and compost heaps, being more aware of what they buy and how they dispose of it, reducing their energy consumption (by up to 25%), reducing their water consumption (by up to 50%), catching public transport, walking and cycling, exercising more, eating better; and making their homes chemical free.

Participants who attend the course are experiencing happier, healthier, more responsible and positive lifestyles. A Living Smart lifestyle will improve your quality of life and reduce your impact on the environment. If this is the sort of lifestyle that you want to lead but somehow haven't found the time or motivation to actually do it then Living Smart is the program for you. Living Smart will teach you valuable skills, provide you with specific information, keep you motivated, give you an opportunity to meet like-minded people and can be a whole lot of fun.

The Western Australian Government have recently entered into a brand-sharing agreement with Living Smart brand to develop a Living Smart Household Program. This is an intensive household intervention that engages, motivates and encourages households to live more sustainable lives. Living Smart Community Courses are also an integral part of the program to build awareness within the community. Resources printed for the Living Smart Household Program are available on www.transport.wa.gov.au/livingsmart.

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

Nil.

12. REPRESENTATION ON COMMITTEES AND PUBLIC BODIES

12.1 LATE ITEM: WALGA Nominations - Local Government Advisory Board; WA Local Government Grants Commission; Healthway Board, Visitor Centre Association of WA

Ward:	-	Date:	21 March 2011
Precinct:	-	File Ref:	ORG0045
Attachments:	001 - WALGA Nomination Details		
Tabled Items:	Nil		
Reporting Officer:	M McKahey, Personal Assistant		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That;

- (i) _____ *and* _____ *be nominated as WALGA Member (x2) - Local Government Advisory Board (Approval by Minister) (Appointments to be made from a panel of 9 names);*
- (ii) _____ *and* _____ *be nominated as WALGA Deputy Member (x2) - Local Government Advisory Board (Approval by Minister) (Appointments to be made from a panel of 9 names);*
- (iii) _____ *be nominated as WALGA Metropolitan Commissioner - WA Local Government Grants Commission (Approval by Minister) (Panel of 3 names request for each position);*
- (iv) _____ *be nominated as WALGA Metropolitan Deputy Commissioner - WA Local Government Grants Commission (Approval by Minister) (Panel of 3 names request for each position);*
- (v) _____ *be nominated as WALGA Member - Healthway Board; and*
- (vi) _____ *be nominated as WALGA Member - Visitor Centre Association of WA.*

The Presiding Member, Mayor Nick Catania called for nominations.

Mayor Nick Catania nominated for clause (i); and

The Chief Executive Officer, John Giorgi nominated for clause (v).

No further nominations were received.

Moved Cr Farrell, Seconded Cr Burns

That the motion, together with the nominations be approved.

MOTION PUT AND CARRIED UNANIMOUSLY (9-0)

COUNCIL DECISION ITEM 12.1

That;

- (i) *Mayor Nick Catania be nominated as WALGA Member (x2) - Local Government Advisory Board (Approval by Minister) (Appointments to be made from a panel of 9 names);*
- (ii) *_____ and _____ be nominated as WALGA Deputy Member (x2) - Local Government Advisory Board (Approval by Minister) (Appointments to be made from a panel of 9 names);*
- (iii) *_____ be nominated as WALGA Metropolitan Commissioner - WA Local Government Grants Commission (Approval by Minister) (Panel of 3 names request for each position);*
- (iv) *_____ be nominated as WALGA Metropolitan Deputy Commissioner - WA Local Government Grants Commission (Approval by Minister) (Panel of 3 names request for each position);*
- (v) *The Chief Executive Officer, John Giorgi be nominated as WALGA Member - Healthway Board; and*
- (vi) *_____ be nominated as WALGA Member - Visitor Centre Association of WA.*

DETAILS:

Please see Appendix 12.1 for further details.

NB:

NOMINATIONS CLOSE OFF EXTENDED TO 5PM THURSDAY 24 MARCH 2011

13. URGENT BUSINESS

Nil.

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

Nil.

The Chief Executive Officer and Minutes Secretary returned to the Chamber at approximately 8.18pm.

The Presiding Member, Mayor Nick Catania advised that Item 9.4.4 was ready to be recommitted.

9.4.4 Appointment of Council Members and Community Representatives to the Town of Vincent Local History Advisory Group

Ward:	-	Date:	15 March 2011
Precinct:	-	File Ref:	CMS0126
Attachments:	-		
Tabled Items:	-		
Reporting Officer:	M McKahey, Personal Assistant		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council;

- (i) *in accordance with the provisions of the Local Government Act 1995, Section 2.28, APPOINTS the following Council Members to the Local History Advisory Group until 17 October 2011:*

Members:

- 1. *Cr (Chairperson)*
- 2. *Cr*
- 3. *Cr*

and;

the Chair of the Group be Cr; and

- (ii) *APPOINTS three community representatives to the Town of Vincent Local History Advisory Group, for a term until 17 October 2011, from the following nominees:*

- (a) *Ms Barbara Boettcher; or*
- (b) *Ms Lynette Chester; or*
- (c) *Ms Susanna Iuliano; or*
- (d) *Mr Carl Howard Lemnell; or*
- (e) *Ms Anne Mills; or*
- (f) *Ms Marie Slyth; or*
- (g) *Mr Roger Smith; or*
- (h) *Ms Anne Topelberg OAM; or*
- (i) *Ms Suzanne Worner; or*
- (j) *Mr Damon Wheatley.**

(Received after the close of the nomination period.)*

PROCEDURAL MOTION

Moved Cr Farrell, Seconded Cr Burns

That Item 9.4.4 be recommitted for further consideration of the appointment of community representatives.

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (9-0)

The Presiding Member, Mayor Nick Catania advised that four (4) community representatives would be appointed and asked that the Ballot papers be marked accordingly. There was no objection to this.

Cr Topelberg departed the Chamber at 8.22pm.

The Chief Executive Officer distributed Ballot papers for the election of four (4) community representatives. Ballot papers were collected by the Chief Executive Officer and counted in the presence of the Director Corporate Services.

Cr Topelberg returned the Chamber at 8.24pm.

The Chief Executive Officer provided the Presiding Member, Mayor Nick Catania with the result of the Ballot and the Presiding Member, Mayor Nick Catania read out the following community representatives as being elected to the Advisory Group:

*Ms Susanna Iuliano;
Ms Anne Mills;
Mr Roger Smith; and
Ms Anne Topelberg OAM.*

COUNCIL DECISION ITEM 9.4.4

That the Council;

- (i) *in accordance with the provisions of the Local Government Act 1995, Section 2.28, APPOINTS the following Council Members to the Local History Advisory Group until 17 October 2011:*

Members:

- 1. Cr Joshua Topelberg (Chairperson)*
- 2. Cr Sally Lake*
- 3. Cr Dudley Maier*

and;

the Chair of the Group be Cr Joshua Topelberg; and

- (ii) *APPOINTS four community representatives to the Town of Vincent Local History Advisory Group, for a term until 17 October 2011, from the following nominees:*

- (a) Ms Susanna Iuliano;*
 - (b) Ms Anne Mills;*
 - (c) Mr Roger Smith; and*
 - (d) Ms Anne Topelberg OAM.*
-

PURPOSE OF REPORT:

The purpose of the report is for the Council to appoint three (3) Council Members and three (3) Community Representatives to the Town's newly formed Local History Advisory Group, until 17 October 2011.

BACKGROUND:

At the Ordinary Meeting of Council held on 9 February 2011 the Council considered the matter of a formation of the Local History Advisory Group and resolved as follows:

“That the Council;

(i) APPROVES the formation of the Local History Advisory Group and Terms of References as shown in Appendix 9.4.4, subject to the following additional objective being included:

“(e) the development of interpretive works including but not limited to plaques, signage, publications or artworks.”;

(ii) ADVERTISES for three (3) Community Representatives to be appointed to the Town’s Local History Advisory Group, until 17 October 2011;

(iii) NOTES that a further report will be submitted to the Council to appoint Council Members and Community Representatives, at the conclusion of the advertising period; and

(iv) AUTHORISES the Chief Executive Officer to review all of the Town’s Advisory Groups and their Terms of Reference during 2011, and provide a report to the Council, prior to September 2011.”

An advertisement calling for nominations from the community was placed in the local newspapers on 25 February 2011 and 1 March 2011 respectively and nominations closed on 11 March 2011.

At the close of the advertising period, nine (9) nominations were received. (One nomination was received after the close off period.) The ten (10) nominations are summarised as follows:

Name	Membership of Community Organisations	Summary of Comments
Ms Barbara Boettcher, West Perth	<ul style="list-style-type: none"> • Association for the Blind (WA) • Tales of Times Past (TOPS) 	<ul style="list-style-type: none"> • As a life long resident of Charles Street and having (along with husband) run a business in Leederville, feels may be able to offer some insight into the past of this area.
Ms Lynette Chester, Mt Lawley	<ul style="list-style-type: none"> • Mount Lawley Society • Community Representative on Road Safety Committee (City of Stirling) • Previously 15 years Alzheimer's Association Executive Committee (WA and National) 	<ul style="list-style-type: none"> • Family has had a connection with the Vincent area since 1911 (<i>interview recorded in Town's Local History Collection</i>) • Is community minded and feels strongly about preserving the history of North Perth / Northbridge.

Name	Membership of Community Organisations	Summary of Comments
	<ul style="list-style-type: none"> • Jewish Historical and Genealogical Society of WA 	<ul style="list-style-type: none"> • Attended schools in North Peth throughout childhood and family has lived in the Vincent area for many years and has had a great association with the area.
Ms Susanna Iuliano, North Perth	<ul style="list-style-type: none"> • National Italo-Aust Women's Association of WA Inc • ANFE (National Association of Emigrant Families) • Migration Research Network (MRN) 	<ul style="list-style-type: none"> • Is an historian specialising in Australian migration history. • Recently published a book on Italian migrants in WA (the result of a post-doctoral fellowship at UWA) and has extensive experience in researching and developing ethnic and community histories. • Given background and expertise, would like to contribute to the development and promotion of Vincent's local studies and history collection, helping ensure it reflects the diversity of the Vincent community past and present.
Mr Carl Howard Lennell, Mt Hawthorn	<ul style="list-style-type: none"> • Town of Vincent Art Advisory Group 	<ul style="list-style-type: none"> • Member of Local (UK) Historical Society with history dating back to late 1500s. • Traced own family history back to 1700s. • Student of Social and Political History. • Has recently obtained second ECU Diploma in Museum Studies and Restoration.
Ms Anne Mills, Northbridge	<ul style="list-style-type: none"> • Teacher at Intensive English Centre, Cyril Jackson Senior Campus • Amnesty International • Avaaz Get Up • Member of Advisory Committee for Community Development Project - Hepatitis B 	<ul style="list-style-type: none"> • Has lived in Northbridge since the early 1980s and bought first home in 1984 (heritage listed). • Very interested in history and is currently writing a history of current home (also heritage listed) for which planning approval was given in 1899. • Has worked with people from Culturally and Linguistically Diverse (CALD) backgrounds since days as a teacher at two Vincent Primary Schools. • Was an Associate Lecturer at the Kulbardi Centre at Murdoch University and developed good contacts with indigenous families and especially with early members of the Nyoongar Patrol.

Name	Membership of Community Organisations	Summary of Comments
		<p style="text-align: right;">/...cont</p> <ul style="list-style-type: none"> • Believes these jobs have provided good relationship skills with people from different ethnic backgrounds. • Participated in each of the Northbridge History Days (funded by the Department of Premier and Cabinet) and would very much like to become more actively involved in collating and preserving the history of the area.
<p>Ms Marie Slyth, West Perth</p>	<ul style="list-style-type: none"> • Town of Vincent Heritage Advisory Group • Member and Founder of Cleaver Precinct Action Group • Founder of Town of Vincent Precinct Groups • Committee Member of Northbridge History Project (Australian and FRISA Committees) 	<ul style="list-style-type: none"> • Would like to be considered as a community representative because of knowledge of early history of the Town, especially the area where she has lived since 2000. • Grandparents lived in Vincent area from 1928 and family home was in Vincent until 2000. • Has continuously been involved in the Town of Vincent Community Committees and projects since the Town's foundation in 1995. • Assisted in the Town fending off a takeover by Perth City Council (with the Precinct Group's support) for which she received a Certificate of Appreciation. Was greatly concerned for the history of the Town. • Has made numerous submissions to the Town of Vincent Library and Local History Centre Projects and donations of early photographs of the Town. In 2010, submitted an edited record of one of the residents of Cleaver Street in the early 1930s for the Local History Collection.

Name	Membership of Community Organisations	Summary of Comments
Mr Roger Smith, Highgate	<ul style="list-style-type: none"> • Retired Primary School Principal 	<ul style="list-style-type: none"> • Has a very good knowledge of early Western Australian history. • Has a sound knowledge of the history of the suburbs that make up the Town of Vincent. • Believes he has the interest and analytical and research skills that will enable him to make a positive contribution to the Local History Advisory Group.
Ms Anne Topelberg, Coolbinia	<ul style="list-style-type: none"> • Member of Northbridge History Project (Jewish Committee) • Previously member of the Western Australian Committee for The Queen's Trust for Young Australians (1984 to 2001) • Member of Ox Concert Committee (1993 to 2005) • Member of the Celebrate Western Australian Committee for the Youth Category of the Western Australian Citizen of the Year Awards since 1996 (<i>Chair for four years until 2004</i>) • Member of the Youth Affairs Committee of the Australia Day Council (WA) - 1992-1996 • Member of Working Party which established "Business in the Community" in Western Australia in 1989 and Board Member until 1994 	<ul style="list-style-type: none"> • Family has deep roots in the Town of Vincent. Grandparents lived in the Town and had their business in William Street, where family still has property and business. • Grew up and attended primary school in the Town. • History of the area has been a "passion" and one which believes should be brought to as wide an audience as possible. The area is unique in that its history is the essence of the fabric of Western Australia and the changes over the years reflect the waves of immigration and the multicultural nature of the State. • Association with the Northbridge History Project enabled participation in recording the stories and history of much of the area from a wide range of community members. • Strongly believes that with the development of the Town and the ageing of some of the community, it is vital that the history of the area is recorded, maintained and brought to the younger generation. • Believes experience in working with young people in many different organisations can assist in ensuring that the local history is a vibrant part of the Town of Vincent community.

Name	Membership of Community Organisations	Summary of Comments
Ms Suzanne Worner, Mt Hawthorn	<ul style="list-style-type: none"> • Town of Vincent Friday Book Club 	<ul style="list-style-type: none"> • Has a large interest in history, in particular social history. • Has lived in the Town for nine years and is keen to become further involved in the community. • Is a semi-regular visitor to the Local History Centre. • Own genealogy research has also unearthed a lot of local links which has heightened interest in local history.
Mr Damon Wheatley, Mt Lawley	<ul style="list-style-type: none"> • Mount Lawley Society Member 	<ul style="list-style-type: none"> • Is particularly interested in the local history associated with that part of Mt Lawley in the Town of Vincent, particularly the links between the Victorian and Edwardian residences and the people who built and lived in these houses. • Has explored the history of his own historical house and restored it at great cost and effort. • Has also worked with the Mt Lawley Society in its project to document the history associated with Nos. 570, 572 and 574 William Street. • Looks forward to contributing to this important endeavour.

The objectives of the Local History Advisory Group are to act in an advisory capacity in Local History matters as requested by the Council; provide further support for the implementation of the key objectives as detailed in the Town of Vincent Local History Collection Strategy Plan; and encourage and promote the use of the collection by the community.

CONSULTATION/ADVERTISING:

Expressions of Interest were advertised in the local newspaper for two (2) weeks. Ten (10) nominations were received. As the nominees are varied and all deemed worthy, the Town's Administration has not made a recommendation for any specific person. This will allow the Council to appoint their preferred nominees.

RISK MANAGEMENT IMPLICATIONS:

Not applicable.

LEGAL/POLICY:

The Local Government Act 1995, Sections 5.8 to 5.25 allows local governments to appoint committees and prescribes the legal requirements for these.

Since its inception, the Town has been operating by having two Council meetings each month (except January) and no committee system. Since late 1995, it has used various Advisory Groups.

The Advisory Groups do not have any legal status and their prime role is to make recommendations for the consideration of the Council. Advisory Groups cannot perform the role of Committees.

The Terms of Reference allow for the composition of the Advisory Group, as follows:

1.1 Three (3) Council Members

Three (3) Council Members.

1.2 Up to Three (3) Community Representatives

Having specialist knowledge and/or an interest in the local history of the Town of Vincent.

1.3 Town Officers

- Director Corporate Services*;
- Manager, Library and Local History Services;
- Senior Librarian - Local History;
- Library Officer - Local History; and
- Co-ordinator Strategic Planning.

* *Subsequently added to Terms of Reference.*

The Director Corporate Services has been added to the Group, as he has overall responsibility for the Town's Library and Local History Centre.

STRATEGIC IMPLICATIONS:

Nil, however, the use of Advisory Groups is in keeping with the Council's philosophy of involving the community in the decision making process.

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

The costs associated with the Advisory Groups is not specifically itemised in the Town's budget, they are absorbed within the administration costs and allocated to the various sections.

COMMENT:

It is recommended that the Council makes appointments to the Local History Advisory Group, as detailed in this report.

15. CLOSURE

There being no further business, the Presiding Member, Mayor Nick Catania, declared the meeting closed at 8.25pm with the following persons present:

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

No members of the Public were present.

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 22 March 2011.

Signed:Presiding Member
Mayor Nick Catania

Dated this day of 2011