



TOWN OF VINCENT

"Enhancing and celebrating our diverse community"

MINUTES

28 JUNE 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 28 June 2011, commencing at 6.00pm.

1. (a) DECLARATION OF OPENING

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

(b) ACKNOWLEDGEMENT OF COUNTRY STATEMENT

“We acknowledge that this land that we meet on today is part of the traditional land of the Nyoongar people. We acknowledge them as the traditional custodians of this land and pay our respects to the Elders; past, present and future”.

2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE

(a) Apologies:

Cr Warren McGrath – apologies due to being unwell.

(b) Present:

Mayor Nick Catania, JP	Presiding Member
Cr Matt Buckels	North Ward (until 8.01pm – unwell)
Cr Anka Burns	South Ward
Cr Steed Farrell	North Ward
Cr Taryn Harvey	North Ward (from 6.12pm)
Cr Sally Lake (<i>Deputy Mayor</i>)	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)
Susannah Kendall	Senior Planning and Heritage Officer (until approximately 6.25pm)
Rachel Marie	Planning Officer (Strategic) (until approximately 6.25pm)

Recipients of Design and Conservation Awards

Vanessa Parolo	Conservation – Municipal Heritage Inventory Award (until approximately 6.25pm)
Kyle Jeavons	High Commendation, Conservation – Municipal Heritage Inventory Award (until approximately 6.25pm)
Peter Howes	First Price, Building Design Excellence Award (until approximately 6.25pm)
Daniel Colgan of Colgan Industries	
Philip McAllister, Architect	Third Price, Building Design Excellence Award (until approximately 6.25pm)
Lauren Peden	Journalist – “ <i>The Guardian Express</i> ”

Approximately 8 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. Peter Simpson of TPG Town Planning and Urban Design, 182 St George's Terrace, Perth – Item 9.1.4. Stated the following:
 - The amended application seeks 2 outcomes, the first to increase the amount of residential car parking on the site by 22 bays. They support the recommendation in this regard and the additional bays will be provided for the larger dwellings. This is quite minor and does not fundamentally change the existing Council approval however, they recognise that the benefit of more onsite bays in an area where street parking is at a premium.
 - The second outcome they are seeking is to amend condition (viii)(m)(2) which relates to a condition requiring notification that the Council will not issue residential visitor car parking permits. Finbar does not have any concerns with the first part of that condition as they have provided their car parking in accordance with the R-Codes however, it is the second part that causes them concern as it identifies that the developer has claimed that the car parking meets the requirements of the development which is not the fact. The fact is that the developers provide car parking in accordance with the requirement of the Residential Design Codes (RDC). Considered that the perception from this condition could be that Finbar has provided less bays than required and does not believe that that accurately reflects the situation.
 - Suggested a possible alternative would be to say that the car parking has been provided in accordance with the requirements of the RDC and therefore no residential visitor or parking permits will be provided as, this would reflect the facts of the situation and would still achieve the Council's requirements.
 - Urged the Council to support this amended application and amended condition.
2. Lou Di Florio, Director of Visitor Guide Australia, Lord Street, Perth – Item 9.1.1. Read out the following:

“I would like to address Council on Item No. 9.1.1 relating to Policy No. 3.5.2 Signs and Advertising. The policy currently states under the heading of Bill Posting and Billboards clause 3 iii) the following:

“Bill Posting, Billboards and the structures of a similar or identical type are NOT permitted within the Town of Vincent.”

Council members are well aware that Billboards do exist in the Town of Vincent, in fact just two weeks ago Council has approved Billboards for Number 374 Newcastle Street, corner of Fitzgerald Street, Perth.

We would like Council to add the word “Generally” before the word “Not”, so that the policy reads:

“Billboards and the structures of a similar or identical type are Generally Not permitted in the Town of Vincent.”

This is clearly a more accurate and truthful way of describing this clause in the Policy and is not understood by the community as a contradiction, because the word Not permitted on its own means No approvals under any circumstances, whatsoever. Council should ensure Integrity in the Policy and should consider inserting the word “Generally” before the word “Not”, as this would be more accurate, consistent and transparent.

We would also like council to look at revising clause 5 “Variations of Standards” of Policy No. 3.5.2 Signs and Advertising, because as it reads at present is very confusing and unclear. Council officers have written in this evening's agenda what we believe should also be written in the Policy itself, relating to Signs and Advertising, the following should be added at the end of the Policy:

“Notwithstanding the above, the Council does have the discretion to approve any signage according to Clause 5 “Variations of Standards” of Policy No. 3.5.2 relating to Signs and Advertising. Should the Council see merit in a particular sign proposal, they are able to approve such an application under this clause on a case by case basis.””

3. Graham Lantzke of Friends of Britannia, 13 Egina Street, Mt Hawthorn – Item 9.3.5. Stated the following:

- Further to his 24 page submission, advised that they are still interested in the Plan and endorsed the recommendation and genuinely offer to work with the Town on the revised Masterplan.
- They fully support the use of Britannia Reserve by local clubs, local community and local supporting groups and particularly junior clubs.
- Their concerns were about due process, legal compliance etc. from their submission were relating to Litis Stadium and can be disregarded for this matter.
- Congratulated the Town on the new Public Consultation Policy.

Cr Harvey entered the Chamber at 6.13pm.

There being no further speakers, Public Question Time closed at approx. 6.13pm.

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. APPLICATIONS FOR LEAVE OF ABSENCE

4.1 Cr Warren McGrath requested leave of absence from 23 July 2011 and 8 August 2011 inclusive, due to personal commitments.

Moved Cr Topelberg, Seconded Cr Buckels

That Cr Warren McGrath's request for leave of absence be approved.

CARRIED UNANIMOUSLY (8-0)

(Cr McGrath was an apology for the meeting.)

5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND PRESENTATIONS

5.1 Petition and petition slips received from Mr and Mrs Lawless care of The Lawless Trust along with 169 signatures, supporting the proposed premises "Wee" located at No. 404 Oxford Street, Mount Hawthorn.

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

Moved Cr Farrell, Seconded Cr Buckels

That the petition be received as recommended.

CARRIED UNANIMOUSLY (8-0)

(Cr McGrath was an apology for the meeting.)

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Minutes of the Ordinary Meeting of Council held on 14 June 2011.

Moved Cr Maier, Seconded Cr Buckels

That the Minutes of the Ordinary Meeting of Council held 14 June 2011 be confirmed as a true and correct record.

Debate ensued.

CARRIED UNANIMOUSLY (8-0)

(Cr McGrath was an apology for the meeting.)

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION) (*This was carried out after “Public Question time and Receiving of Public Submission”, as there were recipients in the Public Gallery for the Building Design and Conservation Awards.)

7.1 Presentation of Town of Vincent Building Design and Conservation Awards

The Town has recently completed the judging of its Building Design and Conservation Awards. These Awards seek to recognise excellence in the design of new buildings, as well as the diligent efforts that property owners have devoted to the conservation and adaptation of existing buildings.

This year the quality of all entries was very high with applications received in each of the three award categories, which were:

- Conservation – Municipal Heritage Inventory Award;
- Building Design Excellence Award; and
- Sustainable Design Award.

Before announcing the winners of the awards, I would like to give special thanks to the judges of the awards. Thanks is extended to Mathew Young, of Co-Praxis Architects who very kindly was the community representative on the judging panel, and Nerida Moredoundt who was the appointed Heritage Architect on the panel.

Recognition is also given to the other two judges - Councillor Maier and Councillor Buckles.

I would like to commend the efforts made by all of the entrants for the exceptional contributions that they have made to the conservation and improvement of our urban environment. The quality was high and resulted in much debate and discussion amongst the judges.

The first award presentation is for the CONSERVATION – MUNICIPAL HERITAGE INVENTORY AWARD. This award recognises works undertaken to improve and care for places which are included on the Town of Vincent Municipal Heritage Inventory. This award recognises the practice of sound conservation principles that have long-lasting benefits for the heritage place and those living and working in association with the building.

- The Conservation – Municipal Heritage Inventory Award is awarded to Vanessa Parolo and Maurice McCann for the sensitive and extensive conservation works to the former Buffaloes Lodge at No. 217 Oxford Street, Leederville.

Received with Acclamation!

- The judges awarded a High Commendation in this award to Kyle Jeavons for the conservation works to his dwelling at No. 9 Cowle Street, West Perth. Kyle was unable to attend tonight presentation.

Received with Acclamation!

Next, we have the BUILDING DESIGN EXCELLENCE AWARD, for the construction of new buildings that display excellence in construction and design achievement. This is a particularly difficult category in which there was significant debate amongst the judges:

- First Prize is awarded to Peter Howes for the single dwelling at No. 92 Ellesmere Street, Mount Hawthorn.

Received with Acclamation!

- Second Prize is awarded to Sam Teo for the single dwelling at 140 Chelmsford Road, North Perth.

Received with Acclamation!

- Third Prize is awarded to Colgan Industries and Philip McAllister Architect for the mixed use development at No. 14 Money Street, Perth, the former Aerated Water Factory.

Received with Acclamation!

Lastly have the SUSTAINABLE DESIGN AWARD for the construction and/or adaptation of buildings that incorporates sustainable design initiatives. This year was the first year that the Town has included a category for Sustainability and we look forward to seeing the category grow in future years.

I am pleased to announce that the Sustainable Design Award is awarded to Colgan Industries and Philip McAllister Architect for the mixed use development at No. 14 Money Street, Perth, the former Aerated Water Factory.

The careful and adaptive reuse of this former factory has seen it restored to its former glory, whilst integrating a comprehensive suite of sustainable design features, including but not limited to, the use of photo-voltaic systems, north facing living areas, the development of a water wise garden, the incorporation of a 110,000 litre rainwater tank, the design to enable cross ventilation and the use of louvers to control solar gain and to meet privacy requirement.

Acknowledgement of Service

The Chief Executive Officer advised that it is with regret that he advises that this is Susannah Kendall, Senior Planning and Heritage Officer's last meeting with the Town of Vincent, she is off to "greener pastures", with a career in private enterprise. The Chief Executive Officer expressed his thanks to Susannah who has put a lot of effort into the Town's Heritage, Planning etc. Susannah is leaving the Town to enter into private enterprise.

Received with Acclamation!

Appreciation of Officers

The Presiding Member, Mayor Nick Catania thanked both Susannah and Rachel Marie for their input particularly with these awards. Thanked Susannah, who has been with the Town for a while and has done some excellent work. Stated that whoever is gaining Susannah's services is very lucky.

7.2 Review of Local Government Boundaries in Perth

On Friday 24 June 2011, the Chief Executive Officer and I attended the State Government's Announcement by the Premier Hon Colin Barnett and Minister for Local Government, Hon John Castrilli, relating to the forthcoming review of Local Government Boundaries in the Perth metropolitan region.

The following is advised:

1. Independent Panel:

An independent panel has been set up to examine the social, economic, environmental changes facing Perth, including appropriate boundaries and governance models for local governments in the Perth Metropolitan area.

The Panel will comprise:

- Professor Alan Robson, Vice Chancellor of University of WA;
- Dr Peter Tannock, former Vice Chancellor of University of Notre Dame;
and
- Dr Sue van Leeuwen, CEO – Leadership WA;

2. Terms of Reference:

The Review's Terms of Reference are:

- Identify current and anticipated specific regional, social, environmental and economic issues affecting, or likely to affect, the growth of metropolitan Perth in the next 50 years;
- Identify current and anticipated national and international factors likely to impact in the next 50 years;
- Research improved local government structures, and governance models and structures for the Perth metropolitan area, drawing on national and international experience and examining key issues relating to community representation, engagement, accountability and State imperatives among other things the panel may identify during the course of the review;
- Identify new local government boundaries and a resultant reduction in the overall number of local governments to better meet the needs of the community;
- Prepare options to establish the most effective local government structures and governance models that take into account matters identified through the review including, but not limited to, community engagement, patterns of demographic change, regional and State growth and international factors which are likely to impact; and
- Present a limited list of achievable options together with a recommendation on the preferred option.

3. Advisory Groups:

Two Advisory Groups will provide expert advice to the Panel. Advisory Group No. 1 will comprise of the Director Generals of the Department of Local Government and the Department of Planning. Advisory Group No. 2 will comprise of the President and Vice President of the Western Australian Local Government Association.

4. Timing:

A report is to be provided to the Minister by 30 June 2012.

5. Role of Government:

The report will be submitted to Cabinet for their consideration prior to the election scheduled for early 2013.

It is obvious that there will be change in local government in Western Australia and the above is an indication of the Government's direction and intention.

The Premier indicated that "*there will be a reduction in the number of local governments in the Perth Metropolitan area*" – however, this is something we already expected – no definite number has been indicated.

The future of local government in the Metropolitan area (and throughout Regional Western Australia) will not occur for a number of years, as the report and its recommendations will no doubt require considerable implementation.

The Premier and Minister stressed the importance that this process should be viewed positively and there will be no forced amalgamations under this current term of Government.

7.3 2011 National Mobile Muster Awards

I am very pleased to announce that the Town of Vincent was one of four finalists in the 2011 National Mobile Muster Local Government Awards - National Excellence Award.

The National Excellence Award is presented to the Council that has proactively promoted and creatively engaged their community in mobile phone recycling, as well as actively collecting mobile phones.

The Town of Vincent has Mobile Muster collection boxes located at the Administration & Civic Centre, Library & Local History Centre and at the Beatty Park Leisure Centre. The Library collection location also includes the Town's dry cell battery, ink cartridge and compact fluorescent recycling stations.

Participation of Town of Vincent staff is encouraged by continually distributing emails and sticking up posters throughout the workplace to promote and encourage each new campaign.

The Town collected 12 kg of mobile phones and accessories last year as part of the "Old Phones, More Trees" campaign and currently sent three (3) boxes of phones and accessories (approximately 20 kg) to be included in the "Old Phones, Safe Kids' Promotion". Evidentially, the success of the Mobile Muster Service is increasing each year at the Town.

The Town's staff are committed to ensure the Mobile Muster collection is both an efficient and successful service.

Whilst the Town did not win the Award, I congratulate the Town for their achievement and, in particular, Mr Rick Lotznicker and his Technical Services Staff. Particular thanks should go to Michelle Rutherford, the Town's Waste Management Officer.

Well done!

Received with Acclamation!

7.4 Appreciation to Town's Staff

With all the recent storm and heavy rain, I would like to express my appreciation to all of the Town's employees for their excellent work in minimising damage in the Town and also assisting local residents with their calls for help.

Well done!

7.5 Public Meeting – Concrete Batching Plans

I wish to extend an invitation to the Public and also the Councillors to the Public Meeting to be held at 7.00pm on Wednesday 29 June 2011 in the grandstand Gareth Naven Room of the nib Stadium, 310 Pier Street, Perth.

The purpose of this meeting is to inform the community of the development application from Holcim Australia Pty Ltd and Hanson Constructions Material Pty Ltd.

The development applications relate to alterations and additions to existing concrete batching plants and the lifting of time limited approval permitting concrete batching plant operations at the site.

7.6 Special Council Meeting

As you may be aware, a Special Council Meeting will be held at 6.00pm on Tuesday 5 July 2011 to consider the following items:

- Adoption of City of Vincent Budget 2011/12;
- City of Vincent Car Parking Strategy - Implementation and Adoption of Amendments to the City of Vincent Parking and Parking Facilities Local Law 2007 - Adoption of Parking Permit Policy No. 3.9.8 and Adoption of Additional Ticket Machine Zones and Time Restrictions;
- No. 381 Beaufort Street, Perth - Proposed Demolition of Existing Buildings and Construction of a Seven (7) Storey Hotel and Associated Basement Car Park - State Administrative Tribunal (SAT) Review Matter; and
- Hyde Park Lakes Restoration Project – Progress Report No. 10.

7.7 History in the Making

As you are all aware, on Friday 1 July 2011, the Town of Vincent will formally become a City. This is the last Town of Vincent Council Meeting, which is an historical occasion.

May I take this opportunity to thank all Councillors, CEO and Officers for attending the last Town of Vincent Council Meeting and look forward to greeting you all at the City of Vincent Council Meetings.

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 Burns declared a Financial interest in Item 9.1.3 – No. 15 (Lot 19; D/P: 6645) Baker Avenue, Perth - Proposed Construction of Two (2) Two-Storey Grouped Dwellings with Roof Top Terraces to Existing Single House. The extent of her interest being that she represents the applicants as their solicitor.
- 8.4 Cr Lake declared a Financial interest in Item 9.1.7 – Approval to Adopt the Draft Appendix No. 20 Relating to Refunding and Waiving of Planning and Building Fees. The extent of her interest being that she is a part-owner of a heritage listed property.
- 8.5 Cr Maier declared a Financial interest in Item 9.1.7 – Approval to Adopt the Draft Appendix No. 20 Relating to Refunding and Waiving of Planning and Building Fees. The extent of his interest being that he owns a property which is included on the Town's MHI and the policy statement refers to such properties.
- 8.6 Cr Harvey declared a Proximity interest in Item 9.3.5 – Britannia Reserve Masterplan Proposal – Progress Report No. 2. The extent of her interest being that she lives opposite Britannia Reserve.
- 8.7 The Chief Executive Officer declared a Financial interest in Item 9.4.3 – Chief Executive Officer's Performance Review 2011 – Appointment of Human Resources Consultant. The extent of his interest being that it relates to his contract of employment.

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 9.1.4, 9.1.1 and 9.3.5.

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

Items 9.1.3, 9.4.1 and 9.4.2.

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

Items 9.1.3, 9.1.7, 9.3.1, 9.3.5 and 9.4.3.

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	Items 9.2.3 and 9.3.4.
Cr Buckels	Item 9.1.2.
Cr Harvey	Nil.
Cr Lake	Nil.
Cr Burns	Nil.
Cr Maier	Items 9.2.1, 9.2.2 and 9.3.3.
Mayor Catania	Nil.

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 9.1.5, 9.1.6, 9.2.4, 9.3.2 and 9.4.4.

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 9.1.5, 9.1.6, 9.2.4, 9.3.2 and 9.4.4.

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

Items 9.1.4, 9.1.1 and 9.3.5.

(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 Burns, Seconded Cr Maier

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

Items 9.1.5, 9.1.6, 9.2.4, 9.3.2 and 9.4.4.

CARRIED UNANIMOUSLY (8-0)

(Cr McGrath was an apology for the meeting.)

9.1.5 No. 103 (Lot 10; D/P: 56012) Harold Street, corner Stirling Street, Highgate - Proposed Change of Use from Motel and associated Office and Storage Facilities to Four Storey Building Comprising Twenty-Seven (27) Multiple Dwellings and Associated Alterations and Additions

Ward:	South	Date:	13 June 2011
Precinct:	Forrest; P14	File Ref:	PRO0308; 5.2011.42.2
Attachments:	001 - Property Information Report, Development Application and Plans		
Tabled Items:	Applicant submission		
Reporting Officers:	R Narroo, Senior Planning Officer (Statutory) H Au, Heritage 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 MGA Town Planners on behalf of the owner G R Pennells & R J Begley for proposed Change of Use from Motel and associated Office and Storage Facilities to Four Storey Building Comprising Twenty-Seven (27) Multiple Dwellings and Associated Alterations and Additions, at No. 103 (Lot 10; D/P: 56012) Harold Street, corner of Stirling Street, Highgate, and as shown on plans stamp-dated 25 January 2011, 16 February 2011 and amended plan dated 20 April 2011 , subject to the following conditions:

(i) **Building**

- (a) *all new 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 Stirling and Harold Streets; and*
- (b) *first obtaining the consent of the owners of No. 101 Harold Street and No. 388 Stirling Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 101 Harold Street and No. 388 Stirling Street in a good and clean condition;*

(ii) **Car Parking and Accessways**

- (a) *A minimum of twenty-eight (28) car bays and seven (7) car bays are to be allocated for the owners and visitors respectively. The car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town; and*
- (b) *the car parking area for the visitors bays shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;*

(iii) **Trees**

No street verge tree(s) shall be removed. The street verge tree(s) shall be retained and protected from any damage including unauthorised pruning;

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

(a) **Construction Management Plan**

A Construction Management Plan, detailing how the construction of the development will be managed to minimise the impact on the surrounding area, shall be submitted to and approved by the Town, in accordance with the requirements of the Town's Policy No. 3.5.23 relating to Construction Management Plans, and Construction Management Plan Guidelines and Construction Management Plan Application for Approval Proforma;

(b) **Section 70 A Notification under the Transfer of Land Act**

The owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property of the following:

- (1) *the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non- residential activities; and*
- (2) *the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units/or office. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development.*

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

(c) **Landscape and Reticulation Plan**

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

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

- (1) *the location and type of existing and proposed trees and plants;*
- (2) *all vegetation including lawns;*
- (3) *areas to be irrigated or reticulated;*
- (4) *proposed watering system to ensure the establishment of species and their survival during the hot and dry months;*
- (5) *separate soft and hard landscaping plans (indicating details of plant species and materials to be used); and*
- (6) *a 500 litre Chinese Tallow tree is to be planted within the Harold Street verge at the full cost of the developer in a location to be identified by the Town's Manager, Parks and Property Services.*

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

The grassed verge adjacent the development on Harold and Stirling Streets is to be reinstated, reticulated and maintained by the owner(s)/tenants to the satisfaction of the Town's Park Services.

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

(d) Schedule of External Finishes

A detailed schedule of external finishes (including materials and colour schemes and details);

(e) Acoustic Report

An Acoustic Report in accordance with the Town's Policy No. 3.5.21 relating to Sound Attenuation shall be prepared and submitted to the Town for approval. The recommended measures of the Acoustic Report shall be implemented and certification from an Acoustic Consultant that the measures have been undertaken, prior to the first occupation of the development. The applicant/owners shall submit a further report from an Acoustic Consultant six (6) months from first occupation of the development certifying that the development is continuing to comply with the measures of the subject Acoustic Report;

(f) Refuse and Recycling Management Plan

Bin numbers, collection and stores shall meet with the Town's minimum service provision;

(g) Easement Burden

The applicant is to confirm that the easement burden has been lifted to the satisfaction of the Town's Technical Services;

(h) Footpath

In keeping with the Town's practice for multiple dwellings, commercial, retail and similar developments the footpaths adjacent to the Harold Street frontage of the development shall be upgraded, by the applicant, to a brick paved standard to the Town's specification. The Stirling Street verge shall be upgraded with reticulated lawn and maintained by the property owner(s) thereafter. A refundable footpath upgrading bond and/or bank guarantee of \$5,000 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing facilities have been reinstated to the satisfaction of the Town's Technical Services. An application to the Town for the refund of the upgrading bond must be made in writing;

(i) Privacy

Revised plans shall be submitted to and approved by the Town demonstrating the following;

(1) *balconies to units 12, 21 and 27 on levels 1, 2 and 3 on the south elevation;*

(2) *balconies/terrace to units 12, 21 and 27 on levels 1, 2 and 3 on the western elevation; and*

- (3) *balconies to units 11, 19 and 26 on levels 1, 2 and 3 on the eastern elevation;*

Shall be screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the respective finished floor level. A permanent obscure material does not include a self-adhesive material that is easily removed; OR prior to the issue of a Building Licence, revised plans shall be submitted demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject wall, so that they are not considered to be a major opening as defined in the Residential Design Codes 2010; OR prior to the issue of a Building Licence, revised plans shall be submitted demonstrating the above major openings being provided with permanent vertical screening or equivalent, preventing direct line of sight within the cone of vision to ground level of the adjoining properties in accordance with the Residential Design Codes. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of No. 101 Harold Street and No. 188 Stirling Street, stating no objection to the respective proposed privacy encroachment.

All screening shall comply with the definition of the Residential Design Codes 2010;

- (j) Fencing

Any new street/front wall, fence and gate within the Harold Street and Stirling Street setback areas, including along the side boundaries within these street setback areas, shall comply with the Town's Policy provisions relating to Street Walls and Fences; and

- (k) Store

All the stores shall comply with a minimum dimension of 1.5 metres and area of 4 square metres;

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

- (a) Residential Car Bays

The seven (7) car parking spaces provided for the visitors of the development shall be clearly marked and signposted for the exclusive use of visitors of the development;

- (b) Bicycle Parking

Nine (9) bicycle bays for the owners and two (2) bicycle bays for visitors shall be provided, with the visitor car parking bays at a location convenient to the entrance of the development. Details of the design in accordance with AS2890.3 and layout of the bicycle facilities shall be submitted to and approved by the Town prior to the installation of such facilities;

(c) **Management Plan-Vehicular Entry Gate**

The proposed vehicular entry gate to the car parking area shall have a minimum 50 per cent visual permeability and shall be either open at all times or a plan detailing management measures for the operation of the vehicular entry gate, to ensure access is readily available for residents at all times, shall be submitted to and approved by the Town. The Management Plan shall also include management measures about the management of the visitors parking and the tandem parking to the satisfaction of the Town; and

(d) **Clothes Drying Facility**

Each multiple dwelling shall be provided with a screened outdoor area for clothes drying or clothes tumbler dryer.

COUNCIL DECISION ITEM 9.1.5

Moved Cr Burns, Seconded Cr Maier

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (8-0)

(Cr McGrath was an apology for the meeting.)

ADDITIONAL INFORMATION:

With regard to the Notice under the Local Government (Miscellaneous Provisions) Act 1960, Section 409 (1) dated 30 March 2011, requiring the property owners to bring the appearance of the building on the property into conformity with the general standard of appearance of the other buildings in the locality, the Town has reached an agreement with the property owners.

If the agreement is not complied with, the Town will still be able to commence legal proceedings in the Magistrates Court of WA for failure to comply with the Notice issued by the Town on 30 March 2011.

An agreement to undertake the following items within the stated timeframes was made on 23 June 2011:

Site Clean Up Works

Remove all graffiti from the site;

Remove all debris and weeds from the site (includes any rubbish, disused items, building materials, etc);

Board up any doors and windows that are not intact; and

Maintain the status and appearance of the perimeter fencing.

These works are to be completed to the satisfaction of the Town within 42 days of agreement.

Security Patrols

Engage a security firm to conduct regular patrols within 7 days of agreement.

Lodgment of a Building Licence Application

A complete Building Licence Application (with the exception of a nominated builder), to be submitted to the Town within 30 days of the issue of the Approval to Commence Development, Serial No. 5.2011.42.2. The Town is to be advised in writing, of the nominated builder, within 35 days of lodgment of the Building Licence Application.

Commencement of Building Works

The works associated with the approved Building Licence to be substantially commenced within 35 days of the issue of the Building Licence.

Landowner:	G R Pennells & R J Begley
Applicant:	MGA Town Planners
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R80
Existing Land Use:	Motel (vacant building)
Use Class:	Multiple Dwellings
Use Classification:	"P"
Lot Area:	2478 square metres
Access to Right of Way	Not applicable

PURPOSE OF REPORT:

This proposal requires referral to the Council for determination as the Town's Officers do not have Delegated Authority to deal with more than three (3) dwellings.

BACKGROUND:

- 11 August 1997 The Council at its Ordinary Meeting conditionally approved refurbishments of the motel and the addition of a new foyer and change of use of a reception centre to office, staff facilities and warehouse/storage.
- 2 December 2003 The Council at its Ordinary Meeting conditionally approved proposed alterations and additions to existing motel and the change of use from motel to twenty two (22) multiple dwellings and three (3) single bedroom multiple dwellings.
- 17 January 2006 The Council at its Ordinary Meeting conditionally approved alterations and additions to existing motel.
- 12 September 2006 The Council at its Ordinary Meeting refused proposed change of use from Motel to Motel and Office and Associated Alterations and Relocation of Swimming Pool for the following reasons:
- “1. *The development is not consistent with the orderly and proper planning of the area.*
 2. *The application is not consistent with the Brigatti Locality.*
 3. *The proposed development is considered to be an intrusion of commercial components into the residential area.”*
- 6 October 2006 The applicant lodged a review application with the State Administration Tribunal (SAT) in relation to the refusal issued by the Council at its Ordinary Meeting held on 12 September 2006.
- 19 December 2006 The Council at its Ordinary Meeting refused proposed change of use from Motel to Motel and Office and Associated Alterations and Relocation of Swimming Pool (State Administrative Tribunal- Review Matter No. DR 378 of 2006-Directions Hearing) for the following reasons:
- “1. *The development is not consistent with the orderly and proper planning of the area.*
 2. *The application is not consistent with the Brigatti Locality.*
 3. *The proposed development is considered to be an intrusion of commercial components into the residential area.*
 4. *The extent of the commercial component is considered excessive.*
 5. *Insufficient documentary evidence that the condition of the existing building is acceptable for the office use in terms of the building and health requirements.*
 6. *Insufficient documentary evidence that the office use and space approved in 1997 actually commenced and operated on-site in accordance with that approval.”*

- 13 February 2007 The Council at its Ordinary Meeting considered “without prejudice” conditions to the SAT for the proposed change of use from Motel to Motel and Office and Associated Alterations and Relocation of Swimming Pool (State Administrative Tribunal- Review Matter No. DR 378 of 2006).
- 5 June 2007 The State Administrative Tribunal ordered that the application for review is allowed and planning approval is granted for a change of use from Motel and Associated Office and Storage Facilities to Motel and Office, Associated Alterations, and the Relocation of Swimming Pool, subject to standard conditions.
- 24 March 2009 The Council at its Ordinary Meeting noted that the Chief Executive Officer would take action under Delegated Authority for a “Renovation Notice” to be served on No. 103 Harold Street, Highgate (Pacific Motel) (owner: GR Pennells & RJ Begley).
- 6 April 2009 The Town issued a “Renovation Notice” to the owners of No. 103 Harold Street, Highgate.
- 28 April 2009 At the applicant’s request, the report for Proposed Change of Use from Motel and associated Office and Storage Facilities to Four Storey Mixed Use Development Comprising Sixteen (16) Offices and Twelve (12) Multiple Dwellings and associated Alterations and Additions was removed from the Council’s Agenda.
- 8 September 2009 The Council at its Ordinary Meeting conditionally approved a change of use from Motel and associated Office and Storage Facilities to Four Storey building consisting of Twenty-Seven (27) Multiple Dwellings-Short Term Accommodation (Unlisted Use) and associated Alterations and Additions.
- 30 March 2011 The Renovation Notice issued on 6 April 2009 was withdrawn and the Town issued a new Notice under the Local Government (Miscellaneous Provisions) Act 1960, Section 409(1) in relation to the appearance of the property. The Renovation Notice requires the neglected and dilapidated appearance of the property to be in conformity with the general appearance of buildings in the locality; that is, removal of graffiti, reinstatement of glazing, doors, guttering and fittings to the building. The matter has been referred to the Town’s Solicitors for legal action for non-compliance with the Notice.
- 24 May 2011 The Town’s Solicitor wrote to the owners of the subject property outlining the Town’s position in respect of the Notice and its intention to have the matter dealt with by a Magistrates Court.
- 26 May 2011 The owner’s representative met with the Town’s Officers to discuss the position of the Town and the company he is representing with a view to a way forward. The owners are keen to develop the site and acknowledge the site’s continued dilapidated state. A legal agreement is currently being sought from the property owners to ensure the dilapidated property is rectified. Failure to obtain the Agreement, will result in the Town seeking an Order in a Magistrates Court.

DETAILS:

The proposal involves the change of use from Motel and Associated Office and Storage Facilities to Four Storey Building comprising Twenty-Seven Multiple Dwellings and Associated Alterations and Additions.

The owner did not proceed with the previous Council approval dated 8 September 2009. The following comments are provided in this respect:

“The applicants now intend to use the development for permanent residential accommodation upon recent modifications to the R Codes which now make this use a practicable option. Further, use of the redevelopment for residential purposes will also improve the prospects of financing the project since funds for commercial developments remain far more restricted than funds for residential projects.”

The applicant's submission is “*Tabled*”.

COMPLIANCE:

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
Plot Ratio	1.0 =2478 square metres	1.35=3345 square metres
<i>Officer Comments:</i>		
Supported-Refer to “Comments” below.		
Street Setbacks		
Secondary Street Setback-Stirling Street	2 metres	Nil
<i>Officer Comments:</i>		
Supported- The bin store, store and carport will be located in the setback area. They will be covered by a light weight open shading structure, which is not considered to create an undue impact on the streetscape.		
Building Setbacks		
Ground Floor		
East	4 metres.	Nil to 4.477 metres. (Existing building-4.477 metres).
South	4 metres.	Nil to 1.6 metres (Existing building-3.7 metres).
Boundary Walls	Boundary wall on one side of boundary.	Boundary walls on two boundary sides.
<i>Officer Comments:</i>		
Supported- The setback variations are not considered to have an undue impact on the adjoining properties. The first, second and third floors comply with the required setbacks of 4 metres as prescribed by the R-Codes. The boundary walls comply with the required heights and are not expected to have undue impact on the adjoining properties.		
Dwelling Size	Minimum 20 percent of 1 bedroom dwellings, up to a maximum of 50 per cent of the development, is to be provided.	27 Multiple Dwellings with 2 bedrooms or 3 bedrooms.
<i>Officer Comments:</i>		
Supported- Notwithstanding the difficulties associated with retrofitting an existing building, the proposed mix of dwelling types is considered acceptable.		
Bicycle Parking	9 spaces for residents 2 spaces for visitors Total= 11 bicycle bays	2 bicycle spaces.
<i>Officer Comments:</i>		
Not supported-If this application is supported; the applicant will be required to provide 11 bicycle bays.		

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
Privacy	Balcony/Terrace= 7.5 metres	Balcony-Units 13, 21 and 27= 4 metres to southern boundary. Balcony/Terrace (first, second and third floors) = 6.2 metres to southern boundary on western elevation. Balcony-Units 11, 19 and 26= 4.477 metres to eastern boundary.
Officer Comments:		
Not supported- If this application is supported, the applicant will be required to comply with screening of the balconies/terraces. It is noted on the eastern and southern elevations, it has been clearly indicated (arrows) that screening of the balconies/bedrooms and kitchen will occur.		
Street Wall along Harold Street and Stirling Street	1.8 metres above adjacent footpath level. Maximum of solid portion of wall to be 1.2 metres above adjacent footpath level.	Solid wall and aluminium screen up to 1.8 metres. Existing solid wall = 3 metres. Solid fence wall to store along Stirling Street = 2.55 metres.
Officer Comments:		
Not supported in part- If the application is supported, a condition of planning approval will be to ensure that the new front fence/wall and solid screen complies with the requirements of the Town's Front Fences and Walls Policy. The existing solid fence, however, is supported to remain.		
Car Parking	Car Parking within the street setback area.	Visitor's car parking within the street setback area.
Officer Comments:		
Supported-There will be no impact on the streetscape as there is an existing solid front wall on the property facing Harold Street.		
Store	Internal area= minimum of 4 square metres	Area= 3.5 square metres
Officer Comments:		
Not supported- If the application is supported, the applicant will be required to comply with the required area and dimensions for a store.		

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

Consultation Submissions		
Item	Comments Received	Officer Comments
Support(Nil)	Noted.	Noted.
Objections(8)	<u>Plot Ratio and Number of Storeys</u> This proposed development will not be consistent with the established streetscape in the area. The plot ratio and number storeys will impact on the adjoining properties in terms of bulk and scale.	Not supported- Refer to "Comments" section below.

Consultation Submissions		
Item	Comments Received	Officer Comments
	<p><u>Street Setback</u></p> <p><i>“A bin store is OK but clarification should be given as to the percentage setback is sought.”</i></p> <p><u>Building setbacks</u></p> <p>Variations to the building setbacks will impact on the adjoining properties.</p> <p><u>Car and Bicycle Parking</u></p> <p>The development will require more parking than specified on the plans, which will result on the future residents/visitors to this development parking on the verges of Harold/Stirling Streets.</p> <p>The bicycle parking has been reduced to a token gesture as the bicycle bays do not match with future number of residents on the site.</p> <p><u>Privacy and Noise</u></p> <p>The balconies and other openings will overlook private space of adjoining properties. The noise from the balconies will impact on the adjoining properties.</p> <p><u>Fence</u></p> <p><i>The proposed 1.8 metre high colourbond dividing fence to the south boundary of the property will not be adequate as a noise barrier between the proposed car park and the church. It was suggested that this fence be built of masonry, similar to the fence on the boundary to the units, on the other side of our church, which has been a successful noise barrier.”</i></p>	<p>Not supported- Refer to Compliance Table. Variation to street setback is not given as a percentage.</p> <p>Not supported-Refer to Compliance Table.</p> <p>Not supported- As shown in the Car Parking Assessment Table, the proposal complies with the required car parking provision.</p> <p>With regard to bicycle parking, if the application is supported, the applicant will be required to provide the bicycle parking as specified in the Bicycle Parking Assessment Table.</p> <p>Supported - If the application is supported, the applicant will be required to screen balconies/bedrooms to prevent any overlooking of the adjoining properties.</p> <p>With regard to noise, all residents are required to comply with the noise regulations.</p> <p>Not supported - Dividing fences are a civil matter. With regard to noise, all residents are required to comply with the noise regulations.</p>
Advertising	Advertising for a period of 21 days was carried out as per the Town’s Policy No. 4.1.5 – relating to Community Consultation.	

Car Parking

The car parking required is calculated as per the R-Codes 2010

Car Parking	
Medium Multiple Dwelling (75-110 square metres)-1 bay per dwelling= 22 car bays	
Large Multiple Dwellings (greater than 110 square metres)-1.25 bay per dwelling= 6.25 car bays	
Visitors= 0.25 per dwelling= 6.75 car bays	
Total= 35 car bays	35 car bays
Total car bays provided	36 car bays
Surplus	1 car bay

Bicycle Parking	
As per R-Codes 2010	
1 bicycle space to each 3 dwellings for residents= 9 bicycle spaces	2 bicycle spaces provided
1 space to each 10 dwellings for visitors=2 bicycle spaces	
Total= 11 bicycle parking spaces	

CONSULTATION/ADVERTISING:

Other Implications	
Legal/Policy	TPS 1 and associated Policies, Residential Design Codes (R Codes).
Strategic	The Town's <i>Strategic Plan 2011-2016</i> - Objective 1 states: <i>"Natural and Built Environment</i> <i>1.1 Improve and maintain the natural and built environment and infrastructure</i> <i>1.1.2 Enhance and maintain the character and heritage of the Town."</i>
Sustainability	Nil.
Financial/Budget	Nil.

COMMENTS:

Demolition

The subject place at the corner of Harold and Stirling Streets, also known as the Pacific Motel, is located adjacent to the northern boundary of the Progressive Spiritualists Church at No. 388 Stirling Street, which is on the Town's Municipal Heritage Inventory as a Category B Conservation Recommended place.

The existing building does not directly abut the adjacent church; rather it is aligned in an "L" shape to the northern and eastern boundaries, with a large car parking area separating the building with the adjacent heritage listed church. The subject application proposes the retention of the existing three storey former Motel structure for residential purposes, with a fourth storey addition, an increase in the existing building footprint, and the introduction of stores and a car port along the southern boundary of the site.

Whilst the additional fourth storey will increase the bulk and scale of the existing building, the proposed building's southwest side setback will assist in reducing the potential visual impact on the church from the Stirling Street frontage. Particularly, the retention of this southwest side setback as an open car parking area ensures sightlines to and from the church are maintained, and that the church is not dominated by new built form. It is noted that the stores and carport have a significant street setback and are located behind the main front building line of the church and, therefore, are not considered to impact on the setting of the adjacent heritage place.

In light of the above, there is no objection to the proposal on heritage grounds.

Plot Ratio and Building Height

The Council at its Ordinary Meeting held on 8 September 2009 conditionally approved a four storey development on the subject site. The current application is consistent with the plans approved by the Council on 8 September 2009 in terms of bulk, scale and appearance.

As previously, plot ratio and building height contribute to the bulk and scale of a development and in this instance, the subject proposal is not considered to have an undue impact on the amenity of the area and is symptomatic of a growing trend to develop underutilised inner-city properties.

The fourth storey does not occupy the whole site and the proposal complies with the overshadowing and setbacks (first, second and third floors) requirements.

In the context of surrounding development close to and along Beaufort Street, and the support of a four-storey development on the subject site, the proposed plot ratio is recommended for approval. Moreover, the existing building is in a disused state and has been subject to numerous complaints in the past relating to anti-social behaviour occurring on the subject site. The proposed development will significantly contribute to a change in the area and will contribute to the diversity in housing types that is a long-term strategic goal for the Town of Vincent.

In view of the above, it is considered that the application be supported, as it is not considered that the development will result in any undue impact on the amenity of the surrounding area, rather will significantly improve the use and appearance of the overall site and surrounding area.

9.1.6 No. 229 (Lot 8; D/P: 953) Oxford Street, Leederville - Proposed Reconsideration of Condition (v) of Planning Approval 5.2009.82.1 for Alterations and Additions to Existing Eating House and Unlisted Use (Small Bar) - Request from the State Administrative Tribunal (SAT) to Reconsider Decision - Review Matter No. DR 138 of 2011

Ward:	South	Date:	16 June 2011
Precinct:	Oxford Centre; P04	File Ref:	PRO2603; 5.2010.574.1
Attachments:	001 - Property Information Report, Development Application and Plans		
Tabled Items	Applicant's submission and associated documentation		
Reporting Officer:	T Cappellucci, Planning Officer (Statutory)		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report relating to No. 229 (Lot 8; D/P: 953) Oxford Street, Leederville - Proposed Reconsideration of Condition (v) of Planning Approval 5.2009.82.1 for Alterations and Additions to Existing Eating House and Unlisted Use (Small Bar) - State Administrative Tribunal (SAT) Review matter No. DR 138 of 2011; and*
- (ii) *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 V C Lawless on behalf of the owner Tilpa Pty Ltd for Proposed Reconsideration of Condition (v) of Planning Approval 5.2009.82.1 for Alterations and Additions to Existing Eating House and Unlisted Use (Small Bar), at No. 229 (Lot 8; D/P: 953) Oxford Street, Leederville, and as shown on plans stamp-dated 5 November 2010, for the following reasons:*
 - (a) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
 - (b) *the non-compliance with the Town's Policy No. 3.7.1 relating to Parking and Access in respect of the following:*
 - (1) *The proposed Reciprocal Parking arrangement with the Re-Store at Nos. 231-235 Oxford Street, Leederville, is not acceptable as the site and use do not have available car parking bays for reciprocal use;*
 - (2) *Substantial conflict exists in the peak hours of operation of the uses at the subject site and Nos. 231-235 Oxford Street, Leederville, for which the reciprocal parking arrangements are proposed;*
 - (3) *The uses to be served by the proposed reciprocal parking arrangements are not compatible given the overlap in demand for parking facilities; and*
 - (4) *Parking demand both in the immediate and long term cannot be satisfied to the Town's satisfaction; and*
 - (c) *the proposal sets an unacceptable adverse precedent for future applications in relation to reciprocal car parking arrangements.*

COUNCIL DECISION ITEM 9.1.6

Moved Cr Burns, Seconded Cr Maier

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (8-0)

(Cr McGrath was an apology for the meeting.)

Landowner:	Tilpa Pty Ltd
Applicant:	V C Lawless
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Commercial
Existing Land Use:	Eating House (Café) and Small Bar
Use Class:	Eating House (Café) and Unlisted Use (Small Bar)
Use Classification:	“P” and “SA”
Lot Area:	364 square metres
Access to Right of Way	Not Applicable

PURPOSE OF REPORT:

To comply with the requirements of the Town’s Policy/Procedure for the State Administrative Tribunal (SAT) and to provide information to the Council on the matter.

Section 31 of the State Administrative Tribunal 2004 states as follows:

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

Under Section 31 of the SAT Act 2004, the Town has been invited to determine the revised application; that is, to (a) affirm the decision; (b) vary the decision; or (c) set aside the decision and substitute its new decision.

BACKGROUND:

May 1974 The Perth City Council approved at Nos. 231-235 (Lots 9-12; D/P 953) Oxford Street, Leederville, the development of a liquor store, shop and ancillary facilities (The Re-Store), including car parking for 38 cars on-site.

22 July 2008 The Council at its Ordinary Meeting resolved to grant conditional approval for the proposed change of use from eating house (café) to eating house (café) and unlisted use (small bar) with a cash-in-lieu contribution of \$14,140 for the resultant shortfall in car parking of 5.05 car bays at No. 229 (Lot 8; D/P 953) Oxford Street, Leederville.

6 May 2009 The Town under delegated authority conditionally approved alterations and additions to existing eating house and unlisted use (small bar) at No. 229 (Lot 8; D/P 953) Oxford Street, Leederville, with condition (v) regarding cash-in-lieu being as follows:

“Prior to the issue of a Building Licence or first occupation of the development, the applicant shall submit a written Payment Plan for the cash-in-lieu contribution of \$14,140 to the satisfaction of the Town”.

- 19 January 2011 The application for proposed reconsideration of condition (v) of planning approval 5.2009.82.1 for alterations and additions to existing eating house and unlisted use (small bar) was refused under delegated authority from the Council.
- 21 April 2011 The applicant lodged an application to the State Administrative Tribunal (SAT) to review the Council decision of 19 January 2011.
- 11 May 2011 Directions Hearing held by the SAT, where the SAT made the following Orders dated 13 May 2011:
- “1. By consent of the parties, pursuant to r 10 of the State Administrative Tribunal Rules 2004 (WA) the time for commencement of this proceeding is extended until 21 April 2011.*
- 2. The matter is referred to on site mediation at 229 Oxford Street, Leederville to commence at 10am on Tuesday 17 May 2011 for a duration of three hours.*
- 3. Mr Moreno Berti is invited to attend the mediation and the applicant is to convey this invitation to Mr Berti by 18 May 2011.”*
- 17 May 2011 Mediation held on-site at No. 229 Oxford Street, Leederville, where SAT made the following Orders dated 19 May 2011:
- “1. In view of additional information to be provided by the applicant on or before 13 June 2011, pursuant to s 31(1) of the State Administrative Tribunal Act 2004 (WA) the respondent is invited to reconsider its decision at its meeting on or before 28th June 2011.*
- 2. The matter is adjourned to a further mediation to commence at 1pm on Monday 4 July 2011 for a duration of one hour.”*

DETAILS:

This proposal relates to an appeal against a condition of planning approval. On 6 May 2009, the Town, under delegated authority, conditionally approved alterations and additions to existing eating house and unlisted use (small bar) at No. 229 Oxford Street, Leederville. Condition (v) of that Planning Approval required that the applicants, prior to the issue of a Building Licence or first occupation of the development, submit a written Payment Plan for the cash-in-lieu contribution of \$14,140 to the satisfaction of the Town.

As the applicants did not want to pay the cash-in-lieu amount required, they lodged a planning application for the reconsideration of condition (v) which, on 19 January 2011, was refused under delegated authority from the Council.

The applicants have provided the following additional supporting information as a result of the SAT mediation, held on 17 May 2011 at the subject site, to address the reasons why the application should be supported, not refused, as it was under delegated authority on 19 January 2011:

- An informal parking agreement exists between the *Re-Store*, No. 231 Oxford Street, Leederville and *Kitsch*, No. 229 Oxford Street, Leederville;
- Off-street parking in the locality and public car parks in the locality;

- *Kitsch* opening hours are from 5pm Tuesday to Saturday, and bi-monthly on Monday from 6pm;
- Bike racks are available;
- Liquor Licence approval is for 75 patrons only, not 80 as approved by the Town of Vincent;
- Decisions and resolutions concluded by other Council's and the State Administrative Tribunal in relation to parking policy; and
- Town of Vincent did not collect cash-in-lieu contribution from an approval from applicant Mr Cowan.

COMPLIANCE:

Consultation Submissions	
Advertising	No advertising was conducted as per the Town's Policy No. 4.1.5 – relating to Community Consultation.

Car Parking – Small Bar at No. 229 Oxford Street, Leederville	
Car parking requirement (nearest whole number) <i>Small Bar = 1 space per 4.5 persons of maximum number of persons approved on-site.</i> - Maximum number of persons proposed = 75 - Requires 16.67 spaces	= 17 car bays (nearest whole number)
Apply the adjustment factors: -0.85 (within 800 metres of a railway station) -0.85 (within 400 metres of a bus stop) -0.85 (within 400 metres of a public car parking place with in excess of 75 car parking spaces)	(0.6141) 10.44 spaces
Minus the car parking provided on-site	6 bays
Minus the most recently approved on-site car parking shortfall	Nil
Resultant shortfall	4.44 car bays

The *Re-Store* was approved by the Perth City Council in May 1974 with thirty eight (38) car parking bays on-site. Under the Perth City Council requirements at that time, the car parking requirement for the “total” development under Council's Policy was 38.5 spaces, with the provision of 38 spaces in this instance being deemed satisfactory. Therefore, the car parking shortfall of the *Re-Store* development was 0.5 car bay.

Other Implications	
Legal/Policy	TPS No. 1, R-Codes and associated Policies.
Strategic	The Town's <i>Strategic Plan 2011-2016</i> - Objective 1 states: <i>“Natural and Built Environment</i> <i>1.1 Improve and maintain the natural and built environment and infrastructure</i> <i>1.1.2 Enhance and maintain the character and heritage of the Town.”</i>
Sustainability	Nil.
Financial/Budget	Nil.

COMMENTS:

Comments on the additional information provided is summarised below.

Informal Parking Agreement and Opening Hours

The *Re-Store* at No. 231 Oxford Street, supports the use of its twenty-five (25) car bays at the front of the subject premises, facing Oxford Street, outside of their normal trading hours (after 6.00pm Monday to Friday and after 4.00pm on Saturday). The remaining car bays for the *Re-Store* are located off Hayley Avenue, at the rear of the *Re-Store*, and are undercover car bays over Lots 9, 10, 11 and 12 of Nos. 231-235 Oxford Street.

The *Kitsch* operating hours, as outlined in the additional information provided, is as follows:

Monday (bi-monthly) - 6.00pm to 10.30pm;
Tuesday – 5.00pm to 10.30pm; and
Wednesday to Saturday – 5.00pm to Midnight.

The hours of operation for the small bar however, as part of the Small Bar Liquor Licence application approved for the site, are as follows:

*“8.30am to 10.30pm on Monday to Thursday inclusive;
8.30am to 12 midnight on Friday and Saturday inclusive; and
8.30am to 10.00pm on Sunday.”*

While the Liquor Licence hours of operation can be amended to resemble the actual opening hours of the *Kitsch* small bar, there will still be a period on Tuesdays through to Fridays (from 5pm to 6pm) where the *Kitsch* bar will open but the *Re-Store* will still be open. This results in potential overlap demand for parking facilities, and subsequently, a conflict will exist in the operating hours of both the *Re-Store* and small bar.

Off-Street Parking

While it is noted that on-street car parking along Oxford Street is readily available to patrons of the *Kitsch* bar, this has already been included as an adjustment factor in the car parking table for the proposed small bar in order to reduce the amount of on-site car parking required.

The *Re-Store* does not have an excess in car parking bays which can be credited to the small bar at No. 229 Oxford Street, as per the Town's Parking and Access Policy under Reciprocal Parking, as it was approved with a shortfall of 0.5 car bays. Therefore, parking demand both in the immediate and long term cannot be guaranteed through the proposed arrangement of the *Re-Store* allowing the small bar at No. 229 Oxford Street, Leederville, to use its twenty-five (25) car parking bays after its own operating hours.

The Town's Car Parking and Access Policy No. 3.7.1, under clause 9) 'Reciprocal Parking' states that where reciprocal parking is proposed, the Town of Vincent is to be satisfied that:

“a) the parking facilities serving the proposed uses will be located on the one lot, or that parking arrangements are permanent (e.g. easement, amalgamation, legal agreement, restrictive covenant or any other formal arrangement the Town of Vincent may require);”

This proposed car parking arrangement, which involves another site, will require a legal agreement and secured by a caveat over the subject lot ensuring the car parking is provided in perpetuity or until such time as the use ceases. The *Re-Store* and the applicants for the *Kitsch* bar have not confirmed their willingness to enter a legal agreement nor to provide a caveat over the lot accommodating the *Re-Store*, to allow such a proposed car parking arrangement to proceed.

Accordingly, the Town is unable to support the proposed parking arrangement, in conjunction with the on-street parking that exists surrounding the *Kitsch* bar, in lieu of the applicants paying the required cash-in-lieu payment as part of condition (v) of Planning Approval 5.2009.82.1 for Alterations and Additions to Existing Eating House and Unlisted Use (Small Bar).

Bike Racks

While it is noted that there are secure adjacent street bicycle parking facilities located in front of the *Kitsch* Bar and along Oxford Street, under the Town's Car Parking and Access Policy No. 3.7.1, an adjustment factor relating to bicycle parking cannot be included in the car parking table for the small bar. This is because the site is approved as a small bar and eating house, while a small bar does not have any bicycle parking requirements, an eating house, classified as a restaurant, does have bicycle parking requirements as noted on page 8 of the Car Parking and Access Policy No. 3.7.1.

Therefore, as outlined on the bottom of page 12 of the Car Parking and Access Policy, the adjustment factor of 0.95 for secure on-site and/or adjacent street bicycle parking, cannot be included in this instance as the eating house (restaurant) is required to provide bicycle parking.

Liquor Licence for 75 patrons

It is noted that the number of patrons for the small bar is seventy-five (75); the Planning Approval states eighty (80). As a result, the applicants have requested the car parking calculation for the small bar be amended accordingly, resulting in the shortfall, should the subject proposal be supported, being reduced from 5.05 car bays to 4.44 car bays.

Previous Decisions from other Local Governments

With the example given of the small bar at No. 357 Cambridge Street, Wembley, within the Town of Cambridge, it is similar to the situation proposed as part of this application, whereby the applicants are required to pay cash-in-lieu. With the example given of the small bar at No. 357 Cambridge Street, a cash-in-lieu amount of \$45,000 for the shortfall of 6 car parking bays was required.

It is noted that the majority of the peak trade of the *Kitsch* bar, one hundred percent, will be after 5pm, when it opens. However, given there is a one hour period from 5pm to 6pm, from Tuesdays to Fridays, whereby the *Re-Store* is still open and the *Kitsch* bar opens for business, this overlap in both businesses using the same car parking area of twenty-five (25) car bays cannot be supported. In particular, the fact that out of these twenty-five (25) car bays at the *Re-Store*, the majority are marked solely for users of the *Re-Store* only.

In respect of the example of the State Administrative Tribunal decision from the City of Fremantle, it is unclear whether this application was for a small bar, given the fact that seventy-one (71) car bays were required and the justification for a reduction in car parking provided by the applicant which stated the following points:

“Shared uses within the development – from 71 bays to 48 bays; and Provision and maintenance of 10 electric scooters for use of people staying at the tourist accommodation units – from 36 bays to 31 bays.”

Town of Vincent did not collect Cash-in-Lieu

In the example provided regarding Nos. 566-570 Beaufort Street, Mount Lawley, planning application 5.2005.3246.1, this was a change of use application from shop and take away food outlet to shop, take away food outlet and eating house and associated alterations and additions. The application for SAT review was lodged against a decision of the Town to impose the following condition on the above-mentioned planning application at its Ordinary Meeting of Council held on 8 August 2006:

“(ii) prior to the issue of the Building Licence or first occupation of this development, whichever occurs first, the applicant/owner shall pay a cash-in- lieu contribution of \$44,772 for the equivalent value of 17.22 car parking spaces, based on the construction cost of \$2,600 per bay as set out in the Town’s 2005/2006 Budget. Alternatively, if the car parking shortfall is reduced as a result of greater number of car bays being provided, the cash-in-lieu amount can be reduced to reflect the new changes in car parking requirements.”

From reviewing the SAT matter between *Austgold Holding Pty Ltd and Town of Vincent*, DR 300 of 2006, there was an application for the subject site approved by the Council at its Ordinary Meeting held on 27 November 1995, for an additional use of a local shop to an existing pizza bar shop/take away food outlet at No. 570 Beaufort Street. As part of this approval, there was a condition regarding a cash-in-lieu contribution of \$27,000 for a car parking shortfall. SAT made comment that the monies, which were rightly due to the Council, were never paid.

In addition, when the subject planning application 5.2005.3246.1 was first referred to an Ordinary Meeting of Council, held on 9 May 2006, the amount required for cash-in-lieu was \$18,655 based on a shortfall of 7.175 car bays. However, as the item was deferred at the applicant’s request, when the item was submitted to the Ordinary Meeting of Council held on 8 August 2006, the Town’s Officers had re-calculated the car parking requirement and shortfall, and this resulted in a cash-in-lieu amount of \$44,772.

In the view of the Tribunal in this circumstance, a cash-in-lieu contribution of \$18,655 for a car parking shortfall of 7.175 bays did fairly relate to the development itself, and was relevant to current policy and could not be construed as unreasonable. Therefore, the application for review was upheld in accordance with variations to condition (ii) mentioned above, of the respondent’s (Town’s) conditional approval of 15 August 2006 being modified to:

“(ii) prior to the issue of the Building Licence or first occupation of this development, whichever occurs first, the applicant/owner shall pay a cash-in- lieu contribution of \$18,655 for the equivalent value of 7.175 car parking spaces, based on the construction cost of \$2,600 per bay as set out in the Town’s 2005/2006 Budget. Alternatively, if the carparking shortfall is reduced as a result of greater number of car bays being provided, the cash-in-lieu amount can be reduced to reflect the new changes in car parking requirements.”

The argument put forward by the applicants for the *Kitsch* bar is that if they did not submit a new application, there would be no cash-in-lieu payment required. Under current practices at the Town, if this application was not received, the Town would still pursue the monies owed as part of the original application approved by the Council on 22 July 2008 for the proposed change of use from eating house (café) to eating house (café) and unlisted use (small bar) with a cash-in-lieu contribution of \$14,140 for the resultant shortfall in car parking of 5.05 car bays at No. 229 Oxford Street, Leederville. This however may be reduced to \$13,200 given the reduction in the shortfall of car parking bays from 5.05 to 4.44, as a result of the small bar now proposing to have a maximum number of 75 patrons, and the construction cost of \$3,000 per bay as set out in the Town’s 2010/2011 Budget.

The Town's Officers are of the view that due to the proposal's non-compliance with the Town's Policy No. 3.7.1 relating to Parking and Access regarding Reciprocal Car Parking, and that no legal agreement or caveat is being proposed between the *Kitsch* bar and The *Re-Store*, that the requirement for cash-in-lieu stand. In addition, given that The *Re-Store* does not have any surplus in car parking bays, the subject application for condition (v) of Planning Approval 5.2009.82.1 issued for No. 229 Oxford Street, Leederville, to be removed, not be supported, as the demand for car parking by both the small bar and The *Re-Store* will unreasonably overlap/coincide, resulting in a potential shortfall in car parking available on The *Re-Store* site.

In addition, each planning application lodged is always assessed on individual merit, not on precedence of other developments. While the Town encourages small bars within the Town which are of a type and character appropriate to the location and existing character of the area, the request of the applicants as part of this reconsideration for the *Kitsch* bar, to have the cash-in-lieu amount of \$14,140 waived is untenable. Without a legal agreement or caveat in place between The *Re-Store* and *Kitsch* bar, the arrangement proposed as part of this re-consideration of the cash-in-lieu condition cannot be supported. Accordingly, the Officer Recommendation is for Refusal.

9.2.4 Town of Vincent 2011 Garden Competition

Ward:	Both	Date:	16 June 2011
Precinct:	All	File Ref:	CVC0007
Attachments:	-		
Tabled Items:	-		
Reporting Officer:	J van den Bok, Manager Parks & Property Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

- (i) **APPROVES** the recommendation of the Town of Vincent Garden Awards Advisory Group as follows;
- (a) *the 2011 Garden Competition be continued as outlined in the report, with entries to close on Friday 30 September 2011, and the final judging to be carried out on Saturday 8 October 2011; and*
- (b) *the final judging panel to comprise of Councillors Buckels, Farrell and Topelberg, Director Technical Services, Manager Parks & Property Services, Adele Gismondi (Water Corporation) and Rodney O'Brien (2010 winner – Best Catchment Friendly Garden);*
- (ii) **AUTHORISES** the Chief Executive Officer to;
- (a) *conduct a function, inviting competition entrants and their partners to the event, to be held at the Town of Vincent Administration and Civic Centre on Wednesday 16 November 2011, commencing at 6.00pm; and*
- (b) *further investigate sponsorship opportunities for the awards function.*

COUNCIL DECISION ITEM 9.2.4

Moved Cr Burns, Seconded Cr Maier

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr McGrath was an apology for the meeting.)

PURPOSE OF REPORT:

The purpose of this report to seek approval for the dates and format of the 2010 Garden Competition as outlined by the Town of Vincent Garden Competition Advisory Group.

BACKGROUND:

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

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

DETAILS:

Town of Vincent Garden Awards Advisory Group met on Tuesday 14 June 2011 to discuss the format and to finalise dates for the 2011 Town of Vincent Garden Competition.

Conditions of Entry

In past years previous first prize winners of any category have been exempt from entering the competition for the next three (3) years. This matter has been raised a number of times of with the final judges and following discussion it was resolved that this condition would be changed so that previous winners would now only be exempt from entering the competition for one (1) year.

Categories

As recommended by the Town of Vincent Garden Awards Advisory Group, the categories for the 2011 Garden Competition remained unchanged from last year and are as follows:

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

Judging

As in previous years it is again recommended that the preliminary judging for the majority of categories will again be undertaken by the Town's horticultural staff.

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

Final judging will be undertaken on the morning of Saturday, 8 October 2011 and it is proposed that the 2011 judging panel will consist of members of the Town of Vincent Garden Awards Advisory Group, Adele Gismondi from the Water Corporation and a community judge.

- Cr Matt Buckels;
- Cr Steed Farrell;
- Cr Josh Topelberg;
- Director Technical Services;
- Manager Parks & Property Services;
- Adele Gismondi – Water Corporation; and
- Rodney O'Brien (*Winner- 2010 Catchment Friendly Garden category*).

Function/Awards/Prize Money

There were no changes recommended to the prize money allocations over the various categories. The Catchment Friendly Garden category is sponsored by the Water Corporation through the CBCG, and their sponsorship has again been sourced.

Therefore, the prize money allocations for the 2011 Garden Competition have been recommended by the Town of Vincent Garden Awards Advisory Group as follows:

Best Residential Front Garden

Catchment Friendly Garden

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

Best Courtyard and/or Rear Garden

Best Vegetable Garden or Food garden

Best Kept Verge

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

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

To encourage owner/occupiers to tidy up their streets prior to the final judging it was suggested that a flyer be sent out to all houses within the street entered. Hopefully most owner/occupiers would get into the spirit of the competition and motivate each other to present their street in the best possible condition.

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

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

Sponsorship

Staff have approached a number of additional large businesses over the past twelve (12) months in an effort to obtain further sponsorship, particularly for the awards function, however to date very little positive response has been received.

Funky Bunches florist have agreed to sponsor the event in some way and continued further sponsorship will be sought over the forthcoming year.

CONSULTATION/ADVERTISING:

An advertisement/entry form will be placed in local community papers during August/September 2011. Entry forms have been included in the "Mayor's Message" and rates notices.

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

LEGAL/POLICY:

Nil.

RISK MANAGEMENT IMPLICATIONS:

Not applicable.

STRATEGIC IMPLICATIONS:

The Town's *Strategic Plan 2011-2016* states:

"Community Development and Wellbeing"

Objective 3.1: Enhance and promote community development and wellbeing

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

SUSTAINABILITY IMPLICATIONS:

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

FINANCIAL/BUDGET IMPLICATIONS:

The estimated costs associated with the 2011 Town of Vincent Garden Competition are as follows:

• Cash prizes	\$ 3,500
• Function	\$ 3,000
• Trophies	\$ 1,400
• Photography	\$ 700
• Certificates	\$ 200
• Advertising	\$ 900
• Street sign	\$ 300
	<u>\$10,000</u>

A total of \$10,000 has been allocated in the Town's 2011/12 draft budget.

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

COMMENTS:

It is therefore recommended that the Council approves the 2011 Garden Competition as detailed within the report, with entries to close on Friday 30 September 2011.

9.3.2 Authorisation of Expenditure for the Period 1 – 31 May 2011

Ward:	Both	Date:	17 June 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 May – 31 May 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 Burns, Seconded Cr Maier

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr McGrath was an apology for 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 May to 31 May 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	070027- 070173	\$218,682.55
Transfer of Creditors by EFT Batch	1230,1231,1233-1237 1239, 1240	\$1,582,454.39
Transfer of PAYG Tax by EFT	May 2011	\$220,371.53
Transfer of GST by EFT	May 2011	
Transfer of Child Support by EFT	May 2011	\$804.58
Transfer of Superannuation by EFT:		
• City of Perth	May 2011	\$27,134.45
• Local Government	May 2011	\$104,774.09
Total		\$2,154,221.59
Bank Charges & Other Direct Debits		
Bank Charges – CBA		\$6,005.51
Lease Fees		806.82
Corporate Master Cards		\$6,945.48
Loan Repayment		\$56,737.45
Rejection Fees		\$20.00
Total Bank Charges & Other Direct Debits		\$70,515.26
Less GST effect on Advance Account		0.00
Total Payments		\$2,224,736.85

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 2011-2016:

- “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;*
- (a) Continue to adopt best practice to ensure the financial resources and assets of the Town are responsibly managed and the quality of services, performance procedures and processes is improved and enhanced.”*

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.

9.4.4 Information Bulletin

Ward:	-	Date:	17 June 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 28 June 2011, as distributed with the Agenda.

COUNCIL DECISION ITEM 9.4.4

Moved Cr Burns, Seconded Cr Maier

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr McGrath was an apology for the meeting.)

DETAILS:

The items included in the Information Bulletin dated 28 June 2011 are as follows:

ITEM	DESCRIPTION
IB01	Letter from the Hon Simon Crean MP, Minister for Regional Australia, Regional Development and Local Government and Minister for Arts regarding Constitutional Recognition of Local Government
IB02	Letter from the Hon C. Christian Porter MLA, Treasurer; Attorney General regarding Prostitution Bill 2011 – Invitation to Comment
IB03	Letter from Michael Sutherland MLA Member for Mount Lawley regarding No. 34 (Lot 1) Cheriton Street, Perth (Department Reference 32-2010)
IB04	Letter of Appreciation from Ms A. Butorac and Ms J. Ramsay regarding assistance by Ranger Services
IB05	Email of Appreciation from Ms A. Young regarding assistance by Outside Workforce
IB06	Email from The West Australian regarding Feedback on the Town of Vincent’s New Website
IB07	WALGA Media Release – Local Governments Successfully Advocate for Wasp Funding
IB08	Minutes of the Safer Vincent Crime Prevention Partnership (SVCPP) held on 6 April 2011
IB09	Minutes of the Parks People Project Working Group (PPPWG) Meeting held on 4 May 2011
IB10	Minutes of the Local History Advisory Group Meeting held on 2 June 2011
IB11	Summary Minutes of the State Council Meeting held on 1 June 2011

9.1.4 Nos. 369-375 (Lot 33; D/P: 15303, Lot 123; D/P: 2642, Lot 35; D/P: 65374/1) Stirling Street, corner of Harold Street, Highgate - Proposed Partial Demolition of Existing Buildings, Additions and Alterations to Existing Building and the Construction of a Six Storey Mixed Use Development comprising Eighty-Three (83) Multiple Dwellings, Forty-Seven (47) Single Bedroom Multiple Dwellings, One (1) Office and Associated Basement Car Parking- State Administrative Tribunal (SAT) Review Matter No. 25 of 2011 (Amendments to Plans and Reconsideration of Condition of Planning Approval)

Ward:	South	Date:	14 June 2011
Precinct:	Forrest- P14	File Ref:	PRO 0688; 5.2011.281.1
Attachments:	001 - Property Information Report and Development Application Amended Plans		
Tabled Items	Applicant's Letter		
Reporting Officers:	R Narroo, Senior Planning Officer (Statutory) B Doyle (Planning Solutions)		
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 SS Chang Architects on behalf of the owner Finbar Funds Management Ltd for proposed Partial Demolition of Existing Buildings, Additions and Alterations to Existing Building and the Construction of a Six Storey Mixed Use Development comprising Eighty-Three (83) Multiple Dwellings, Forty-Seven (47) Single Bedroom Dwellings, One (1) Office and Associated Basement Car Parking (Amendments to Plans and Reconsideration of Condition of Planning Approval), at Nos. 369-375 (Lot 33; D/P: 15303, Lot 123; D/P: 2642, Lot 35; D/P: 65374/1) Stirling Street, corner of Harold Street, Highgate and as shown on amended plans stamp-dated 10 June 2011, subject to the following conditions:

(i) Building

- (a) all new 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 Stirling and Harold Streets;*
- (b) if entry to neighbouring land is required, first obtaining the consent of the owners of Nos. 512-522, No. 500 Beaufort Street, and No. 153 Harold Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 512-522, No. 500 Beaufort Street and No. 153 Harold Street in a good and clean condition;*
- (c) doors, windows and adjacent floor areas of the office fronting Stirling and Harold Streets shall maintain an active and interactive relationship with these streets;*

- (d) *the maximum gross floor area of the office component shall be limited to 1200 square metres. Any increase in floor space or change of use of the offices shall require Planning Approval to be applied to and obtained from the Town. Any change of use shall be assessed in accordance with the relevant Planning Policy including the Town's Parking and Access Policy No. 3.7.1; and*
- (e) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
- (ii) **Car Parking and Accessways**
- (a) *the on-site car parking area for the non-residential component shall be available for the occupiers of the residential component outside normal business hours;*
- (b) *the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (c) *the car parking area shown for the non-residential component shall be shown as 'common property' on any strata or survey strata subdivision plan for the property; and*
- (d) *the car park shall be used only by employees, tenants, and visitors directly associated with the development;*
- (iii) **Public Art**
- The owner(s), or the applicant on behalf of the owner(s), shall comply with the Town's Policy No. 3.5.13 relating to Percent for Public Art and the Percent for Public Art Guidelines for Developers, including:*
- (a) *within twenty – eight (28) days of the issue date of this 'Approval to Commence Development', elect to either obtain approval from the Town for an Artist to undertake a Public Art Project (Option 1) or pay the Cash-in-Lieu Percent for Public Art Contribution, of \$280,000 (Option 2), for the equivalent value of one per cent (1%) of the estimated total cost of the development (\$28,000,000); and*
- (b) *in conjunction with the above chosen option;*
- (1) **Option 1 –**
prior to the approval and subsequent issue of a Building Licence for the development, obtain approval for the Public Art Project and associated Artist; and
prior to the first occupation of the development, install the approved public art project, and thereafter maintain the art work; OR
- (2) **Option 2 –**
prior to the approval and subsequent issue of a Building Licence for the development or prior to the due date specified in the invoice issued by the Town for the payment (whichever occurs first), pay the above cash-in-lieu contribution amount;

(iv) **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;

(v) **Fencing**

Any new street/front wall, fence and gate within the Stirling Street and Harold Street setback areas, including along the side boundaries within these street setback areas, shall comply with the Town's Policy provisions relating to Street Walls and Fences;

(vi) **Verge Tree**

No street verge tree(s) shall be removed. The street verge tree(s) shall be retained and protected from any damage, including unauthorised pruning;

(vii) **Retention of Trees**

*The retention of and the protection at all times during construction and other works of the existing trees identified on plan SK-02, with the exception of the Cape Lilac (*Melia azederach*) located alongside the northern elevation of the Inter-war Georgian building.*

The applicant shall engage a qualified arboriculture consultant to assess the trees required to be retained, and provide a report to address their future care, control and management;

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

(a) **Construction Management Plan**

A Construction Management Plan, detailing how the construction of the development will be managed to minimise the impact on the surrounding area, shall be submitted to and approved by the Town, addressing the following issues:

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

(b) Landscape and Reticulation Plan

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

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

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

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

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

(d) Schedule of External Finishes

A detailed schedule of external finishes (including materials and colour schemes and details);

(e) Acoustic Report

An Acoustic Report in accordance with the Town's Policy No. 3.5.21 relating to Sound Attenuation shall be prepared and submitted to the Town for approval. The recommended measures of the Acoustic Report shall be implemented and certification from an Acoustic Consultant that the measures have been undertaken, prior to the first occupation of the development, and the applicant/owners shall submit a further report from an Acoustic Consultant six (6) months from first occupation of the development certifying that the development is continuing to comply with the measures of the subject Acoustic Report;

(f) Refuse and Recycling Management

Separate Bin Compounds for the residential and commercial components of the development are required, and shall include wash down facilities and floor waste.

The Bin store as proposed shall accommodate the full number of bins for the minimum Town of Vincent service.

As per the Waste Management Consultant's report, a caretaker shall be responsible for the management, storage and verge placement and collection of bins.

A detailed Waste Management Plan is to be submitted prior to the issue of a Building Licence;

(g) Privacy

Revised plans shall be submitted to and approved by the Town demonstrating the following the balconies to Units 22, 27, 32, 37 and 42 on the north-eastern elevation, being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the respective finished floor level. A permanent obscure material does not include a self-adhesive material that is easily removed; OR prior to the issue of a Building Licence revised plans shall be submitted demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject wall, so that they are not considered to be a major opening as defined in the Residential Design Codes 2010; OR prior to the issue of a Building Licence, revised plans shall be submitted demonstrating the above major openings being provided with permanent vertical screening or equivalent, preventing direct line of sight within the cone of vision to ground level of the adjoining properties in accordance with the Residential Design Codes. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of No. 153 Harold Street, stating no objection to the respective proposed privacy encroachment;

(h) Amalgamation

Prior to the issue of a Building Licence, the subject Lots 136, 137 and 138 shall be amalgamated into one lot on Certificate of Title; OR alternatively, prior to the issue of a Building Licence the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to amalgamate and subdivide the subject land into one lot within 6 months of the issue of the subject Building Licence. All costs associated with this condition shall be borne by the applicant/owner(s);

(i) Footpath Upgrading

In keeping with the Town's practice for multiple dwellings, commercial, retail and similar developments, the footpaths adjacent to the subject land shall be upgraded, by the applicant, to a brick paved standard, and drainage modified at crossover point, to the Town's specification. A refundable footpath upgrading bond and/or bank guarantee of \$40,000 shall be lodged and be held until all works have been completed and/or any damage to the existing facilities have been reinstated to the satisfaction of the Town's Technical Services. An application to the Town for the refund of the upgrading bond must be made in writing;

(j) Vehicular Gate

Any proposed vehicular gate for the car park visible from Stirling Street and Harold Street shall be a minimum 50 percent visually permeable when viewed from Stirling Street and Harold Street;

(k) Heritage

(1) *an interpretative plaque or another appropriate form of interpretation that provides an understanding of heritage development of the site and its cultural heritage value shall be installed prior to the first occupation of the approved addition on site. The design and wording of the interpretative plaque or other interpretative medium shall be undertaken in accordance with the Town's Heritage Management Policy No. 3.6.4 relating to Interpretive Signage and be submitted to and approved by the Town prior to the issue of a Building Licence;*

- (2) *the red brick and iron fence, which features a geometric pattern and surrounds the Interwar Georgian Revival building, shall be retained in situ and conserved to aid in the conservation of the setting of the place; and*
- (3) *details of proposed works at the heritage listed Interwar Georgian Revival building including internal structural changes, interior fixtures and signage, etc. shall be submitted prior to the issue of a Building Licence;*

(l) **Underground Power**

In keeping with the Town's Policy 2.2.2, the power lines along both the Harold Street and Stirling Street frontages of the development shall be undergrounded at the Developer's full cost. The Developer is required to liaise with both the Town and Western Power to comply with their respective requirements, prior to the issue of the Building Licence; and

(m) **Section 70 A Notification under the Transfer of Land Act**

The owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property of the following:

- (1) *the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non- residential activities; and*
- (2) *the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units/or office. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development.*

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

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

(a) **Residential Car Bays**

The 185 car parking spaces provided for the residential component and visitors of the development shall be clearly marked and signposted for the exclusive use of the residents and visitors of the development;

(b) **Clothes Drying Facility**

Each multiple dwelling shall be provided with a screened outdoor area for clothes drying or clothes tumbler dryer;

(c) **Bicycle Parking**

Six (6) class one or two bicycle and one (1) class three parking facilities shall be provided at a location convenient to the entrance of the development. Details of the design and layout of the bicycle facilities shall be submitted to and approved by the Town prior to the installation of such facilities; and

(d) Management Plan-Vehicular Entry Gate

In the event a vehicular entry gate is provided, a plan detailing management measures for the operation of the vehicular entry gate to Harold Street and Stirling Street, to ensure access is readily available for visitors to the residential and commercial units at all times, shall be submitted to and approved by the Town.

Moved Cr Topelberg, Seconded Cr Farrell

That the recommendation be adopted.

Debate ensued.

AMENDMENT NO 1

Moved Cr Topelberg, Seconded Cr Farrell

That subclause (viii)(m)(2) be amended to read as follows:

“(viii)(m) Section 70 A Notification under the Transfer of Land Act

...(2) the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units/or office. This is because at the time the planning application for the development was submitted to the Town, ~~the developer claimed that the on-site car parking provided~~ was in accordance with the requirements of the Residential Design Codes and the Town’s Policy No. 3.7.1 relating to Parking and Access and therefore ~~would~~ deemed appropriate to adequately meet the current and future parking demands of the development.

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

Debate ensued.

AMENDMENT NO 1 PUT AND LOST (3-5)

For: Cr Buckels, Cr Lake, Cr Maier

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

(Cr McGrath was an apology for the meeting.)

AMENDMENT NO 2

Moved Cr Burns, Seconded Cr Topelberg

That subclause (viii)(m)(2) be amended to read as follows:

“(viii)(m) Section 70 A Notification under the Transfer of Land Act

...(2) the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units/or office. ~~This is because at the time the planning application for the development was submitted to the Town, the developer claimed that~~ The on-site car parking provided was in accordance with the requirements of the Residential Design Codes and the Town’s Policy No. 3.7.1 relating to Parking and Access. ~~and therefore would adequately meet the current and future parking demands of the development.~~

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

Debate ensued.

AMENDMENT NO 2 PUT AND CARRIED (6-2)

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

(Cr McGrath was an apology for the meeting.)

MOTION AS AMENDED PUT AND CARRIED (7-1)

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

(Cr McGrath was an apology for the meeting.)

COUNCIL DECISION ITEM 9.1.4

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 SS Chang Architects on behalf of the owner Finbar Funds Management Ltd for proposed Partial Demolition of Existing Buildings, Additions and Alterations to Existing Building and the Construction of a Six Storey Mixed Use Development comprising Eighty-Three (83) Multiple Dwellings, Forty-Seven (47) Single Bedroom Dwellings, One (1) Office and Associated Basement Car Parking (Amendments to Plans and Reconsideration of Condition of Planning Approval), at Nos. 369-375 (Lot 33; D/P: 15303, Lot 123; D/P: 2642, Lot 35; D/P: 65374/1) Stirling Street, corner of Harold Street, Highgate and as shown on amended plans stamp-dated 10 June 2011, subject to the following conditions:

- (i) **Building**
- (a) *all new 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 Stirling and Harold Streets;*
 - (b) *if entry to neighbouring land is required, first obtaining the consent of the owners of Nos. 512-522, No. 500 Beaufort Street, and No. 153 Harold Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 512-522, No. 500 Beaufort Street and No. 153 Harold Street in a good and clean condition;*
 - (c) *doors, windows and adjacent floor areas of the office fronting Stirling and Harold Streets shall maintain an active and interactive relationship with these streets;*
 - (d) *the maximum gross floor area of the office component shall be limited to 1200 square metres. Any increase in floor space or change of use of the offices shall require Planning Approval to be applied to and obtained from the Town. Any change of use shall be assessed in accordance with the relevant Planning Policy including the Town's Parking and Access Policy No. 3.7.1; and*
 - (e) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*

(ii) ***Car Parking and Accessways***

- (a) *the on-site car parking area for the non-residential component shall be available for the occupiers of the residential component outside normal business hours;*
- (b) *the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (c) *the car parking area shown for the non-residential component shall be shown as 'common property' on any strata or survey strata subdivision plan for the property; and*
- (d) *the car park shall be used only by employees, tenants, and visitors directly associated with the development;*

(iii) **Public Art**

The owner(s), or the applicant on behalf of the owner(s), shall comply with the Town's Policy No. 3.5.13 relating to Percent for Public Art and the Percent for Public Art Guidelines for Developers, including:

- (a) *within twenty – eight (28) days of the issue date of this 'Approval to Commence Development', elect to either obtain approval from the Town for an Artist to undertake a Public Art Project (Option 1) or pay the Cash-in-Lieu Percent for Public Art Contribution, of \$280,000 (Option 2), for the equivalent value of one per cent (1%) of the estimated total cost of the development (\$28,000,000); and*
- (b) *in conjunction with the above chosen option;*
 - (1) *Option 1 –
prior to the approval and subsequent issue of a Building Licence for the development, obtain approval for the Public Art Project and associated Artist; and

prior to the first occupation of the development, install the approved public art project, and thereafter maintain the art work; OR*
 - (2) *Option 2 –
prior to the approval and subsequent issue of a Building Licence for the development or prior to the due date specified in the invoice issued by the Town for the payment (whichever occurs first), pay the above cash-in-lieu contribution amount;*

(iv) **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;

(v) **Fencing**

Any new street/front wall, fence and gate within the Stirling Street and Harold Street setback areas, including along the side boundaries within these street setback areas, shall comply with the Town's Policy provisions relating to Street Walls and Fences;

(vi) Verge Tree

No street verge tree(s) shall be removed. The street verge tree(s) shall be retained and protected from any damage, including unauthorised pruning;

(vii) Retention of Trees

The retention of and the protection at all times during construction and other works of the existing trees identified on plan SK-02, with the exception of the Cape Lilac (Melia azederach) located alongside the northern elevation of the Inter-war Georgian building.

The applicant shall engage a qualified arboriculture consultant to assess the trees required to be retained, and provide a report to address their future care, control and management;

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

(a) Construction Management Plan

A Construction Management Plan, detailing how the construction of the development will be managed to minimise the impact on the surrounding area, shall be submitted to and approved by the Town, addressing the following issues:

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

(b) Landscape and Reticulation Plan

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

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

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

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

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

(d) Schedule of External Finishes

A detailed schedule of external finishes (including materials and colour schemes and details);

(e) Acoustic Report

An Acoustic Report in accordance with the Town's Policy No. 3.5.21 relating to Sound Attenuation shall be prepared and submitted to the Town for approval. The recommended measures of the Acoustic Report shall be implemented and certification from an Acoustic Consultant that the measures have been undertaken, prior to the first occupation of the development, and the applicant/owners shall submit a further report from an Acoustic Consultant six (6) months from first occupation of the development certifying that the development is continuing to comply with the measures of the subject Acoustic Report;

(f) Refuse and Recycling Management

Separate Bin Compounds for the residential and commercial components of the development are required, and shall include wash down facilities and floor waste.

The Bin store as proposed shall accommodate the full number of bins for the minimum Town of Vincent service.

As per the Waste Management Consultant's report, a caretaker shall be responsible for the management, storage and verge placement and collection of bins.

A detailed Waste Management Plan is to be submitted prior to the issue of a Building Licence;

(g) Privacy

Revised plans shall be submitted to and approved by the Town demonstrating the following the balconies to Units 22, 27, 32, 37 and 42 on the north-eastern elevation, being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the respective finished floor level. A permanent obscure material does not include a self-adhesive material that is easily removed; OR prior to the issue of a Building Licence revised plans shall be submitted demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject wall, so that they are not considered to be a major opening as defined in the Residential Design Codes 2010; OR prior to the issue of a Building Licence, revised plans shall be submitted demonstrating the above major openings being provided with permanent vertical screening or equivalent, preventing direct line of sight within the cone of vision to ground level of the adjoining properties in accordance with the Residential Design Codes. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of No. 153 Harold Street, stating no objection to the respective proposed privacy encroachment;

(h) Amalgamation

Prior to the issue of a Building Licence, the subject Lots 136, 137 and 138 shall be amalgamated into one lot on Certificate of Title; OR alternatively, prior to the issue of a Building Licence the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to amalgamate and subdivide the subject land into one lot within 6 months of the issue of the subject Building Licence. All costs associated with this condition shall be borne by the applicant/owner(s);

(i) Footpath Upgrading

In keeping with the Town's practice for multiple dwellings, commercial, retail and similar developments, the footpaths adjacent to the subject land shall be upgraded, by the applicant, to a brick paved standard, and drainage modified at crossover point, to the Town's specification. A refundable footpath upgrading bond and/or bank guarantee of \$40,000 shall be lodged and be held until all works have been completed and/or any damage to the existing facilities have been reinstated to the satisfaction of the Town's Technical Services. An application to the Town for the refund of the upgrading bond must be made in writing;

(j) Vehicular Gate

Any proposed vehicular gate for the car park visible from Stirling Street and Harold Street shall be a minimum 50 percent visually permeable when viewed from Stirling Street and Harold Street;

(k) Heritage

(1) *an interpretative plaque or another appropriate form of interpretation that provides an understanding of heritage development of the site and its cultural heritage value shall be installed prior to the first occupation of the approved addition on site. The design and wording of the interpretative plaque or other interpretative medium shall be undertaken in accordance with the Town's Heritage Management Policy No. 3.6.4 relating to Interpretive Signage and be submitted to and approved by the Town prior to the issue of a Building Licence;*

(2) *the red brick and iron fence, which features a geometric pattern and surrounds the Interwar Georgian Revival building, shall be retained in situ and conserved to aid in the conservation of the setting of the place; and*

(3) *details of proposed works at the heritage listed Interwar Georgian Revival building including internal structural changes, interior fixtures and signage, etc. shall be submitted prior to the issue of a Building Licence;*

(l) Underground Power

In keeping with the Town's Policy 2.2.2, the power lines along both the Harold Street and Stirling Street frontages of the development shall be undergrounded at the Developer's full cost. The Developer is required to liaise with both the Town and Western Power to comply with their respective requirements, prior to the issue of the Building Licence; and

(m) Section 70 A Notification under the Transfer of Land Act

The owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property of the following:

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

(2) *the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units/or office. The on-site car parking was in accordance with the requirements of the Residential Design Codes and the Town's Policy No. 3.7.1 relating to Parking and Access.*

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

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

(a) Residential Car Bays

The 185 car parking spaces provided for the residential component and visitors of the development shall be clearly marked and signposted for the exclusive use of the residents and visitors of the development;

(b) Clothes Drying Facility

Each multiple dwelling shall be provided with a screened outdoor area for clothes drying or clothes tumbler dryer;

(c) Bicycle Parking

Six (6) class one or two bicycle and one (1) class three parking facilities shall be provided at a location convenient to the entrance of the development. Details of the design and layout of the bicycle facilities shall be submitted to and approved by the Town prior to the installation of such facilities; and

(d) Management Plan-Vehicular Entry Gate

In the event a vehicular entry gate is provided, a plan detailing management measures for the operation of the vehicular entry gate to Harold Street and Stirling Street, to ensure access is readily available for visitors to the residential and commercial units at all times, shall be submitted to and approved by the Town.

Landowner:	Finbar Funds Management Ltd
Applicant:	SS Chang Architects
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1: Residential R80
Existing Land Use:	Educational Establishment
Use Class:	Multiple Dwelling and Office
Use Classification:	"P" and "SA"
Lot Area:	8794 square metres
Access to Right of Way	Not applicable

PURPOSE OF REPORT:

The Council at its Ordinary Meeting held on 10 May 2011 conditionally approved a development on the subject site for partial demolition of existing buildings, additions and alterations to existing building and the construction of a six storey mixed use development comprising eighty-three multiple dwellings, forty-seven single bedroom multiple dwellings, one office and associated basement car parking. The proposed amendments to the Council decision require further Council determination.

BACKGROUND:

10 May 2011 The Council at its Ordinary Meeting conditionally approved the partial demolition of existing buildings, additions and alterations to existing building and the construction of a six storey mixed use development comprising eighty-three multiple dwellings, forty-seven single bedroom multiple dwellings, one office and associated basement car parking - State Administrative Tribunal (SAT) Review Matter No. 25 of 2011.

DETAILS:

The proposal involves amendments to the approved plans and reconsideration of condition (viii) (m) of Planning Approval dated 10 May 2011.

The applicant's submission is "*Laid on the Table*". The applicant has provided the following details:

1. *We added a total of 22 tandem carbays to the Lower Ground carpark (Numbered 58, 60, 62, 64, 66, 68, 73 and 78) and Basement 1 carpark (Numbered 62, 64, 66, 68, 70, 72, 74, 76, 78, 80, 82, 84, 86 and 88). These extra carbays will be mostly allocated to the 3 bedroom dwellings. The proposed additions to accommodate these carbays will be located below the ground level and will not be visible from the street. Please refer Section DD on SK 14.*
2. *The ground floor level of Units No. 119, 121 and 122 will be raised slightly to provide the required headroom in the car park below with a nett increase in overall building height in that part of the building of only 450mm. It will match the height of the adjoining building to the south-west.*
3. *We have improved the staircase arrangements to Units 113 to 126.*
4. *The location of the lift to the building fronting Harold Street has been modified to comply with the latest disabled access requirements.*

In addition to the above, we wish to seek the Council's reconsideration of DA Condition (viii) m (2) in relation to Section 70A notification.

The condition identifies that 'the Town will not issue a residential or visitor car parking permit to any owner or occupier of the residential units/or office. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that on-site parking provided would adequately meet the current and future parking demands of the development'.

The landowner considers it acceptable to include a Section 70A notification stating that the Town will not issue a residential or visitor car parking permit, however, does not accept the second part of the condition.

We understand that this condition is generally imposed where the developer is seeking a variation to car parking, however, the proposed development complies with the car parking requirements of the Residential Design Codes and the Town of Vincent Town Planning Scheme and this amended application seeks to provide in excess of the requirements. Therefore the developer has not sought a variation to car parking and has therefore not claimed that the on-site car parking would meet the current and future needs of the development.

It is considered inappropriate to include this requirement where the development complies, and exceeds, the requirements of the Town of Vincent."

COMPLIANCE:

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
Plot Ratio	N/A	N/A
<i>Officer Comments:</i>		
The amendments do not involve any changes to the Compliance Table approved by the Council at its Ordinary Meeting held on 10 May 2011.		

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

Consultation Submissions		
Item	Comments Received	Officer Comments
This matter was not re-advertised for consultation, as it does not result in any greater variations to the application approved by the Council at its Ordinary Meeting held on 10 May 2011.		

Car Parking-Residential	
Small dwelling (<75 sqm or 1 bedroom)	35 car bays
0.75 car bay per dwelling (proposed 47 dwellings)= 35 car bays	
Medium dwelling (75-110 sqm)	83 car bays
1 car bay per dwelling (proposed 83 dwellings)= 83 car bays	
Visitors	33 car bays
0.25 car bay per dwelling (130 dwellings proposed)= 33 car bays	
Minus the car parking provided on-site	185 car bays (including the new 22 car bays)
Surplus	34 car bays

Bicycle Parking
Not applicable

Other Implications	
Legal/Policy	Town Planning Scheme No. 1 and associated Policies.
Strategic	The Town's <i>Strategic Plan 2011-2021</i> - Objective 1 states: <i>"Natural and Built Environment</i> <i>1.1 Improve and maintain the natural and built environment and infrastructure</i> <i>1.1.2 Enhance and maintain the character and heritage of the Town."</i>
Sustainability	Nil.
Financial/Budget	Nil.

COMMENTS:

Amendments to the Approved Plans

The amendments to the approved plans will not have an undue impact on the adjoining neighbours and the amenity of the area for the following reasons:

- The changes to the parking are within the basement and lower ground floor levels which are largely below the natural ground level.
- The additional parking bays do not require revision of the Traffic Impact Assessment previously submitted for the development, as the trip generation calculations are based on number of dwellings, not on the number of car bays.
- The increase in height of the building by 0.45 metre is considered minor and it will match with the proposed height for the building at the south –west corner which was approved at the Council Meeting held on 10 May 2011.
- The changes to the staircase and the lift are internal.

Amendment to condition (vii) (m) of Planning Approval

Condition (viii) (m) of the Planning Approval dated 10 May 2011 states the following:

“(m) Section 70 A Notification under the Transfer of Land Act

The owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property of the following:

- (1) the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities; and*
- (2) the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units/or office. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development.*

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

The applicant has requested an amendment to this condition to read as follows:

“(m) Section 70 A Notification under the Transfer of Land Act

The owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property of the following:

- (1) *the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities; and*
- (2) *the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units/or office. ~~This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on site parking provided would adequately meet the current and future parking demands of the development.~~*

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

It is acknowledged that there is a surplus of parking for both residential and office components; however, given this condition has been applied consistently to all major developments in the Town, reconsideration of this condition is not supported.

Conclusion

In light of the above, the amended plans are recommended for approval; however, reconsideration of condition (viii)(m) is not supported.

9.1.1 Amendment No. 76 to Planning and Building Policies – Policy No. 3.5.2 relating to Signs and Advertising

Ward:	Both Wards	Date:	17 June 2011
Precinct:	All Precincts	File Ref:	PLA0188
Attachments:	001 – Detail of existing billboards in the Town 002 – Table Outlining Policy Stance on Billboards of other Local Government Authorities 003 – Table outlining Policy Stance on Window Signs of other Local Government Authorities 004 – Draft Amended Policy No. 3.5.2		
Tabled Items:	-		
Reporting Officers:	E Lebbos, Planning Officer (Strategic) S Kendall, Senior Strategic Planning/Heritage Officer		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

- (i) **RESOLVES NOT TO AMEND** the current Policy No. 3.5.2, relating to Signs and Advertising, to include provisions that will facilitate the erection of billboards within the Town;
- (ii) **AUTHORISES** to advertise the Draft Amended Policy No. 3.5.2, relating to Signs and Advertising, for public comment, to amend provisions relating to fence signs, window signs, panel signs, movable signs and tethered signs, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1 (TPS No. 1), including:
 - (a) advertising a summary of the subject Policy once a week for four consecutive weeks in a newspaper circulating in the locality;
 - (b) where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the subject Policy; and
 - (c) forwarding a copy of the subject Policy to the Western Australian Planning Commission (WAPC); and
- (iii) **After the expiry period for submissions:**
 - (a) **REVIEWS** the Draft Amended Policy No. 3.5.2, relating to Signs and Advertising, having regard to any submissions; and
 - (b) **DETERMINES** the Draft Amended Policy No. 3.5.2, relating to Signs and Advertising, with or without amendment, to or not to proceed with it.

Moved Cr Buckels, **Seconded** Cr Harvey

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Maier, Seconded Cr Burns

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

“(i) RESOLVES ~~NOT TO AMEND~~ the current Policy No. 3.5.2, relating to Signs and Advertising, ~~to include provisions that will facilitate the erection of billboards within the Town as follows:~~

(a) Clause 5 be amended to read as follows:

“(5) Variations of Standards

... Where the Standards are not met ~~for proposals involving three (3) or less signs~~, the proposed signs will be assessed in accordance with the principles set out below:”

Debate ensued.

AMENDMENT PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr McGrath was an apology for the meeting.)

Debate ensued.

MOTION AS AMENDED PUT AND CARRIED (7-1)

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

Against: Cr Buckels

(Cr McGrath was an apology for the meeting.)

COUNCIL DECISION ITEM 9.1.1

That the Council;

(i) RESOLVES TO AMEND the current Policy No. 3.5.2, relating to Signs and Advertising, as follows:

(a) Clause 5 be amended to read as follows:

“(5) Variations of Standards

... Where the Standards are not met ~~for proposals involving three (3) or less signs~~, the proposed signs will be assessed in accordance with the principles set out below:”

(ii) AUTHORIZES to advertise the Draft Amended Policy No. 3.5.2, relating to Signs and Advertising, for public comment, to amend provisions relating to fence signs, window signs, panel signs, movable signs and tethered signs, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1 (TPS No. 1), including:

(a) advertising a summary of the subject Policy once a week for four consecutive weeks in a newspaper circulating in the locality;

- (b) *where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the subject Policy; and*
 - (c) *forwarding a copy of the subject Policy to the Western Australian Planning Commission (WAPC); and*
- (iii) *After the expiry period for submissions:*
- (a) *REVIEWS the Draft Amended Policy No. 3.5.2, relating to Signs and Advertising, having regard to any submissions; and*
 - (b) *DETERMINES the Draft Amended Policy No. 3.5.2, relating to Signs and Advertising, with or without amendment, to or not to proceed with it.*

PURPOSE OF REPORT:

The purpose of this report is to present to the Council the findings of the research undertaken into the incorporation of provisions relating to billboards into the Town's Policy No. 3.5.2, relating to Signs and Advertising, in accordance with the Council resolution made at its Ordinary Meeting held on 14 September 2010.

The report also addresses the Notice of Motion adopted at the Ordinary Meeting of Council held on 5 April 2011, to review Policy No. 3.5.2, relating to Signs and Advertising.

In addition, whilst undertaking the above research, various other matters relating to the Policy were identified, and are presented in this report for the Council's consideration. It is envisaged that the proposed amendments will ensure a more equitable approach to managing signage and advertising in the Town.

BACKGROUND:

14 September 2010 At its Ordinary Meeting, the Council refused an application for proposed signage (billboard) at Nos. 67-69 (Lot 35; D/P: 67625) Scarborough Beach Road, North Perth (Item 9.1.7). At this meeting, a subsequent motion was carried as follows:

“That the Town's Administration advise the Council with a suggested scope for a review of its Policy No. 3.5.2 to Signs and Advertising, based on discussions (this evening).”

In particular, the following matters were raised by the Council Members for investigation during debate:

- the suitability of billboards in the Town;
- the possibility of incorporating site selection criteria in the Town's Policy No. 3.5.2, relating to Signs and Advertising, for where billboards are considered appropriate; and
- the incorporation of new Policy provisions relating to introducing a fee for billboards, similar to that outlined in the Town's Policy No. 3.5.13, relating to Percentage for Public Art.

5 April 2011

Councillor Burn's Notice of Motion, relating to a review of the Town's Policy No. 3.5.2, relating to Signs and Advertising, was adopted by the Council, as follows:

"That the Council REQUESTS:

- (i) the Chief Executive Officer to review and prepare a report on the Town of Vincent Signs and Advertising Policy 3.5.2. The scope of the review should include (but not be limited to):*
 - (a) a more equitable way to manage signage and advertising in the Town (the focus being on signage);*
 - (b) the efficacy of the current approach;*
 - (c) research into the approaches taken by other similar Local Governments in managing signage and advertising, particularly in relation to billboard and window signs;*
 - (d) the review to consider:*
 - how much of the entire wall and/or windows are used for signage rather than each as a discrete consideration but still without allowing too much coverage;*
 - the option to allow greater signage if the signs used are see through (i.e. like the signage used on car windows) so that there is still passive surveillance;*
 - the Town's Policy stance in relation to the suitability of billboards within the Town's jurisdiction, the possibility of incorporating site selection criteria for where billboards are considered appropriate, the possible incorporation of new Policy provisions relating to introducing a fee for billboards, Policy provisions relating to fence signs, window signs, panel signs and movable signs;*
 - (e) whether the current level of Delegated Authority is appropriate; and*
 - (f) any other relevant matters; and*
- (ii) a report be submitted to the Council no later than June 2011."*

14 April 2011

At its Ordinary Meeting, the Council considered a report relating to Policy No. 3.5.2, relating to Signs and Advertising (Item No. 9.1.1), whereby it was resolved that a further report relating to the matter will be submitted to the Council by no later than June 2011.

DETAILS:

Consistent with the above resolutions, the following discussion explores and addresses the following:

- The appropriateness of billboard signage within the Town, in line with the Council's subsequent motion made in relation to Item 9.1.7 at the Ordinary Meeting held on 14 September 2010; and
- The request of the Notice of Motion adopted at the Ordinary Meeting of the Council held on 5 April 2011.

1. Appropriateness of Billboard Signage within the Town

Research undertaken

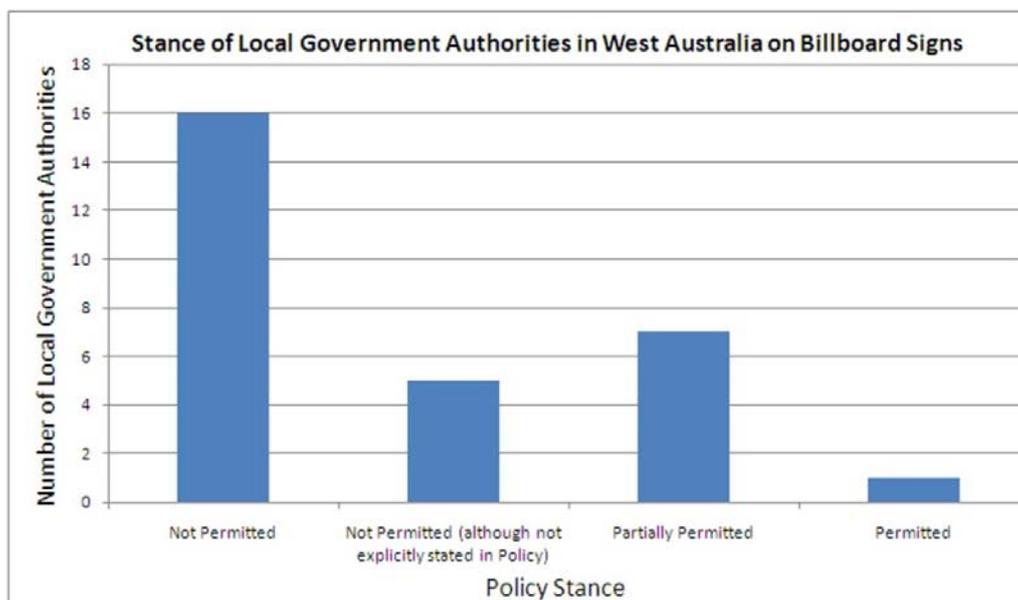
Firstly, it is important to establish what is meant by the terminology "billboard", as the Town's Policy No. 3.5.2, relating to Signs and Advertising, does not contain a definition for billboard signage. In Western Australia, a definition of a billboard could not be located amongst other Local Government Authorities. A review further afield identified that the Australian Capital Territory's *Planning and Land Management Act 1988* defines a billboard as 'a sign erected for the purpose of advertising products/services which are not being offered on a site on which the sign is erected'. It is noted that billboard signs are not permitted within the Town, under clause 3 (iii) of Policy No. 3.5.2, relating to Signs and Advertising.

The key objective of Policy No. 3.5.2, relating to Signs and Advertising, is to ensure that the display of advertisements on properties does not adversely impact upon the amenity of surrounding areas, while providing appropriate exposure of activities or services. The Town aims to ensure that all advertising signs within the Town's jurisdiction achieve high quality visual standards, that are designed and located in such a way as to:

- ensure the scale, type, design, location, materials, colour and style of any advertising sign is compatible with the design and character of the buildings and land to which it is related;
- reinforce the desired character and amenity of the locality within which it is located;
- be concise and efficient in communicating with the public, avoiding a proliferation of confusing and cluttered displays or a large number of advertisements unrelated to the products or services being on the site on which the sign is erected;
- not detrimentally affect residential amenity in residentially zoned areas; and
- integrate with the architectural form, style and colour of the surrounding buildings.

Billboard signs are considered to be detrimental to the appearance of their surroundings, and do not respect or enhance the desired character and amenity of an area in line with the abovementioned criteria. They form a negative dominant visual element on the streetscape in which they are located, impinging on views and vistas, creating visual clutter, and detracting from the amenity of an area.

Furthermore, a review of all the Local Government Authorities within the Perth metropolitan area, as well as the Local Government Authorities within the inner-city suburbs of Melbourne, Adelaide and Sydney was undertaken to assess whether the Town's position on billboards was out-dated and/or unreasonable. The findings of the research for each of the States, is outlined as per Appendix 9.1.1. In summary however, Local Government Authorities within Western Australia generally do not permit the erection of billboards within their jurisdictions (refer to graph below). Furthermore, with a few exceptions, the majority of Local Government Authorities interstate generally discourage the erection of billboards, with some only permitting them under special circumstances (for example, in an industrial area).



Therefore, it is considered conflicting with the intent and objectives of the Town's Policy No. 3.5.2, relating to Signs and Advertising, and inconsistent with best practice planning and urban design principles, to permit billboard signage within the Town.

Existing billboards

It is acknowledged that there are a number of existing billboards in the Town, and an investigation into these signs has been undertaken to ascertain the circumstances of their approval/installation (refer to Appendix 9.1.1). It is evident by the case studies, that the billboards within the Town's boundaries were either permitted under special circumstances (that is, Nos. 596-598 Newcastle Street, corner Loftus Street and No. 374 Newcastle Street, Perth, approved at the Ordinary Meeting of the Council held on 14 June 2011), or prior to the formation of the Town of Vincent and the subsequent gazettal of the Town's TPS No. 1. It is also evident that there are a number of unauthorised billboard signs that have been installed more recently, which the Town is currently addressing as a separate matter.

Policy provisions/criteria for billboard signs

The applicant for the billboard sign in question, Nos. 67-69 (Lot 35; D/P: 67625) Scarborough Beach Road, North Perth, provided an email to the Town in support of the Town creating Policy provisions for billboard signage. The main points of the email are summarised below:

- The Town of Vincent should be a progressive and up to date council that keeps up with the rest of the world. Advertising is widely accepted in many countries of the world, such as in the United States of America, United Kingdom, Asia, Africa and Europe. Australia as a whole seems to be lagging well behind;
- Outdoor advertising is becoming more important to property owners and managers looking to value add to a property by generating additional income streams, that will also help pay for increasing costs to maintaining a commercial building and paying for rates and other expenses; and
- The majority of people are receptive to well placed outdoor signage depicting interesting creative advertisements. It contributes to the town centre and gives a sense of arrival, and can even act as a gateway to the Town.

Whilst the Town's Officers are cognisant of the applicant's comments as outlined above, they are of the view that the Council should continue to take an approach in favour of protecting vistas and avoiding clutter in the Town, in preference to the economic and promotional rationale for billboard signs. By doing so, the Town will continue to be in line with the stringent stance on billboards of the majority of Local Government Authorities in Western Australia, and Australia more generally.

Furthermore, in his comments, the applicant has emphasised the importance of outdoor advertising. The Town's Policy No. 3.5.2, relating to Signs and Advertising, recognises this, and as such, provides opportunity for various types of outdoor advertising signs, so long as such signage does not advertise services or products not available on the lot. It is therefore not considered necessary to include provisions in the Town's Policy No. 3.5.2, relating to Signs and Advertising, to permit billboards within the Town.

Notwithstanding the above, the Council does have the discretion to approve billboard signage according to clause 5 of Policy No. 3.5.2, relating to Signs and Advertising, which relates to 'Variation of Standards'. Should the Council see the merit of a billboard proposal, they are able to approve such an application under this clause.

Fee for billboard signs

In accordance with the Council resolution made at its Ordinary Meeting held on 14 September 2010, consideration has been given to the incorporation of Policy provisions relating to introducing a fee for billboards, similar to that outlined in the Town's Policy No. 3.5.13, relating to Percentage for Public Art.

The Town's Policy No. 3.5.13 relating to Percent for Public Art, aims to develop and promote community identity by requiring commissioned public art works as part of public and private development projects within the Town. Specifically, the Policy requires proposals for commercial, non-residential, and/or mixed residential/commercial developments over the value of \$1,000,000, *'to set aside a minimum of one (1) per cent of the estimated total project cost for the development of public art works, which reflect the place, locality and/or community. This requirement is imposed as a condition of planning approval'*.

In addition, it is noted that the money requested goes directly towards the development of public art, which becomes a permanent fixture, directly displayed on the property for the immediate improvement of the amenity of the local area. The Percent for Public Art provisions allows the applicant/owner the authority to control how their money is spent/utilised, and results in a tangible end product prior to the first occupation of the development. The introduction of similar provisions for the erection of billboards may be problematic, noting that there is limited scope to justify how the money would be spent/utilised to directly benefit the subject landowners and how the money would be spent in a timely manner. Furthermore, the analogy between a fee for billboards similar to that of the Percent for Public Art is unreasonable, as unlike public art, billboard signs will not be a permanent fixture, and furthermore, there is no direct relationship between a billboard sign and the site on which it is located.

2. Notice of Motion Adopted at the Ordinary Meeting of Council held on 5 April 2011

A more equitable way to manage signage and advertising in the Town

The most equitable way to manage signage and advertising is through sound planning policy. The Town's Policy No. 3.5.2, relating to Signs and Advertising, provides a sound and suitable framework to consider signage applications within the Town's jurisdiction. However, it is noted that as not all scenarios can be accommodated in one Policy; clause 5 of Policy No. 3.5.2, relating to Signs and Advertising, enables the Town to consider variations and signage applications on a case by case basis when required.

Notwithstanding clause 5, the objective of the Signs and Advertising Policy is to always guide the assessment of development applications, by ensuring ‘...that the display of advertisements on properties does not adversely impact upon the amenity of the surrounding areas...’

However, the various amendments to Policy No. 3.5.2, relating to Signs and Advertising, as set out further on in the report; aim to ensure that the Town’s approach is relevant and current.

The efficacy of the current approach

The Town’s Officers have undertaken a significant review of the Town’s Policy No. 3.5.2, relating to Signs and Advertising, in order to ascertain the efficacy of the Town’s current approach in assessing signage applications.

The findings of this review have confirmed that the Town’s current approach in managing signs and advertising is by and large effective and efficient. Scope for improvement was identified however, in terms of amending Policy No. 3.5.2, relating to the Signs and Advertising, in terms of fence signs, window signs, panel signs and moveable signs. These are clearly set out further on in the report.

Research into the approaches taken by other similar Local Governments in managing signage and advertising, particularly in relation to billboard and window signs

The Town’s Officers have undertaken extensive research into the Policy stance of other Local Government Authorities in relation to billboard and window signs. The findings of the research are outlined as per Appendix 9.1.1.

In summary, it is evident that the Town’s approach in managing signage and advertising is in line with that of other Local Government Authorities, who largely prohibit billboard signage, and restrict the maximum area in aggregate allowed for window signage.

How much of the entire wall and/or windows are used for signage rather than each as a discrete consideration but still without allowing too much coverage

It is considered more important for the architectural qualities and character of a building to shine through, in terms of design, materials and style, as opposed to the building being covered and obscured by signage. By giving consideration to how much of the entire wall and/or windows are used for signage rather than each as a discrete consideration, this will be detrimental to the exterior appearance of buildings within the Town, forming a negative dominant visual element on buildings on which signs are located.

The Town has undertaken extensive research into the Policy stance on window signs of other Local Government Authorities. Clause 3 (xviii) (a) of the Town’s Policy No. 3.5.2, relating to Signs and Advertising, states that window signs are to ‘not cover more than 50 percent of the glazed area of any one window or exceed 10 square metres in area in total per tenancy on a lot.’

In summary, the Town’s stance on the maximum area allowed for window signage is not only in line with that of other Local Government Authorities, but in most instances, is more permissive than the majority of Local Government Authorities examined. The findings of this research are outlined as per Appendix 9.1.1.

Therefore, rather than allowing greater signage in windows by reviewing how much of the entire wall and/or window are used for advertising rather than each as a discrete consideration, a more equitable way of managing window signs is addressed further on in the report.

The option to allow greater signage if the signs used are see through so that there is still passive surveillance

It is considered inappropriate to consider and address see-through sticker signs as a separate or additional sign type to window signs. The reason for this is that although it can be argued that one way see-through stickers allow opportunity for passive surveillance from the inside of a store or business, and may prevent stock being damaged by the sun, this sign type does not encourage an active or interactive streetscape, and as such, is contrary to the intent of the window signs provisions, as outlined in clause 3 (xviii) (b) of Policy No. 3.5.2, relating to Signs and Advertising.

Therefore, if a business owner is to erect a one way see-through sign in their shop front window, it is considered in line with best practice planning principles to assess this sign type according to the provisions outlined in Policy No. 3.5.2, relating to Signs and Advertising, regarding window signs, in order to ensure that an active and interactive interface is maintained with the streetscape.

Furthermore, in undertaking research into the Policy stance on signs and advertising of other Local Government Authorities within Australia, the Town's Officers could not find any example of a signs and advertising Policy where a distinction was made between window signs and one way, see-through stickers, or where one way see-through signs were addressed as an independent sign type.

Therefore, rather than allowing greater signage in windows by making provision for see through signs, a more equitable way of managing window signs is addressed further on in the report.

The Town's Policy stance in relation to the suitability of billboards within the Town's jurisdiction, the possibility of incorporating site selection criteria for where billboards are considered appropriate, the possible incorporation of new Policy provisions relating to introducing a fee for billboards, Policy provisions relating to fence signs, window signs, panel signs and moveable signs.

The elements relating to the suitability of billboards within the Town's jurisdiction, the possibility of incorporating site selection criteria for where billboards are considered appropriate, and the possible incorporation of new Policy provisions relating to introducing a fee for billboards, have all been addressed in the previous section relating to 'Appropriateness of Billboard Signage within the Town'.

The following discussion addresses various other outstanding issues that the Officers have identified in the current Policy No. 3.5.2, relating to Signs and Advertising, requiring attention. These issues have been explored below with an associated recommendation to address each issue. It is envisaged that the ensuing proposed amendments will ensure a more equitable way to manage signage and advertising in the Town.

Definitions:

All signs mentioned in Policy No. 3.5.2, relating to Signs and Advertising, have an associated definition. However, the above investigations revealed that 'billboards' did not have an associated definition. Accordingly it is recommended that the following definition be included in the Policy:

"Billboard" means a sign erected for the purpose of advertising products or services which are not being offered on a site on which the sign is erected."

By incorporating a definition regarding billboard signage in the Town's Policy No. 3.5.2, relating to Signs and Advertising, this will eliminate any ambiguity for applicants and the Town's Officers in relation to identifying/classifying this sign type.

Signage on fencing:

Clause 2 (f) of the Policy relating to *Standards Common to all Signs*, currently states:

"...Signage may only be permitted on fences if:

- (aa) a tenancy is located on a district distributor; and*
- (bb) a tenancy is heritage listed and the installation of a sign on the building may result in physical damage to any significant fabric."*

It was not intended that signage must comply with both (aa) and (bb); rather the two criteria were to be considered as separate exceptions to the rule. In relation to clause (aa), signage is permitted on a fence if a tenancy is located on a district distributor, because the Town's Policy No. 3.2.1, relating to Residential Design Elements, allows the solid portion of any fence to increase to a maximum height of 1.8 metres above adjacent footpath level. A solid wall would obscure any signage on the building and/or within the street setback area. In relation to clause (bb), signage is permitted on a fence so as to avoid any signage being located on a heritage building, which may result in irreversible damage to the heritage structure.

Accordingly, as the clauses are mutually exclusive, it is proposed to delete the word 'and' and replace it with 'or' so that one can occur without the other, as opposed to both clauses having to apply to a development as currently stipulated.

Development standards for signage on fencing:

It is noted that there is no specific definition for fence signs, or signage standards that guide, and/or limit, the size of the sign to be erected on a fence as allowed for in clause (2) (f).

Accordingly, a new definition for fence signs is proposed as follows:

"Fence signs" means any sign attached to a fence."

Furthermore, new provisions specifically relating to signage on fencing are proposed in clause 3 of Policy No. 3.5.2, relating to 'Sign Specific Standards'. The intent of these provisions is to ensure signage on fencing is of a reasonable size, yet not a dominating feature. The following standards are proposed:

(xvi) Fence Sign

(a) Fence Signs are to:

- (aa) be limited to a maximum of one sign per street frontage on any one lot;*
- (bb) not exceed 20 percent in area of the portion of the fence on which it is located; and*
- (cc) not extend beyond any boundary."*

Furthermore, the diagram in the Policy depicting the various advertisement sign types has been amended to show Sign No. 9 as a fence sign as opposed to a panel sign.

Movable signage:

There has been an increase in the use of movable signage to attract attention to businesses, particularly those where the building is set back within a lot. Such signs are often moved to a location as required, on the back of a truck or small trailer. This type of advertising often incorporates 'variable message signage', which is an electronic sign often used on roadways to give travellers information about special events.

The advent of these new electronic technologies has necessitated a re-evaluation of the Town's Policy No. 3.5.2, relating to Signs and Advertising, which currently does not consider such signage. Research could not identify any Local Government Authority with Policy provisions for such signage.

There is concern regarding use of this signage for outdoor advertising in respect of:

- driver safety, including possible attention and distraction effects;
- the potential for a proliferation of signage which would have a detrimental impact on the amenity of the area as it would result in visual clutter; and
- historically, such signage has been used to provide clear advice to vehicular traffic of potential road hazards (including road works, closures, traffic delays, etc). The credibility of these signs is critical as a primary means of communication between the Main Roads Traffic Operation Centre and the driver. Hence the use of such signage to promote the activities of an individual business is not considered appropriate.

Accordingly, it is not recommended that the Town's Policy No. 3.5.2, relating to Signs and Advertising, allow movable electronic signs within the Town's jurisdiction. Rather, to assist in enforcement of such prohibition, it is recommended that the following definition of this sign type be included in the Policy:

"Moveable Sign" means any movable signage of a permanent nature, including electronic and illuminated, that can be programmed to display different messages, and includes movable boards, notices, structures or similar device used for the purposes of advertising products or services offered on a site. Ground based signage is excluded in this definition.

Furthermore, an associated statement prohibiting the erection of movable electronic signs within the Town should be included in clause 3, relating to 'Sign Specific Standards', as follows:

"(xii) Movable Signs

Movable Signs are not permitted within the Town of Vincent.

As a result, the sign specific standards for all the subsequent sign types have been renumbered, to ensure the sign types remain listed in alphabetical order, as shown in Appendix 9.1.1.

Window signs:

Increasingly, the Town has been dealing with compliance issues with business going above and beyond clause 3 (xviii) (a) of the Town's Policy No. 3.5.2, relating to Signs and Advertising, which states that window signs are to 'not cover more than 50 percent of the glazed area of any one window or exceed 10 square metres in area in total per tenancy on a lot.' Of particular note, chemists and western facing businesses often totally obscure windows and argue that such action is required to prevent stock being damaged by the western sun, to provide privacy for shops and also for safety (to prevent chemists being staked-out for armed hold-ups).

The Town's Policy No. 3.5.2, relating to Signs and Advertising, is in line with the principles of 'Designing Out Crime' (DOC), in relation to window signs. DOC encourages natural surveillance of spaces from surrounding buildings and land uses, by utilising sightlines, including windows overlooking the street and public spaces, to *'increase the risk of offenders being seen, heard, reported and potentially apprehended.'*

Policy No. 3.5.2, relating to Signs and Advertising, is also in line with various Precinct Policies and the Town's Policy No. 3.5.15, relating to Shop Fronts and Front Facades to Non-Residential Buildings. These Policies require the development of commercial buildings that have open and permeable ground level facades, to ensure public safety through natural surveillance and to ensure interest at ground level. Finally, Policy No. 3.5.2, relating to Signs and Advertising, is also in line with the Policy stance on window signs of various other Local Government Authorities, as outlined in Appendix 9.1.1.

Increasing the maximum allowable signage permitted on windows would be inconsistent with the principles of DOC, and would be inconsistent with general practices amongst other Local Governments and the Town's own Policies. It is noted that at the Ordinary Meeting of the Council held on 22 March 2011, the Council resolved to support two retrospective signage applications for No. 396 Charles Street, North Perth (Beauty Salon) and Nos. 372-376 Fitzgerald Street, North Perth (Pharmacy). Both applications comprised window signs, which covered 100 per cent of shop front windows.

It is not considered that such recent approvals justify amendments to Policy No. 3.5.2, relating to Signs and Advertising, to enable greater window signage provisions, as it would be contrary to the principles of DOC and it may be perceived that the application of signage to an entire window is now acceptable. It is noted that delegation already exists, under clause 5 of Policy No. 3.5.2, relating to Signs and Advertising, to enable the variation of any *'standard or provision subject to such conditions as it thinks fit'*. To guide decisions relating to varying the standards, the Policy sets out key principles in which a proposal is to be assessed, offering a performance based approach. This performance based approach enables the approval of window signs where appropriate in a consistent and transparent manner.

As an alternative to the above, the Town encourages the use of awnings and window displays to prevent stock being damaged by the sun whilst maintaining views into the shop. There are examples within the Town where window displays or mounted window signs have been successfully installed. Such displays are whereby a false back is installed a certain distance behind the window, with a three dimensional advertising display setup in the space between the window and the false back.

In light of the numerous applications received by the Town for window signs proposing variations to clause 3 (xviii), taking into consideration the information outlined above, and in order to ensure that there is a sufficient space between the display and window for mounted window signs, it is considered appropriate to amend the definition for window signs as follows:

"Window Sign" means an advertisement sign which is affixed to either the interior or exterior of the glazed area of a window or alternately, suspended from the ceiling, or which is located in the interior of a glazed area of a window setback up to 0.4 metre behind a window, with the sole purpose of advertising out onto the street."

Current level of Delegated Authority

The Town's Officers have examined the Delegated Authority Register 2010 – 2011, to determine whether the current level of Delegated Authority is appropriate. In particular, Part 6.12 relating to 'Determination of Applications for Signs' was considered.

Overall, the current level of Delegated Authority is considered appropriate, as with the exception of clauses (iv) and (vi) of Part 6.12, the Chief Executive Officer has the authority to exercise discretion and approve and apply conditions to planning applications and sign licence applications for any sign type.

In light of the above, the current level of Delegated Authority is considered far reaching and acceptable.

CONSULTATION/ADVERTISING:

The Draft Amended Policy No. 3.5.2, relating to Signs and Advertising, will be advertised for a period of twenty eight (28) days, in accordance with clause 47 of TPS No. 1.

LEGAL/POLICY:

Town Planning Scheme No. 1 and associated Policies.

RISK MANAGEMENT IMPLICATIONS:

Not applicable.

STRATEGIC IMPLICATIONS:

In keeping with the Town's *Strategic Plan 2011-2016* – Objective 1.1 states:

“Improve and Maintain the Environment and Infrastructure:

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

1.1.4 Minimise negative impacts on the community and environment”.

SUSTAINABILITY IMPLICATIONS:

By addressing signage that does not comply with the requirements outlined in the Town's Policy No. 3.5.2, relating to Signs and Advertising, this will preserve the amenity of the locality by reducing the adverse impact that such developments will have on the streetscape by creating visual clutter.

Therefore, it is envisaged that by amending this Policy No. 3.5.2, relating to Signs and Advertising, as outlined in the 'Details' section above, will ensure a more equitable way in managing signage and advertising in the Town, serving to protect and encourage aspects of environmental and social sustainability.

FINANCIAL/BUDGET IMPLICATIONS:

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

COMMENTS:

In order to ensure consistency with best practice planning and urban design principles, it is considered appropriate that the Council should continue prohibiting the erection of billboard signage within the Town.

Rather, Policy No. 3.5.2, relating to Signs and Advertising, should simply be amended by providing a definition for billboard signage as outlined in the 'Details' section of this report, as well as to reflect the matters that have been brought to the Officers attention during the review of the subject Policy, in relation to fence signs, window signs, panel signs, movable signs and tethered signs as per the Officer Recommendation. By undertaking this, it will ensure a more equitable way in managing signage and advertising in the Town.

The Presiding Member, Mayor Nick Catania advised that Cr Harvey had declared a proximity interest in Item 9.3.5. Cr Harvey departed the Chamber at 7.02pm and did not speak or vote on this matter.

9.3.5 Britannia Reserve Masterplan Proposal – Progress Report No. 2

Ward:	Both	Date:	27 June 2011
Precinct:	All	File Ref:	RES0001
Attachments:	001 – Concept Masterplan 2010 002 – Friends of Britannia Submission 003 – Mt Hawthorn Precinct Group Submission		
Tabled Items:	Nil		
Reporting Officer:	J Anthony, Manager Community Development		
Responsible Officer:	M Rootsey, Director Corporate Services		

OFFICER RECOMMENDATION:

That the Council:

- (i) *RECEIVES Progress Report No. 2 concerning the Britannia Reserve Masterplan Proposal;*
- (ii) *AUTHORISES the Chief Executive Officer to prepare revised concept and implementation plans for Britannia Reserve with reference to the community consultation feedback received;*
- (iii) *DOES NOT PROCEED with the Litis Stadium Masterplan, as Football West wrote to the Town in March 2011 advising that they no longer wish to pursue Litis Stadium as their State Headquarters; and*
- (iv) *NOTES:*
 - (a) *the community consultation feedback received; and*
 - (b) *that an amount of \$10,000 has been included in the Annual Budget 2011/12 to progress the masterplan and community engagement for the project; and that a further progress report will be submitted to the Council following the preparation of the revised concept and implementation plan.*

COUNCIL DECISION ITEM 9.3.1

Moved Cr Lake, Seconded Cr Burns

That the recommendation be adopted.

Debate ensued and Cr Buckels spoke.

The Presiding Member, Mayor Nick Catania spoke.

Cr Buckels advised that he wished to finish speaking.

The Presiding Member, Mayor Nick Catania stated that he had already spoken once and is unable to speak again.

Cr Buckels advised that he was not finished speaking when the Presiding Member, Mayor Nick Catania spoke.

The Presiding Member, Mayor Nick Catania stated that he believed that Cr Buckels had finished his address and was speaking in answer to comments made.

Cr Lake called a Point of Order as she believed that Cr Buckels was interrupted while he was speaking. Council Members should be allowed to speak for five minutes as per Clause 4.3 of the Standing Orders.

The Presiding Member, Mayor Nick Catania asked the Chief Executive Officer to check the Standing Orders as he believed that to be the end of Cr Buckels address and he gave some clarification. He dismissed the Point of Order. The Presiding Member, Mayor Nick Catania stated Cr Lake was “game playing”.

Cr Lake stated she considers the comment offensive and asked that the Presiding Member, Mayor Nick Catania to withdraw the comment.

The Presiding Member, Mayor Nick Catania advised that he would not withdraw his comment.

Cr Lake requested that her dissent to the comment be minuted.

The Presiding Member, Mayor Nick Catania confirmed it would be minuted.

The Chief Executive Officer advised the Standing Orders read out the following:

“4.3 Speaking without interruption

- (1) No member is to interrupt another person whilst speaking unless –
 - (a) to raise a point of order;
 - (b) to call attention to the absence of a quorum;
 - (c) to make a personal explanation under clause 4.6; or
 - (d) to move a motion under clause 6.1(viii).
- (2) In the event of a point of order, the person speaking shall cease until the member raising the point of order has been heard and the question of order has been decided. When a decision has been given, the person so interrupted may, if permitted, proceed to speak again.”

The Chief Executive Officer advised that the Presiding Member, Mayor Nick Catania had ruled on the point of order and under Standing Orders, unless there is a dissent from the Council or a decision from the Council to overrule that then the point of order remains.

Debate ensued.

PROCEDURAL MOTION

Moved Cr Lake, Seconded Cr Buckels

That the item be DEFERRED to a Council Member Forum for further consideration and also consider a process on how to progress the matter.

PROCEDURAL MOTION PUT AND CARRIED (4-3)

For: Cr Buckels, Cr Lake, Cr Maier, Cr Topelberg

Against: Mayor Catania, Cr Burns, Cr Farrell

(Cr McGrath was an apology for the meeting. Cr Harvey was absent from the Chamber and did not vote on this matter.)

Cr Harvey returned to the Chamber at 7.23pm. The Presiding Member, Mayor Nick Catania advised that the item was deferred to a Council Member Forum.

PURPOSE OF REPORT:

The purpose of the report is to present the feedback received from the community consultation undertaken for Britannia Reserve.

BACKGROUND:

Britannia Road Reserve is bounded by Britannia Road, Bourke Street, the Mitchell Freeway and the rear of residences on Brentham Street, Leederville.

Sporting facilities include: changerooms, social rooms (leased during respective seasons by Leederville Cricket Club and Floreat Athena Soccer Club), four cricket pitches, four cricket training nets. Council provided training lighting is situated on the northern end of the ground with a further four light poles, erected and managed by Floreat Athena, in the centre of the ground. Goals for three (3) soccer pitches and nine (9) senior and six (6) junior rugby union pitches are erected by the clubs for the winter season.

The clubrooms were recently upgraded in 2009 to include the following:

1. A modern, safe clean and secure building that has the capacity to accommodate a wide variety of sporting clubs with up to 150 playing members;
2. Modern and hygienic shower and toilet facilities, that meets with current community standards;
3. A more functional improved building which includes;
 - Secure storage for the clubs that utilise the facility;
 - A significant sized function area that can be utilised for both the cricket and soccer clubs and the community;
 - An upgraded kitchen which allows for better service internally and externally;
 - A new roofed outdoor paved area that to enables patrons to be sheltered from the elements;
 - The number of change rooms was reduced from 6 players change rooms/3 umpires to 2 players/1 umpire; and
 - The toilet facilities were upgraded and made uniform to run through the centre of the complex.

Although the Reserve is large, the buildings, a playground, on leash dog exercise area and the formal playing surfaces are located in the northern end. In contrast, at the southern end of the Reserve, the development is less intensive, with a playground, outdoor exercise equipment and .off- leash dog exercise area.

One of the key issues to be addressed in the Master Plan is the provision of playing and off-field facilities for the various sporting clubs who use the facility. In addition, a number of shared use facilities are proposed to avoid the duplication of infrastructure.

The Master Plan will provide a guide for the development of sporting infrastructure at the Reserve.

At the Ordinary Meeting of Council on 24 August 2010, the following recommendations were ratified;

“That the Council:

- (i) RECEIVES Progress Report No. 1 concerning Britannia Reserve and Litis Stadium Masterplan Proposal;*
- (ii) ADOPTS in principle the Concept Masterplan as shown in Appendix 9.4.1A-F inclusive;*
- (iii) APPROVES BY AN ABSOLUTE MAJORITY to amend its Strategic Plan 2009-2014 by including the new Action Item 1.1.6(m) as follows:*

“1.1.6(m) Prepare and implement a Masterplan for Britannia Reserve.”;

- (iv) APPROVES of community consultation to be carried out concerning the Concept Masterplan as detailed in this report;*
- (v) AUTHORISES the Chief Executive Officer to:*
 - (a) enter into discussions with Football West, Floreat Athena Soccer Club and other Stakeholders to progress the Masterplan; and*
 - (b) write to Football West indicating that the Town would be receptive to a fully funded proposal that does not place a significant financial impost on ratepayers of the Town; and*
- (vi) NOTES that a further report will be submitted to the Council.”*

At the Ordinary Meeting of Council held on 23 November 2010, the Council soldiered a Notice of Motion from Cr Topelberg and resolved as follows:

“That the Council:

- (i) NOTES:*
 - (a) that the current community consultation for the Britannia Reserve and Litis Stadium Masterplan was due to close on 29 November 2010; and*
 - (b) the interdependence of some of the issues relating to Litis Stadium and Britannia Reserve;*
- (ii) RESOLVES that at the conclusion of the community consultation period, any further consultation or progress of the development of either Litis Stadium or Britannia Reserve Masterplans will be treated independently by the Town;*
- (iii) EXTENDS the closing date for the community consultation to close on 27 January 2011; and*
- (iv) REQUESTS that this decision be publicly advertised via the Town’s normal notifications.”*

DETAILS:

The Town of Vincent initiated the preparation of the Britannia Reserve Master Plan to guide the development of new facilities and assess redevelopment options for the existing facilities at Britannia Reserve.

The vision for the site is the redevelopment of Britannia Reserve to maximise its functionality in terms of structured and non-structured recreation requirements of the users. The proposed development was to be considered in conjunction with the future use and plans for the adjoining E & D Litis Stadium and Leederville Tennis Club as well as take into consideration adjacent residential developments and other facilities.

The proposed plans was also to involve increased and optimum accommodation of sporting and community use of the facilities at the reserve, providing for best practice physical activity strategies for the area.

A survey questionnaire was prepared with questions to guide respondents as well as space for comments for any additional information that the respondents wished to add towards the consultation process.

A total of 326 submissions were received as part of the community consultation process.

174 responses were provided in hard copy format whilst the rest were provided via email. Out of these respondents, there were a few responses provided in free form and not in the provided questionnaire format.

75 respondents provided feedback through the webpage questionnaire.

The respondents to the questionnaire identified themselves as follows:

- A member of a sporting club that uses the reserve - **82 responses**
- Use the reserve for sporting and/or recreational purposes (not club based) – 102 responses
- A Town of Vincent resident/ratepayer - 150 responses
- Not a Town of Vincent resident/ratepayer - 27 responses

Alternate survey formats prepared by anonymous members of the community had also been circulated to a number of residents.

28 responses were received in a format with the following statements:

- Do not have a running track circumnavigating Britannia Reserves boundary.
- Do not have a BBQ area in the southern end of the reserve.
- Do not have a lavatory block at the southern end of the reserve.

18 responses were received in a format with the following statement:

"As a local land owner and rate payer in the TOV I applaud that Town for the vision and commitment to redevelop the Britannia Reserve precinct and the Litis Stadium Master Plan. This appears to be a sound investment for the residents of the Town, the many users of the reserve and the football community of WA. My young family looks forwards to enjoying theses enhanced facilities. Good luck with your efforts."

8 responses were received in a format with the following statement:

"As a local resident and rate payer, I feel that the recently announced master plan for Britannia Reserve and Litis Stadium (The Perth Voice, Saturday 28 2010) is a well thought out and visionary initiative. The Reserve component in particular is a great idea as the proposed enhancements such as the provision of exercise equipment, barbeques and the walkway will certainly improve the recreational experience of all users - not only the junior sporting groups currently using the area such as football, rugby and cricket."

The opposition to the plan to certain Counsellors lacks insight into the local recreational needs for the Town of Vincent. An important space like Britannia Reserve deserves the attention and ratepayer investment as proposed in the plan. Given the increase in the number of young families now residing in the Town of Vincent and the metropolitan shortage of parks and reserves especially in the inner city areas, the need for multi-function recreational spaces have never been greater. My young family and friends look forward to enjoying the end product of the master plan and we commend the Town for committing to the development and hopefully the successful completion of the plan in the near future."

A newly formed group named "Friends of Britannia" sent a 24 page submission in response to the community consultation which is included in this report as Attachment A.

Question 1:

What is currently good about Britannia Reserve and Sporting Facility?

This question was presented without prompters and attracted a variety of comments which have been categorised as follows;

- Well kept/good facilities – 88 comments
- Large open space – 54 comments
- Great location – 43 comments
- Accessible to all/shared space – 37 comments
- Good dog exercise area – 33 comments
- Good for families and children – 20 comments
- The reserve required further work and needed to be spruced up - 20 comments
- Parking and crowd issues – 7 comments

Question 2:

What are the current issues and concerns about Britannia Reserve and Sporting Facility?

- Traffic control - 143 responses
- Parking - 103 responses
- The sustainability of the reserve surface given increased usage - 70 responses
- Lack of adequate public access to toilets - 76 responses
- More suitable playground and/or outdoor gym equipment - 67 responses
- Landscaping - existence of areas notably lacking trees and bushes – 61 responses
- Need to upgrade community amenities - 50 responses
- Limited pedestrian walkways - 49 responses
- Lack of adequate clubroom facilities - 30 responses
- Co-ordination of structured and non-structured recreation- 26 responses

Question 3:

What needs to be considered in the future planning of Britannia Reserve and Sporting Facility as a Sporting Precinct?

- Effective traffic management plan - 145 responses
- Improve car parking strategy - 86 responses
- Running/walking track - 78 responses
- Sustainability focus - 61 responses
- Landscaping - 54 responses
- Additional gym equipment - 54 responses
- Improved pedestrian walkways - 53 responses
- Possible community amenity - 51 responses
- Other - safe cycling pathways; improve litter and rubbish control – 47 responses
- Modern expanded clubroom facilities - 44 responses
- Improved facilities for dog walkers - 43 responses
- Co-ordination of sporting activities - 38 responses
- Agreed management models for the facilities - 33 responses

Question 4

What are the future opportunities that could be considered in the planning of Britannia Reserve and Sporting Facility as a Sporting Precinct?

- Development of a good sports precinct that complements the upgraded pavilion and other reserve developments - 140 responses
- Consider the needs of residents/ratepayers alongside the needs of the sporting groups - 91 responses
- Ensure facilities are effective in encouraging non- structured recreational needs of users e.g. dog exercisers, walkers and runners. - 84 responses
- Updating and modernising facilities within the precinct - 77 responses
- Improved car park facilities and vehicle access to the precinct - 64 responses
- Ensure all stakeholders contribute funding towards the development and maintenance of these facilities, not just Town of Vincent residents/ratepayers - 57 responses
- Ensure that facilities are utilised throughout the year and not just during peak sporting seasons (e.g. rugby, football) - 56 responses
- Better use of the area and its facilities - 50 responses
- Improve control of noise issues - 46 responses
- Provide café and retail outlets (e.g. drinks, ice creams, sporting goods etc) - 46 responses
- Convenient location for grouped sports - 44 responses
- Limit the amount of grassed areas thereby promoting water conservation - 10 responses

Other comments received are shown at the end of this report.

Individual submissions

Eighteen (18) submissions were received by individual residents via letters and email providing “free form” comments to the concept plans.

The comments and issues raised in these submissions were similar to those received via the survey process. There were concerns expressed regarding the parking, the redevelopment of the stadium, anti-social behaviour after soccer games,

Two of the submissions expressly supported a running/cycling track, a barbecue and toilet block in the southern end of the reserve, additional seating and some permanent shade structures. Four of the letters were members of the soccer club expressing support for the concept plan.

Stakeholder meetings/consultations

Football West

At the Ordinary Meeting of Council held on 5 April 2011, the Mayor announced that on 30 March 2011, Football West wrote to the Town to advise that they are no longer interested in pursuing the concept of co-locating their premises on Litis Stadium, for the following reasons;

1. A lack of funding - primarily due to Australia being unsuccessful for a World Cup bid in 2018 and/or 2022;
2. Opposition from certain members of the Town of Vincent community; and
3. The opportunity to co-locate with Perth Glory Football Club on tertiary institution land to establish combined training and administrative facilities (as recently announced on 3 March 2011 by Perth Glory).

In view of the above, Litis Stadium will not be redeveloped and will remain as a local facility for the Floreat Athena Soccer Club, as prescribed under their current lease.

Modernians Hockey Club

The club is proposing that the reserve be identified as a potential location for a synthetic hockey turf to facilitate the growth of their membership and activities. They state that they have a strong junior club base and that as the players reach their early teens, most of the good players are lost to clubs with synthetic turf. Information is provided that non-turf base clubs are struggling to survive. They have requested that synthetic turf facilities similar to that located in Melville is imperative for the club's future survival.

Leederville Gardens Retirement Village

A presentation was held at the village for the residents, who live adjacent to the reserve and are regular passive users of the facilities. Some residents expressed concerns regarding safety if a walking path was constructed close to the fenceline. The residents submitted their comments through the survey questionnaire which was distributed to all the units as part of the consultation.

Leederville Cricket Club

Committee members of the club met with the Town's officers and submitted in writing issues pertaining to the lease of the clubrooms. The club also expressed support for the upgrade of the facility and proposed that instead of having new parking at the northeast of the reserve as proposed in the concept plan, that angled parking be considered parallel to the reserve. The club would like new nets to the east of the clubrooms and that they are aligned to the light tower closest to the clubrooms. They would also like the BBQ to be rebuilt with a gazebo on the eastern side of the clubrooms so that it can be used in wet and dry conditions.

WA Rugby

WA Rugby met with the Town's officers and has written in as well to state that they were very supportive of the proposed upgrade of Britannia Reserve and they believe that such work will enhance the "rugby experience" of their players and supporters.

They have otherwise stated that they were concerned with the proposed upgrade of the Litis Stadium as they “fear that soccer will seek exclusive rights to the playing fields.”

Members of the committee attended the community consultation meetings and became aware of the sentiments expressed regarding the usage of the reserve where residents complained of parking issues, litter and cars blocking driveways. A committee member publicly acknowledged the comments at the meeting and made assurances that these matters will be addressed by the group to the best of their ability.

Central TAFE

The reserve is used for the TAFE’s surveying and mining programme for practical applications. Mining programmes are being relocated to East Perth and will cease using Britannia Reserve this year. The Surveying department will still require the use for the reserve for second and third year practical work until alternative locations are sourced. They have stated that their use of the reserve will reduce significantly over the next two years.

Friends of Britannia

Due to the large amount of information and comments provided by this submission, the document is provided as an attachment in Appendix 9.3.5A.

Mount Hawthorn Precinct Group

The chairman of the group wrote expressing the view that the group was unable to complete the survey questionnaire as they believed that the content was biased. This document is provided as an attachment in Appendix 9.3.5B.

Floreat Athena Soccer Club

The club has provided full support in writing for the proposed concept and believe that the proposed improvements will transform the space into an “excellent recreational park”. They also provided information that they have almost 500 members, 30% of whom reside in the Town of Vincent.

Bicycling WA

The General Manager of Bicycling WA met with the Town’s officers to express their interest in the masterplan process, with particular interest to E & D Litis Stadium.

At this meeting the following points were recorded;

- Bicycling WA is responsible for development of programs, participation and competitive racing of events
- The organisation is eager to redevelop the old velodrome and introduce a Criterium circuit
- Bicycling WA works with all cycling bodies
- Bicycling WA is a non-profit organisation
- Funding is acquired from corporate sponsorship and membership fees. Minimal funding is from Government
- Membership stands at 9000 and friends
- The board consists of seven members
- Bicycling WA has been operating for six years
- Bicycling WA is a financial organisation but to date has not looked at the cost of a new velodrome

- Bicycling WA would use the Britannia Reserve facility at least 3 times a week, as this is an area (Leederville) where many cyclists regularly bike to
- Competitors' ages range between 14 years and 79 years old
- An admittance fee would be charged – user pays to use the track
- Original specifications would be advised to be used for a new track. Concrete is more cost effective
- There a few places around the world where a soccer pitch is within a velodrome
- An immediate need for the organisation is an administration office

CONSULTATION/ADVERTISING:

A community consultation brochure was prepared and posted out to residents in the vicinity of the reserve on 11 October 2010. Reply paid postage was also included as part of the strategy.

The community consultation was advertised in the Guardian newspaper on 12 October 2010. The questionnaire was also available on the Town's website for community input. Two community consultation meetings were held at the clubrooms in Britannia Reserve. The initial consultation had a deadline of 29 November 2010.

Information was available through the consultation process through the following avenues;

- Council Minutes 24 August 2010;
- Proposed Concept Plan in the Brochure including Questionnaire;
- Brochure mailout to Residents; and
- Media release and advertisement in the Guardian newspaper.

Targeted stakeholder meetings were held with Leederville Gardens, Floreat Athena Soccer Club, Leederville Cricket Club and WA Rugby.

LEGAL/POLICY:

Statutory Information

Britannia Reserve is zoned for recreational use and located at 41, Britannia Road, Leederville.

The Reserve location is referenced to the following Certificates of Title:

- Lot 34 on Plan 687 being part of the land described in Crown Land Certificate of Title Volume 695 Folio 166
- Lot 14 on Plan 687 being part of the land described in Crown Land Certificate of Title Volume 1389 Folio 160
- Lot 16 on Plan 687 being part of the land described in Crown Land Certificate of Title Volume 1389 Folio 161
- D6718 being part of the land described in Crown Land Certificate of Title Volume 1389 Folio 163
- Plan 5208 being part of the land described in Crown Land Certificate of Title Volume 1389 Folio 164
- Lots 31 and 32 on Plan 687 being part of the land described in Crown Land Certificate of Title Volume 1769 Folio 75
- D6583 being part of the land described in Crown Land Certificate of Title Volume 1769 Folio 77

Zoning:

“Metropolitan Region Scheme Reserve” – Parks and Recreation and under the Town of Vincent Town Planning Scheme No. 1

Land Ownership:

Freehold by the Town of Vincent

Area:

Britannia Road Reserve:

175,000m² (17.5 hectares) (including car park hardstand)

Litis Stadium:

23,000m² (2.3 hectares)

RISK MANAGEMENT IMPLICATIONS:

Low: The status of this project as it stands has minimal risk implications.

STRATEGIC IMPLICATIONS:

Strategic Plan 2009-2014:

“Key Result Area 1 - Natural and Built Environment:

1.1 Improve and the Environment and Infrastructure

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

(l) Investigate the upgrade and redevelopment of Litis Stadium for possible use as Football West Headquarters and State Facility.

(m) Prepare and implement a Masterplan for Britannia Reserve.”

SUSTAINABILITY IMPLICATIONS:

The project will be influenced by the Town's Environmental Strategies. This will ensure the masterplan is in line with current environmental actions being incorporated across the precincts.

- Strategic Waste Minimisation Plan 2006-2013
- Catchment Management Plan 2010-2015 (draft being produced).
- Sustainable Environment Plan 2007-2012

Examples of current Sustainable Environmental Actions being carried out across precincts that could be considered for Britannia Reserve are;

- Sustainable Street and Park Lighting (LED's)
- Water Sensitive Urban Design (Drains to living streams)
- Environmental Building Codes Compliance (e.g. insulation etc)
- Sustainable Energy Sources (Solar and Wind)
- Endemic Biodiversity Retainment and Improvement (Vegetation improvement).
- Travel Smart Concepts (Bike racks, paths, eco parking etc)

FINANCIAL/BUDGET IMPLICATIONS:

An amount of \$6,000 was included in the Budget 2010/2011 for development of a Masterplan for Britannia Reserve and Litis Stadium.

An amount of \$2,000 was spent for Quarterly Surveyor fees. No other expenditure is expelld, as the Architect did not submit an invoice for the work, as the project did not proceed.

The items listed on the Draft Capital Budget 2011/12 for Britannia Road Reserve are as follows;

Britannia Road Reserve - Masterplan	\$10,000
Britannia Road Reserve (south) - Installation of Shade Sails	\$30,000
Britannia Road Reserve (south) - Electric BBQ	\$15,000

COMMENTS:

The community consultation process has been successful in eliciting a robust response from the residents and stakeholders with respect to Britannia Reserve and E & D Litis Stadium. Some of the comments provided through submissions and community meetings, highlighted issues that needed to be addressed such as parking, traffic issues at peak usage times and conflicting interests of shared users at the reserve.

It should be noted that majority of dissention also seemed to be against the redevelopment of E & D Litis Stadium to include the headquarters of Football West. However, given the recent correspondence from Football West as outlined in this report, the concept plans drafted for the Litis Stadium will not be going ahead.

Given the high number of responses and comments received on the issues regarding the potential redevelopment of Britannia Reserve during the community consultation period, it is recommended that the draft concept plans are revisited and revisited to redraft plans for the reserve that reflect the views of the community and stakeholders.

Other comments on Questions 1 and 2 were received as follows:

1. Green open space and provides a break from the freeway
2. Ability to help a wide range of sporting activity yet keeping greenery
3. I think it is great and is free to use by many sporting groups and local residents, however is in need of an upgrade
4. The size and location - close to Lake Monger
5. Green space in a high density urban area with more and more old houses demolished and 2 or 3 townhouses built
6. Good for walking and sporting events
7. The park allows good community use. "Better use" means hello big sporting bodies - goodbye community users
8. Unspoilt relaxed open space (not overly formal) Wonderful natural place to relax with my dogs, exercise, stroll. Appreciate the floodlight at Bourke St end at night. Thanks for the dog taps.
9. Wide open spaces. I like the wide variety of activities - dog training, casual organised games kite flying etc
10. Its lack of commercial development. Great open space. Excellent tree screen from freeway
11. That many different sports are played on the reserve and all ages can participate
12. Ample space for various sports and other activities. Great location
13. Dog walking Facility/buffer between Freeway and residents/community meeting point

14. Good open spaces for sporting groups and dog walking/exercise
15. Amount of space, flexibility of use, enclosed playgrounds, exercise machines
16. BR- good area for dog walking, well maintained grass areas. Sporting Facility - awful looking, don't use it. Concerned for parking and for people if build larger Football West facility
17. The off leash dog park is fantastic. The sporting facilities bring a lot of life and energy to the area which is wonderful.
18. That there is enough room for sports and dogs off lead
19. No - I am not in favour of all these alterations - could be updated by improving what is already there. It will bring more noise and traffic into the area
20. Allows both sporting and non-sporting activities to be able to use.
21. Happy to see family and friends. Everyone getting together being fit and healthy.
22. Good open space for people to play sport and exercise
23. It is a central venue easily accessible, vast playing fields
24. A large open space which provides good facilities for several sports and safely away from traffic
25. It is a great open space. I can go for walks with my dog and wife
26. Great open space to spend time with my family
27. Great location for watching sports events, the main pitch is well maintained and great to play on
28. The facilities are great but need an upgrade. The proposed development would have a massive flow-on effect for football as well as TOV
29. Pitches in poor condition and Litis stadium looks derelict. Too many areas within the stadium are not used.
30. Grandstand, Sunken pitch and hill around pitch
31. It's a central and optimum location for sporting events in Perth, for football in particular.
32. Good location, close to city
33. Central to the city and would be a great home for football (soccer)
34. Great central location, plenty parking, fantastic facilities, excellent pitch
35. Nice grounds
36. Fantastic location for sports centre
37. Its central location
38. With obesity on the rise it is essential that children have a complex where they can keep fit and exercise
39. Central location, close to freeway and a historical place for soccer in WA
40. Excellent
41. Its central location makes it easily accessible for teams all over the city. It's a large open space
42. Fantastic local sporting venue that needs a spruce up
43. That all the community benefits. The green open space. Free access for the community as well as a local football (soccer) team and junior rugby which encourages physical activity.
44. Best location in Perth
45. Good location for Sports
46. Brilliant place for sports and recreation families and clubs
47. Ideal place for sports and recreation
48. Heavily used area by sporting groups and the public, good location
49. Young people playing sport
50. The sporting facilities are great here summer and winter
51. This plan is a good idea. Just do it please
52. A brilliant place for sports and kids to play
53. Great central location for major sporting venue
54. Perfect for sports and recreational use
55. Perfect location for a stadium upgrade

56. Perfect for Sporting clubs and residents
57. A great community asset with open spaces and sporting facilities suited to a location which will face increased density over the short term
58. Large open space
59. Open space/green space/family recreation space
60. Large facility with great spectator facilities
61. Being able to have dogs off the leash so they can socialize. Use by organisations and individuals to recreate as they wish. It's kept in good condition
62. Good community open space for a range of recreational activities
63. Council needs to take a long term view to the use of the reserve.
64. A need of "policing" use by dog owners
65. Additional perimeter walking/running track shaded by trees. Separate cycling path
66. I would like to see a walkway around the reserve that would enable wheelchair bound people to have access
67. BBQs and Gazebos for picnics
68. Don't turn it into a sporting HQ/precinct
69. Ensuring that it maintains its local feel and isn't taken over by thousands who trash it
70. Coordination with soccer and rugby fixtures so games are not at the same time to minimize complaints from residents
71. As a sporting area - great as it is, except for unruly soccer crowds
72. Focus needs to remain on community activities not how the Town can bend over backwards for Soccer West
73. More spraying of bugs from Lake Monger
74. Need liquor licensing laws improved to ensure there aren't so many drunks after major soccer matches
75. An expansion of facilities to make the reserve not just a sporting ground, but a social gathering spot. BBQ's, additional toilets, large shaded areas etc. should be included
76. No Street parking no, no use as a private function centre
77. Consideration of noise control
78. No large structures or expansion is required
79. We walk around Lake Monger but would also like the option to walk around reserve. Lighting upgrade essential
80. Join running/walking track to Lake Monger and down Bourke St
81. Less emphasis on sporting clubs. More facilities for sedentary users
82. The Master plan mentions these considerations but in no way addresses them. The plan will only make the problems worse.
83. Would appreciate a park bench near the tap half way (at junction of on and off leash areas). Also a dedicated walk path - cycle way is impossible at peak times
84. Users should take responsibility for rubbish control
85. No upgrade or expanding of buildings
86. Once management models can be agreed to by interested parties other issues can be agreed and acted upon as demand increases for particular amenities.
87. Remain open to all soccer needs and not be exclusive for Floreat Athena or Football West
88. Pathway/track away for residences, better define "dog off leash" areas. More attention to rubbish control especially weekends

Other comments on Question 3 were received as follows:

1. More funding will be needed to maintain parks like this as people don't have backyards as much anymore.
2. Fence between the bush area and the cycling path that runs along the freeway. Walking track and safe cycling pathways
3. I object strongly to having bright lights shining in my bedroom. Emphasis on whole reserve and NOT just for Floreat Athena Football Club

4. Use reserve more for recreational use i.e. Picnics, dog training, school sports
5. Upgrades to velodrome area & surrounds & more undercover seating
6. What Gym?
7. Demolish Litis Stadium - Send soccer louts to other venue!
8. A ring road parallel to freeway would be bad. Redirect bus down Britannia Rd
9. Landscaping - dedicate to native vegetation
10. More dog bins and policing of dog owners not cleaning up after their dogs
11. Separate walking and cycling paths
12. Any upgrading of sporting club facilities should be part funded by those clubs
13. Area to walk dog off lead -why isn't this mentioned anywhere in this future plan?
14. Clearer Walkways not sure where to walk to keep clear of cars
15. Safe cycling pathways
16. More rubbish bins on the dual use of pathways
17. Keep the reserve low key - I would NOT like further development put there
18. Better lighting in areas for evening activities
19. BBQ Areas
20. High standard of playing surface will keep organisation using reserve rather than finding somewhere better i.e. Yokine Reserve
21. I use the gym equipment each morning with great care and joy!
22. Option for people to uses shaded areas and BBQ/picnic facilities. Reconnect to lake
23. Need good coordination of activities otherwise constant stream of people and traffic impinges quiet enjoyment
24. Shared use during transition of sports seasons
25. Improve facilities - water tap, seats and BBQs. Dog area must be preserved.
26. What does "Optimal Parking" mean?
27. Increase dog exercise area when sports is not played as park is utilised daily by dog owners
28. Safe Cycling pathways
29. Rubbish is a disgrace after junior rugby. The clubs involved should be fined or banned.
30. Maintain dog exercise area
31. Keep facility for sport
32. New street connection linking Britannia Rd to Bourke St to provide better access, on-street parking and increase safety at night
33. Cemented in water bowls - there is one only at one end of park
34. Use reserve for walking - an excellent "lung"
35. Present walkway/cycleway is adequate but runs alongside unsightly freeway drain - mars the pleasure of the walk
36. Sporting clubs should be prosecuted for littering. Park grounds are left a mess after weekend events
37. Landscaping - use local native species. Avoid use of deciduous trees due to issues with nutrients, etc
38. Landscaping - use local native species. Avoid use of deciduous trees due to issues with nutrients, etc
39. More suitable playground at Britannia Rd end of car park. Café
40. More lighting
41. Walking track/path around outside. Introduction of community gardens on eastern side of trees
42. Keep the grass. Add basket ball hoop
43. Dog walking VERY important especially good off leash area
44. Definitely don't want more parking - that would create more traffic.
45. Your sporting facility is rugby training ground that already destroyed lawn and reserve tranquillity
46. Facilities are good - sometimes a lot of litter during rugby season. Water drinking spots are better maintained.

47. Recycling bins! Moisture sensor to prevent watering when grounds are already wet (e.g. after rains)
48. Why should ratepayers bear the cost for non-residents to use our park at our expense?
49. I have a problem with litter blowing into my property. More bins may ease the problem
50. Rugby takes up the entire oval and causes the main reason for the traffic control problems. Very few of the rugby participants are ratepayers in TOV. The rugby should be contributing funds towards parking/traffic management
51. Running track around the perimeter would be good especially with distance markers. Gym equipment such as pull-up/dip bar
52. Less Intrusive security lighting
53. Survey does not mention soccer - what we are all taking about - that and \$15M!
54. Safe cycling pathways, improve litter and rubbish control
55. Greater consideration needs to be given to residents who live around the reserve and what any future activities may have on them
56. Be the first northern suburb to have an open BMX race track (like Bullcreek and Cockburn for example) as it is an Olympic sport with MANY participants with a lot of money. There is a closed track at Balcatta and Wanneroo.
57. Your rangers never turn up when I've called so I doubt they will be able to handle it when the stadium gets upgraded
58. Council needs to take a long term view to the use of the reserve.
59. A need of "policing" use by dog owners
60. Additional perimeter walking/running track shaded by trees. Separate cycling path
61. I would like to see a walkway around the reserve that would enable wheelchair bound people to have access
62. BBQs and Gazebos for picnics
63. Don't turn it into a sporting HQ/precinct
64. Ensuring that it maintains its local feel and isn't taken over by thousands who trash it
65. Coordination with soccer and rugby fixtures so games are not at the same time to minimise complaints from residents
66. As a sporting area - great as it is, except for unruly soccer crowds
67. Focus needs to remain on community activities not how the Town can bend over backwards for Soccer West
68. More spraying of bugs from Lake Monger
69. Need liquor licensing laws improved to ensure there aren't so many drunks after major soccer matches
70. An expansion of facilities to make the reserve not just a sporting ground, but a social gathering spot. BBQ's, additional toilets, large shaded areas etc. should be included
71. No Street parking no, no use as a private function centre
72. Consideration of noise control
73. No large structures or expansion is required
74. We walk around Lake Monger but would also like the option to walk around reserve. Lighting upgrade essential
75. Join running/walking track to Lake Monger and down Bourke St
76. Less emphasis on sporting clubs. More facilities for sedentary users
77. The Master plan mentions these considerations but in no way addresses them. The plan will only make the problems worse.
78. Would appreciate a park bench near the tap half way (at junction of on and off leash areas). Also a dedicated walk path - cycleway is impossible at peak times
79. Users should take responsibility for rubbish control
80. No upgrade or expanding of buildings
81. Night lights for dog walkers and around tracks for walking. Designated paths needed for walking and running
82. The regular users nearly always pick up after themselves and their dogs. Litter control has improved with the increased number of bins - excellent intuitive. It seems this is a problem for non-locals.

83. I don't agree with running/walking tracks around the dog off lead area as that could be dangerous for walkers/bikers and dogs
84. It will be good for all involved. Some of the issues seem petty but the good far out ways the bad
85. Improve aged facilities
86. Once management models can be agreed to by interested parties other issues can be agreed and acted upon as demand increases for particular amenities.
87. Remain open to all soccer needs and not be exclusive for Floreat Athena or Football West
88. Pathway/track away from residences, better define "dog off leash" areas. More attention to rubbish control especially weekends

Other comments on Question 4 were received as follows:

1. Do not agree with the major increase in traffic and use proposed, this benefits only one or two sports.
2. Most important - Consider the needs of residents/ratepayers alongside sporting groups
3. Consider locals view points - not just sports nuts
4. Tell soccer louts to find new home - don't want them
5. Any options to have ring road around the back of grandstand/clubhouse?
6. A pathway from one end to the other or all round. More basketball hoops.
7. No privatization under any circumstances
8. Don't agree that grassed areas should be limited
9. DON'T limit amount of grassed areas - puts pressure on grass during sporting events
10. Do NOT reduce grass areas. It is a beautiful area for children to play safely
11. Put In some BBQs and benches along the edges
12. Would not like to see area for off-leash for dogs go - these areas are getting more restricted
13. A café would probably do a great trade on Sat morns
14. Café
15. Definitely DON'T want café and retail outlets. DO keep it all grass
16. The Soccer stadium has great multi-use potential
17. Utilising throughout the year MUST include more maintenance and repair to all playing surfaces and amenities
18. Allow areas of unstructured nature play for kids
19. Generally it is a joy to live next to this great park - much appreciated by all residents of Leederville Gardens
20. Another footbridge/underpass linking southern end to lake and West Leederville - walking and bicycle. More noise barriers
21. Oppose to retail outlets, plenty of shops nearby
22. Not allow Litis Stadium to grow beyond 3-4000 spectator capacity
23. No to café and retail outlets
24. Herbicide toxic spraying - signs need placing at 3 entries and left for 24hrs
25. I use reserve for walking - an excellent "lung"
26. As a 73 year old I defer to the desires of Future generations. I enjoy the variety of sports there
27. Often a nightmare on weekends with cars parked both sides of streets and verges
28. Using natives species will create a linkage for birds between Reserve and Lake Monger & West Australia "Sense of place"
29. Using natives species will create a linkage for birds between Reserve and Lake Monger & West Australia "Sense of place"
30. A track all the way around the park would be fantastic, so people with prams and wheelchairs could use the park better
31. Consider aged convalescent facility in park between Britannia Reserve and Brentham St
32. Don't want to lose grassed area

33. NO to café/outlets. NOT a suitable area for "Football West" or "Perth Glory". This is a residential area and noise/antisocial behaviour would emerge if football stadium allowed to expand
34. By bringing more concrete steel you do bad favour to residents. Just look now at these ghosts of iron
35. I oppose retail or overdevelopment of the space Keep as an off lead for dogs area
36. Parking is hard enough, so NO "parking management" (i.e. parking fees). The beauty of the park is its feeling of vastness. Do NOT add more buildings (except toilets) because then it would be like all other parks. Update existing facilities.
37. No redevelopment of the park as a sporting facility. Not how I want my money spent!
38. I am happy the way things are
39. Dog control
40. Compacted earth running track around the perimeter would be great. BBQ facilities would also be good
41. BR is a good sports precinct that has worked well for a number of years. The playing surfaces have suffered over the last year because of a dry winter and introduction of soccer on Sundays
42. Plan has two components - Britannia upgrade and soccer upgrade but is presented as one Development. Appears to be a conflict of interest with the CEO's involvement in this decision making progress
43. Litis Stadium upgrade and Britannia proposal need to be treated as two separate items - they do not need to be linked
44. Opportunity for TOV residents not to have to put up with all the bad things the Soccer Club attracts - we have to pay the damage, listen to function noise, drunken louts, fireworks. Build Stadium where rate paying residents aren't continuously impacted. Ensure facilities are effective in encouraging non-structured recreational uses - e.g. dog exercisers, walkers and runners
45. Pitch needs some serious repair. We are considering training elsewhere due to terrible pitch and lighting
46. Keep any clubrooms isolated from nearby residences. Noise levels are confined mostly to Sat rugby.
47. I am concerned that the CEO has been extensively involved in the development of these plans, when there is quite clearly a perception within the community of a conflict of interest due to his interest in soccer and wanting to further soccer's cause in WA
48. Add some public toilets and BBQs. Limit amount of damage done by soccer crowds and have taxi rank outside soccer ground
49. Grass in terrible state and needs to be maintained at high levels. Grass ruined by rugby and becomes a sandpit. Better lighting for evening walkers
50. A bit more family friendly - BBQs seating areas, public toilets etc.
51. All facilities should be developed with the whole community in mind. Based on this there shouldn't be large fenced off areas for exclusive use
52. Control of noise and traffic
53. Request ramp access from Britannia Rd to new path for cyclists, prams scooters. Request ramp for Matlock St. Additional public gym facilities
54. No development or modernising of pavilion or other structure. What do you mean Britannia Reserve Master Plan?
55. It is important that the council get a footpath/bike track around the reserve so locals can use the park while sporting groups use the sporting fields
56. Playgrounds and Playgroups like in Boulevard. Huge child population to service in area.
57. Provide covered areas with seating - a quiet open space to just enjoy and maybe rest in open air e.g. Elderly residents
58. Another super sporting facility burden is not required by Vincent ratepayers.

59. Why is there an assumption that local ratepayers give 2 figs about improving sport facilities? I will pay extra rates gladly to STOP it! Re: improved car park facilities and vehicle access - let them use public transport.
60. Britannia Park and surrounding area would be spoiled by development. Development is not the only option. Ratepayers money should not be used for further sporting facilities at the park.
61. No development/modernising of pavilion or any other structure
62. Consideration of developing a community garden
63. I like the look of the proposed master plan that was in the mail. Looks like a great use of the space for all.
64. Management of traffic flow and parking if bigger facility built? Britannia Rd is already not healthy- speeding around cnr between Britannia and Federation Sts
65. We use the reserve twice a day - it is one of the community resources we love most about living in the area. It greatly concerns me that it is indicated in the plans that the dog exercise boundary has been moved further south. Why?
66. I am concerned that the dog off leash area is reduced. Why? It is not explained in the plan.
67. The Litis Stadium upgrade is much needed
68. Look at the big picture. Having a home of Football on your patch is a win-win situation for all concerned
69. This is an excellent opportunity to increase economic development with the TOV while supporting the leading football assoc. in Perth.
70. Urgent upgrade of stadium
71. Must develop the stadium and sports areas
72. Develop sports stadium
73. Stadium upgrade is very long overdue
74. Upgrading stadium and sports precinct must be a priority
75. Sporting clubs and exercise facility must be maintained for the elderly and kids
76. Yes - develop the stadium give the sport of football, the world game for petes sake, a home in Vincent!
77. A sports centre is a must for the whole area
78. Urgently upgrade area. Resist any resident complaints.
79. Long overdue for investment and upgrade of whole area. Very good master plan
80. Facilities such as this should be encouraged to gro. I applaud all efforts to make the facility as multi-functional as possible.
81. Concerned that the upgrade of Litis stadium would lead to increased noise and activity. Would not like to see Britannia St turned into parking.
82. Britannia Reserve is set in a residential area and it would be inappropriate to construct an office/stadium facility which would see an increase in issues relating to traffic behaviour and noise
83. Very concerned about the proposal for a running track Runners and dogs don't mix. Why BBQ and toilet not at northern end where there is more parking and playground?
84. CEO should not be involved in this decision given his involvement with Soccer West
85. The current soccer stadium should be demolished and an appropriate use of the land parcel should be determined by proper design process not locked into providing a home for a single soccer club.
86. Wow! To cafes. Despite being unlikely - an open platform "special events" train station would solve big parking problems
87. Do not have a running track circumnavigating Britannia Reserves boundary
88. Do not have a BBQ area in the southern end of the reserve
89. Do not have a lavatory block at the southern end of the reserve
90. As a local land owner and rate payer in the TOV I applaud that Town for the vision and commitment to redevelop the Britannia Reserve precinct and the Litis Stadium Master Plan. This appears to be a sound investment for the residents of the Town, the many users of the reserve and the football community of WA. My young family looks forwards to enjoying theses enhanced facilities. Good luck with your efforts.

9.1.2 Amendment No. 79 to Planning and Building Policies – Policy No. 3.5.6 relating to Telecommunications Facilities

Ward:	Both	Date:	16 June 2011
Precinct:	All	File Ref:	PLA0001
Attachments:	001 – Draft Amended Policy No. 3.5.6		
Tabled Items:	Nil		
Reporting Officer:	A Fox, Planning Officer (Strategic)		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

- (i) *ADVERTISES the Draft Amended Policy No. 3.5.6 relating to Telecommunications Facilities for public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1; and*
- (ii) *after the expiry of the period for submissions:*
 - (a) *REVIEWS the Draft Amended Policy No. 3.5.6 relating to Telecommunications Facilities, having regard to any written submissions; and*
 - (b) *DETERMINES to proceed with, or not to proceed with, the Draft Policy No. 3.5.6 relating to Telecommunications Facilities, with or without amendment.*

COUNCIL DECISION ITEM 9.1.2

Moved Cr Buckels, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

Cr Farrell departed the Chamber at 7.24pm.

Debate ensued.

Cr Farrell returned to the Chamber at 7.25pm.

Debate ensued.

AMENDMENT

Moved Cr Buckels, Seconded Cr Harvey

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

- (i) *ADVERTISES the Draft Amended Policy No. 3.5.6 relating to Telecommunications Facilities for public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1 ~~and~~, subject to the Draft Policy being amended as follows:*
 - (a) *clause 2 (iv) be amended to read as follows:*
 - “iv) *Immediately As soon as is practicable following this notification, adjoining residents (~~within 300 metres~~), local community or precinct groups and Ward Councillors are also notified by the Town of the Carrier’s intent to erect a low-impact facility. Notification is to include all adjoining residents:*
 - (a) *within 50 metres if the proposed facility is located in a Town Centre or Commercial zone; and*
 - (b) *within 300 metres if the proposed facility is located outside a Town Centre or Commercial zone.”*

(b) *new clauses 2 (vi) and 2 (vii) be included as follows:*

“(vi) The Town, as a general rule, does not support the installation or location of any telecommunication infrastructure (including low-impact facilities), particularly in close proximity (i.e. adjacent or adjoining) of schools, childcare establishments, hospitals and general residential areas; and

(vii) The preferred location for telecommunication infrastructure (including low-impact facilities) is in Town Centres and Commercial zones away from ‘sensitive uses’.”

(c) *clause 6 iii) being amended and renumbered to read as follows:*

“(iii)ii) The Town, ~~as a general rule,~~ does not support the installation or location of any telecommunication infrastructure (including low-impact facilities); ~~particularly in close proximity of~~ (i.e. adjacent or adjoining) ~~of~~ schools, childcare establishments, hospitals and general residential areas;”

Debate ensued.

Cr Burns requested the amendment be considered and voted on in three parts.

The Presiding Member, Mayor Nick Catania agreed with the request to consider and vote on the amendment in three parts, and ruled accordingly.

Debate ensued.

AMENDMENT CLAUSE (i)(a) PUT AND LOST ON THE CASTING VOTE OF THE PRESIDING MEMBER (4-5)

For: Cr Buckels, Cr Farrell, Cr Harvey, Cr Lake

Against: Presiding Member, Mayor Nick Catania (two votes – deliberative and casting vote), Cr Burns, Cr Maier, Cr Topelberg

(Cr McGrath was an apology for the meeting.)

AMENDMENT CLAUSE (i)(b) PUT AND LOST ON THE CASTING VOTE OF THE PRESIDING MEMBER (4-5)

For: Cr Buckels, Cr Farrell, Cr Harvey, Cr Lake

Against: Presiding Member, Mayor Nick Catania (two votes – deliberative and casting vote), Cr Burns, Cr Maier, Cr Topelberg

(Cr McGrath was an apology for the meeting.)

AMENDMENT CLAUSE (i)(c) PUT AND CARRIED (7-1)

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

Against: Cr Maier

(Cr McGrath was an apology for the meeting.)

Debate ensued.

PROCEDURAL MOTION

Moved Cr Maier, Seconded Cr Burns

That the item be DEFERRED for further clarification and for the Town's Administration to simplify the draft Policy.

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr McGrath was an apology for the meeting.)

ADDITIONAL INFORMATION:

The Town's Officers have reconsidered Clause 2 (iv) of the Draft Amended Policy No. 3.5.6 relating to Telecommunication Facilities, in relation to consultation for low-impact facilities and proposed amendments of the following basis; Replacement Pages have been prepared accordingly.

Clause 11 (i) of the Town's current Policy states the following:

"immediately Officers are notified by telecommunications companies of the intention to erect low-impact facilities adjoining residential homes, those adjoining residents, local community or precinct groups and ward Councillors are also notified".

This clause was originally included in the current Policy in June 2000 prior to legislation requiring Carrier's to consult with the Local Authorities and the community on low impact facilities.

The adoption of the Australian Communication Industry Forum Code (ACIF Code) in 2002 required that Carrier's notify the relevant Local Authority and the community of their intent to erect a low impact facility. This means that in accordance with the Town's current Telecommunication Policy, the Town notifies adjoining residents and the community of all low-impact facilities, in addition to the notifications undertaken by the Carriers in accordance the ACIF Code.

The Town's Officers considered that to consult with the community on every notification, particularly those notifications for replacement infrastructure at existing facilities or co-location of additional low impact facilities by the same Carrier at an existing site, is superfluous for the following reasons:

- (i) The Carriers undertake their own consultation in accordance with the ACFI Code;
- (i) Considerable administrative resources, time and cost are taken up in notifying residents of every notification for low impact facilities (including replacement facilities);
- (iii) The Carriers have a requirement to comply with the Australian Standards for any low impact telecommunication infrastructure they propose to erect;
- (iv) Low impact facilities are exempt from Council approval; however, notification by the Town implies that the Town can make a determination on the proposal; and
- (v) Changes in technology requiring Carriers to upgrade current facilities to the 4G network will see an influx of notifications for upgrading and replacement of existing facilities.

Notwithstanding the above, the Town's Officers consider that there should be the discretion to undertake consultation with adjoining residents, the local community and precinct groups for notifications of new low impact facilities that may be considered contentious or of particular community interest.

Therefore, the 'Replacement Pages' aim to clarify that the Town will only consult with adjoining residents and the community for low-impact facilities by a new Carrier at a new or existing location. Notifications by a Carrier for replacement or additional facilities at an existing location should not require additional consultation by the Town.

PURPOSE:

The purpose of this report is to present to the Council, for endorsement to advertise, an amended version of the Town's Policy No. 3.5.6 relating to Telecommunications Facilities.

BACKGROUND:

The Council at its Ordinary Meeting held on 28 September 2010, considered Item 9.1.7 relating to Nos. 148-158 (Lot 600) Scarborough Beach Road, Mount Hawthorn - Proposed Low-impact Telecommunication Facility to Existing Shopping Centre (The Mezz). At this meeting, the Council resolved to strongly object to the proposed telecommunication facility for a number of reasons, including the local community's public health and safety concerns with the proposed location. The Council, in part resolved as follows:

"That the Council:

...(iv) REVIEW the Town's Policy No. 3.5.6 – Telecommunications Facilities to:

- (a) better differentiate between low-impact and high impact facilities regarding the need for a 300 metre separation from residential areas; and*
- (b) consider recommending that all applications to the Town for any such facility be accompanied by an Electromagnetic Radiation Emission (EME) Survey Report, including Pre-Commissioning Measurements and Existing Environmental Radio Frequency EME."*

DETAILS:

In order to satisfy the requirements of Clause (iv) above, the Town's Officers have undertaken additional research into the Town's Policy No. 3.5.6 relating to Telecommunications Facilities. The research is presented in the following sections:

1. Differentiate between low-impact and non low-impact facilities;
2. 300 metre exclusion zone;
3. Electromagnetic Radiation Emission (EME) Readings;
4. Further proposed Policy amendments; and
5. Comparison of Telecommunication Policies at other Local Authorities;

1. Differentiate between Low-impact and Non low-impact facilities

Legislation applying to telecommunication facilities:

Telecommunication facilities are primarily regulated under Commonwealth law. In 1997, the *Telecommunications Act 1997* came into effect and telecommunication carriers must now comply with State and Territory law in relation to certain facilities. However, the government has also recognised that there are some facilities that are unlikely to cause significant community or environmental disruption. These facilities are described in the *Telecommunications Act 1997* as 'low-impact facilities' and are defined in the *Telecommunications (Low-impact Facilities) Determination 1997*.

The *Telecommunications Act 1997* requires that telecommunication facilities that are not considered low-impact facilities require planning approval from the Town prior to installation.

Exemptions under the Telecommunication Act 1997 include:

- a low-impact facility described in the *Telecommunications (Low-Impact Facilities) Determination 1997 and Amendment No. 1 1999* when installed by a carrier.

What determines a low-impact facility?

Different types of equipment are defined as low-impact depending on their size and the zoning of the land in which they are located. Each of the following facilities is classified as low-impact if it is constructed in a rural, industrial, commercial or residential area:

- Radio communications dish up to a maximum of 1.2 metre diameter;
- Flush-mounted panel antenna;
- Satellite terminal antenna up to 1.2 metre in diameter protruding not more than 3 metres from the structure to which it is affixed;
- Antennas designed to provide coverage only within the building on which they are located;
- Co-located facilities up to a certain size installed within an existing facility or on a public utility structure; and
- Underground cabling up to a certain size.

A low-impact facility does not include any of the following:

- Designated overhead lines;
- A tower that is not attached to a building;
- A tower attached to a building and more than 5 metres high; or
- An extension to any tower, if the extension is more than 5 metres.

How the Town's Policy applies to low-impact facilities:

Under the *Telecommunications Act 1997*, the Town has no statutory powers to control low-impact facilities as described in the *Telecommunications (low-impact facilities) Determination 1997*. Clause 1 of the Town's Policy 3.5.6 relating to Telecommunication Facilities states; "*this policy does not have the authority to override the Telecommunication (low-impact facilities) Determination 1997*. However, Clause 1 also states that *voluntary co-operation by carriers in relation to low-impact facilities is encouraged*."

In accordance with the *Telecommunications Act 1997* telecommunication carriers are obligated to notify the Town of a proposed low-impact facility. When a notification is received in relation to a low-impact facility, immediately following this notification, adjoining residents (within 300 metres), local community or precinct groups and Ward Councillors are also notified by the Town of the Carrier's intent to erect a low-impact facility.

Notwithstanding the fact that low-impact facilities are exempt from planning approval, the Town's Officers consider the proposal in accordance with provisions in Policy No. 3.5.6. If the proposed facility is considered to be contentious, or receives significant community objection, then a report will be prepared for consideration at an Ordinary Meeting of Council. While the applicant is not bound by any recommendation made by the Town as a result, in most instances, the applicant will give consideration to the Town's advice and comment and resolution of the Council.

Historically, there has been some ambiguity in the application of the current Policy No. 3.5.6 in relation to low-impact facilities. In light of this, the Town's Policy No. 3.5.6 relating to Telecommunication Facilities has been amended to include a definition of low-impact facilities; and Clause 2 of the Policy Statement includes provisions that apply specifically to low-impact facilities in order to provide clarity in its application to low-impact facilities.

2. 300 metre exclusion zone

Clause 3 of the Town's existing Policy No. 3.5.6 relating to Telecommunications Facilities includes the following in relation to exclusion zones:

- '3) *All telecommunication facilities are to be located at least 300 meters away from any residential building.*'

How this applies to low-impact facilities:

As stated above, the Town has no statutory powers to control low-impact facilities, therefore there is no statutory framework to provide an exclusion zone for low-impact facilities in the Town's Policy No. 3.5.6 relating to Telecommunications Facilities. Notwithstanding this, due to the ambiguity of the exiting Policy No. 3.5.6 in relation to its application to low-impact facilities, the Town has historically sought to apply this exclusion zone to all proposals for telecommunication facilities, including low-impact facilities (as was recently the case with the Mezz proposal at Nos. 148-158 Scarborough Beach Road, Mount Hawthorn).

Further to this, it is noted that should an exclusion zone be applied to all telecommunication facilities (including low-impact), essentially all of the Town's existing and proposed telecommunication facilities would be non-complying, when assessed against the Town's current Policy No. 3.5.6.

While the Town cannot control the installation of low-impact facilities, the Town's Officers consider that a better approach is to provide direction on preferred locations for the siting of low-impact facilities. This issue is addressed further below.

Scientific and Planning evidence relating to exclusion zones:

Having further investigated the impact of exclusion zones, it would appear that there is no clear scientific or planning basis for the imposition of an exclusion zone for any telecommunication facility (low-impact or non-low-impact). Furthermore, it may be counterproductive to apply an exclusion zone that may effectively hinder the ability of Carriers to provide effective telecommunication facilities within the Town in a suitable location as addressed by the Australian Radiation Protection and Nuclear Safety Association (ARPANSA) and the Mobile Carriers Forum (MCF) in their statements below:

"Similarly, the Australian Communication Industry Forum (ACIF) Code does not specify arbitrary distances at which infrastructure must be sited from community sensitive locations, because arbitrary distances do not necessarily reflect a precautionary approach. In fact, infrastructure sited further from a community sensitive area may need to operate at a higher power and may result in higher EME exposures in that sensitive area. Furthermore, it must be remembered that evidence gathered by ARPANSA confirms that exposure levels in public areas are typically hundreds or thousands of times less than the exposure limit set by the ACMA". (ARPANSA Fact Sheet No. 6 "About mobile phone networks", revised April 2008).

"Mobile phones in lower reception areas use more power to reach the network base station; similarly the base station needs more power to reach the mobile phones, similarly Mobile phones in higher reception areas use less power to reach the network base station, similarly the base station needs less power to reach the mobile phones." (Mobile Carriers Forum Fact Sheet 'Exclusion zones: do they work?').

Exclusions zones and the State Administrative Tribunal:

Further to this, the weight of policy given to exclusion zones has previously been considered in matters considered by the former Town Planning Appeals Tribunal. In considering the weight given by the Shire of Kalamunda's Telecommunication Policy, the Tribunal's reason for its decision state:

'It seems further to add strength to the proposition advanced by the Appellant that there is no planning basis for the 500 metres (exclusion zone) referred to by the Respondent's policy. Certainly there was no evidence led of a planning, scientific or an environmental basis to indicate why it was that a significance should be attached to such a figure. Perhaps conflicting land uses and their resolution might require the need to address such a separation. That however requires a consideration on the matter on a merits basis, rather than in some prescriptive way by adoption or identification of a buffer for which at present I have no sufficient justification...'

(Hutchinson 3G Australia Ltd v Shire of Kalamunda [2004] WATPAT 189)

Additionally, in considering the weight of the applied exclusion zone in the City of Swan's Telecommunication Policy, the Tribunal's reason for its decision state:

"No evidence was led to establish the rationale from any field of discipline to show the basis for such a figure. Without such direct evidence it can only be seen to be arbitrary and in any event Council, as a policy, has discretion in order to deal with the particular circumstances of each development application."

(Taylor, RM v City of Swan [2003] WATPAT 33)

The Precautionary Approach:

In relation to telecommunication facilities generally (low-impact and non low-impact), the Town's Officers consider that a sound approach to the siting of telecommunication facilities is offered by the State Government by way of *State Planning Policy 5.2 – Guiding Principles for the Location, Siting and Design of Telecommunications Infrastructure* (Policy 5.2). While there is no specific reference to exclusion zones, the policy does address the preferred siting of telecommunication facilities based on a precautionary principle. Policy 5.2 states:

- *"...unless it is impractical to do so telecommunication towers should be located within commercial, business, industrial and rural areas and areas outside identified conservation areas."*

Further to this, it is noted that the telecommunication industry must apply a precautionary approach which requires the carriers to minimise emissions, while maintaining a quality telecommunication service. The *Telecommunication Code of Practice 1997* places many obligations on Telecommunication Carriers, including an obligation for Carriers to take a precautionary approach to the siting of facilities. The Australian Communications Authority (ACA) statement below, addresses the precautionary approach to site selection, but also touches on the issue of 'distances from 'sensitive uses' which is important in considering the suitability of applying an exclusion zone to all telecommunication facilities.

"The aim of the Deployment of Mobile Phone Network Infrastructure Code is to have carriers apply a precautionary approach to the design, operation and site selection of communication facilities. While carriers must consider the implications of community sensitive locations, they may still place infrastructure at such sites or nearby if they have balanced the location against other equally important factors. All mobile phone base stations must comply with the mandatory regulations for EME."

The Code does not specify a distance at which infrastructure must be sited from community sensitive locations. In some instances, infrastructure that is located further away from a sensitive area may need to operate at greater power to meet service requirements, which may result in higher exposure levels in that sensitive location." (Australian Communication Authority (ACA) Fact Sheet: Placement of mobile phone towers).

Exclusion zones in the Town:

Notwithstanding the above research, the Town's Officers acknowledge the community's safety and health concern in relation to the potential long term health risks of telecommunications infrastructure.

In light of this, the Town's Officers consider that maintaining the exclusion zone of 300 metres from residential uses for **non low-impact** facilities would prevent undesirable non low-impact towers from being installed throughout the Town. In effect, applying this exclusion zone would mean that the only location in which a non low-impact facility (tower) could be located is on Britannia Reserve (adjacent to the Mitchell Freeway).

Low-impact facilities, as previously stated, are exempt from obtaining Council approval; however, the Town's Officers consider that the Town's Policy No. 3.5.6 relating to Telecommunications Facilities should provide some direction to Carriers in relation to the Councils preferred location for these facilities.

In light of the above, the following Clause 6 has been included in the Amended Policy which provides an exclusion zone for non low-impact facilities; and uses a precautionary approach to address the preferred location of facilities including low-impact facilities:

'6) Protection of sensitive uses

- i) **Non low-impact** telecommunications facilities are to be located at least 300 metres away from any residential building;
- ii) The Town, as a general rule, does not support the installation or location of any Telecommunication Facilities (including low-impact facilities), in close proximity (i.e. adjacent or adjoining) of schools, childcare establishments, hospitals and general residential areas;
- iii) The preferred location for any Telecommunication Infrastructure (including low-impact facilities) is in Town Centres and Commercial zones away from sensitive uses.

Note for the purposes of this policy, 'sensitive uses' is defined as: any dwelling, childcare facility, kindergarten, preschool, school, aged care and hospitals (State Planning Policy 4.1 – State Industrial Buffer Policy).'

It is considered that the above clause will provide better clarity in relation to the application of the 300 metre exclusion zone to non low-impact facilities; will provide direction to carriers, the community and the Town's Officers in relation to the preferred location of low-impact facilities; and will not preclude the installation of low-impact facilities in locations that are more feasible as has been the practice previously when an exclusion zone has tried to be applied to low-impact facilities.

3. EME Readings

At its Ordinary Meeting held on 28 September 2010, the Council resolved that the Town's Policy No. 3.5.6 relating to Telecommunications Facilities be reviewed, to consider recommending that all applications to the Town for any such facility (low-impact and non low-impact) be accompanied by an Electromagnetic Radiation Emission (EME) Survey Report, including Pre-Commissioning Measurements and Existing Environmental Radio Frequency EME.

Before mobile phone base stations are built or upgraded, the carrier is required by the Australian Communications Authority to produce an Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) Environmental EME Report (EME Report) that shows the predicted levels of electromagnetic energy (EME) around the new or upgraded facility.

The EME Report is intended to provide an estimate of the maximum electromagnetic energy (EME) level likely to be encountered at ground level in the neighbourhood of a mobile phone base station antenna. The EME levels are to be calculated at certain distances from the antenna in accordance with an approved ARPANSA methodology and in accordance with good engineering practice as outlined in Australian Standards.

This information can be obtained for existing or proposed facilities on the Mobile Carriers Forum National site database called the "Radio Frequency National Site Archive" (RFNSA), which is updated for existing facilities or loaded for the first time for new facilities. The public information on the RFNSA includes the site location, carrier details, and environmental EME Report.

On 16 November 2010, the Town's Officers met with the Mobile Carriers Forum where the issue of a Pre Commissioned EME survey was raised. At this meeting, representatives from the major Carriers discussed this matter and indicated that a commissioned EME Report for each proposal was a time consuming and expensive process that goes beyond the scope of what is required in a low-impact notification. It was stated by the Carrier representative at the meeting, that the ARPANSA EME Report, that accompanies all low-impact proposals, was sufficient.

As an example, the representatives from Mobile Carriers Forum made particular reference to the recent notification for a low-impact facility at No. 148 Scarborough Beach Road, Mount Hawthorn (the Mezz). At the time of considering an original proposal for a facility on the lift shaft of the Mezz shopping centre carpark, the Town requested twelve (12) EME measurements. While the readings were carried out by an independent qualified consultant commissioned by Optus, and resulted in an extensive EME Report for a proposed facility, it is noted that the original proposal was subsequently withdrawn and another proposal was considered at a similar location. Due to the expense and time taken to produce the extensive EME Report, Optus indicated that it was not considered a feasible option for all low-impact notifications.

Having further considered the notion of pre-commissioning EME Reports, the Town's Officers considers that the (ARPANSA) EME Report that currently accompanies all telecommunication proposals (low-impact and non low-impact) is sufficient, and pre-commissioning additional readings should not be a requirement of all telecommunication proposals. Notwithstanding this, if during consideration of a Development Application for a telecommunication facility, it is considered that additional EME readings are warranted, then the Town should have the discretion to request additional readings be undertaken as was done with the recent Mezz proposal.

In light of this, it is proposed that a new Clause (9) (ii) be added to the Town's Policy No. 3.5.6 relating to Telecommunication Facilities in relation to Public Health and Safety as follows:

'9)ii) If in considering a Development Application for a telecommunication facility it is considered that additional EME readings are warranted, the Town may request additional readings be undertaken at the Carriers cost.'

4. Further Policy Amendments

While the Town's existing Policy No. 3.5.6 relating to Telecommunications Facilities addresses issues of siting, heritage, design, consultation requirements and environmental and health issues, the Town's Officers consider that some of these aspects lack clear policy direction. Furthermore, it is considered that there is scope to amend the layout of the Policy for improved clarity and comprehensibility.

Additionally, there has been a level of ambiguity within the existing Policy in relation to its application to low-impact facilities. While it is intended that the Policy apply to all telecommunication facilities within the Town, there is little distinction between the specific provisions that apply to low-impact and non low-impact facilities.

In light of this, in addition to addressing the above matters raised by the Council at their Ordinary Meeting of 28 September 2010, the Town's Officers have amended the Policy to give better clarity in relation to the following:

(i) Distinction between Low-impact and Non Low-impact Facilities:

The Policy has been amended to be more specific in addressing matters relating to both types of facilities, with a subheading and provisions that relate specifically to Low-impact Facilities.

While the Town's Policy No. 3.5.6 relating to Telecommunication Facilities does not have the authority to provide further requirements than that outlined in the Telecommunications (Low-impact Facilities) Determination 1997, it nonetheless aims to provide advice to Carriers about the expectations of Council, and requests voluntary cooperation by Carriers in relation to low-impact facilities.

(ii) Planning Approval:

The Policy has been amended to better clarify in what instances planning approval is required, and how the Town intends to address notifications for low-impact facilities that do not require a planning approval.

(iii) Site Selection

The Town's Policy No. 3.5.6 relating to Telecommunications Facilities has been amended to provide for the application of a precautionary approach to the siting of telecommunication facilities and will more specifically take into account the following:

- (a) the opportunity for co-location with other facilities;
- (b) the proximity of sensitive uses;
- (c) maintenance of the Town's heritage;
- (d) minimising the impact on the visual amenity of the area; and
- (e) protection of public health and safety through a precautionary approach to siting of facilities.

It is noted that while the layout may have changed considerably, the relevant policy provisions that exist in the current Policy still remain in the amended version. The draft amended Policy No. 3.5.6 relating to Telecommunications Facilities aims to:

- provide improved clarity and direction to carriers, the general public and the Town's Officers in relation to telecommunication facilities within the Town;
- ensure a precautionary approach to the siting of telecommunication facilities, while providing scope for the Town to consider the merits of a telecommunication proposal on a case by case basis having consideration to a number of important factors, rather than being driven by location alone; and
- take a more collaborative approach to the siting and design of facilities by addressing issues of concern to the Town and the community, whilst recognising the rights of carriers to provide an effective telecommunication network.

5. Comparison of Telecommunication Policy at other Local Authorities

The Town's Officers have undertaken further research into the Telecommunication Policies of other local government authorities for the purposes of comparison to assist in the review of the Town's Policy No. 3.5.6 relating to Telecommunications Facilities.

The following local government policies were reviewed:

- City of Joondalup – Policy 7-11 Telecommunication Facilities;
- City of Wanneroo – Mobile telephone base stations;
- Town of Cambridge – Policy 5.5 Telecommunication Infrastructure;
- Town of Victoria Park – Policy 4.10 Telecommunication Facilities;
- City of Fremantle – D.B.M9 – Telecommunication Policy;
- City of Belmont – Development of Mobile Phone Towers and Associated Facilities;
- City of Bayswater – TP-P5.6 Telecommunication Towers and Associated Facilities;
- City of Melville – Policy No. 28-003 Telecommunication Facilities; and
- City of South Perth – Planning Policy P394 Telecommunication Infrastructure.

Outcome of the review:

The depth of policy provisions relating to telecommunication facilities varies considerably between the Local Governments studied. The following is a brief overview of the outcome of the review:

- All local authorities clearly state that low impact facilities are exempt from obtaining planning approval;
- The Cities of Fremantle, Wanneroo and Melville encourage that carriers have regard to the provisions of the telecommunication policy when proposing low impact facilities;
- Exclusion zones which prohibit the development of non low-impact telecommunication facilities in areas of 'sensitive uses' (residential areas, school, preschools, childcare, kindergarten and health facilities) are included in the policies of the Cities of Wanneroo, Belmont and Bayswater; and
- The local governments of the Cities of Joondalup, Fremantle and Melville and the Towns of Cambridge and Victoria Park do not stipulate prohibited distances, but rather take a precautionary approach to the siting of facilities.

On further review of the policies, the Town's Officers consider that the Town of Cambridge and the City of Bayswater have the better policies in terms of being concise and clear and provides the clearest distinction between how the Council deals with low impact and non low impact facilities.

CONSULTATION/ADVERTISING:

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

LEGAL/POLICY:

Town Planning Scheme No. 1 and associated Policies;
Telecommunication Act 1997;
Telecommunication Code of Practice 1997; and
Telecommunications (Low-impact Facilities) Determination 1997.

RISK MANAGEMENT IMPLICATIONS:

Not applicable.

STRATEGIC IMPLICATIONS:

The Town's draft *Strategic Plan 2011-2016* – Objective 1 states:

“Natural and Built Environment

- 1.1 *Improve and maintain the natural and built environment and infrastructure:*
 - 1.1.1 *Develop and implement a Town Planning Scheme and associated policies, guidelines and initiatives that deliver the community vision.*
 - 1.1.2 *Enhance and maintain the character and heritage of the Town.*
 - 1.1.5 *Enhance and maintain the Town's infrastructure, assets and community facilities to provide a safe, sustainable and functional environment.”*

SUSTAINABILITY IMPLICATIONS:

The increased use of mobile telecommunications is an inevitable part of our current society. Consequently, the provision of associated telecommunication infrastructure (including mobile phone base stations) is necessary to provide an effective and efficient service. In this regard, the review of the Town's Policy No. 3.5.6 relating to Telecommunications Facilities provides provision for the responsible siting and development of telecommunications facilities, reducing adverse effects on the community.

FINANCIAL/BUDGET IMPLICATIONS:

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

COMMENTS:

It is expected that the proposed amendments to the Town's existing Policy No. 3.5.6 relating to Telecommunications Facilities will ensure clear direction to Carriers and the community, of the Town's expectations, in relation to telecommunication infrastructure. The Policy aims to take a responsible approach to issues of siting, heritage, design, consultation requirements and environmental and health issues, while still facilitating the provision of effective telecommunication services for the Town's community.

In light of the above, it is recommended that the Council authorises the Chief Executive Officer to advertise the draft amended Policy No. 3.5.6 relating to Telecommunications Facilities as outlined in this report.

The Presiding Member, Mayor Nick Catania advised that Cr Burns had declared a financial interest in Item 9.1.3. Cr Burns departed the Chamber at 7.46pm and did not speak or vote on this matter.

9.1.3 No. 15 (Lot 19; D/P: 6645) Baker Avenue, Perth - Proposed Construction of Two (2) Two-Storey Grouped Dwellings with Roof Top Terraces to Existing Single House

Ward:	South	Date:	15 June 2011
Precinct:	Hyde Park, P12	File Ref:	PRO3434; 5.2011.203.1
Attachments:	001 – Property Information Report, Development Application and Plans		
Tabled Items	Nil		
Reporting Officer:	A Dyson, 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, APPROVES BY AN ABSOLUTE MAJORITY the application submitted by J Ennis on behalf of the owner B D Maluish & E A English for proposed Construction of Two (2) Two-Storey Grouped Dwellings with Roof Top Terraces to Existing Single House, at No. 15 (Lot 19; D/P: 6645) Baker Avenue, Perth, and as shown on plans stamp-dated 21 April 2011, subject to the following conditions:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Baker Avenue;*
- (ii) any new street/front wall, fence and gate within the Baker Avenue setback area, including along the side boundaries within this street setback area, shall comply with the Town's Policy provisions relating to Street Walls and Fences;*
- (iii) no street verge tree(s) shall be removed. The street verge tree(s) shall be retained and protected from any damage including unauthorised pruning;*
- (iv) first obtaining the consent of the owners of Nos. 13 and 17 Baker Avenue, for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing Nos. 13 and 17 Baker Avenue, in a good and clean condition;*
- (v) no development shall occur within 1 metre of the north-western boundary of No. 15 Baker Avenue, Perth as a 1 metre wide right of way widening is a requirement of the Town;*
- (vi) PRIOR TO THE ISSUE OF A BUILDING LICENCE, revised plans shall be submitted and approved demonstrating the following;*
 - (a) Construction Management Plan*
A Construction Management Plan, detailing how the construction of the development will be managed to minimise the impact on the surrounding area, shall be submitted to and approved by the Town, in accordance with the requirements of the Town's Policy No. 3.5.23 relating to Construction Management Plans, and Construction Management Plan Guidelines and Construction Management Plan Application for approval Proforma;

(b) Legal Agreement

The owner(s) shall enter into a legal agreement to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town for the conservation of the existing dwelling. All costs associated with this condition shall be borne by the applicant/owner(s);

(c) Right of Way

The provision of a minimum 1 metre by 1 metre visual truncation where the driveway meets the right of way for the proposed dwellings;

(d) Privacy Screening

The north-western roof-top balustrade of Unit 2 and the south-western roof-top balustrade of Unit 3 being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished floor level, within the 7.5 metre cone of vision to the south western boundary. A permanent obscure material does not include a self-adhesive material or other material that is easily removed; OR prior to the issue of a Building Licence, revised plans shall be submitted demonstrating the above major openings being provided with permanent vertical screening or equivalent, preventing direct line of sight within the cone of vision to ground level of the adjoining properties in accordance with the Residential Design Codes 2010. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of Nos. 13 & 17 Baker Avenue, Perth stating no objection to the respective proposed privacy encroachment;

(e) Garage Parapet Walls

The proposed garage boundary walls on the southern elevation of Unit 2 and the northern elevation of Unit 3 complying with the Residential Design Codes 2010 in terms of average building height; and

(f) Landscaping and Reticulation Plan

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

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

- (1) the location and type of existing and proposed trees and plants;*
- (2) all vegetation including lawns;*
- (3) areas to be irrigated or reticulated and such method;*
- (4) proposed watering system to ensure the establishment of species and their survival during the hot and dry months; and*

- (5) *separate soft and hard landscaping plants (indicating details of materials to be used).*

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

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

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

COUNCIL DECISION ITEM 9.1.3

Moved Cr Maier, Seconded Cr Topelberg

That the recommendation be adopted.

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

(Cr Burns was absent from the Chamber and did not vote on this matter. Cr McGrath was an apology for the meeting.)

Cr Burns returned to the Chamber at 7.48pm. The Presiding Member, Mayor Nick Catania advised that the item was carried.

Landowner:	B D Maluish & E A English
Applicant:	Mr J Ennis
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R80
Existing Land Use:	Single House
Use Class:	Grouped Dwelling
Use Classification:	"P"
Lot Area:	660 square metres
Access to Right of Way	Western side, 4 metres wide, sealed, Town owned

PURPOSE OF REPORT:

The report is referred to a Meeting of Council as the application does not meet the minimum site area requirements of the Residential Design Codes and there is no delegation to approve this proposal under delegated authority.

BACKGROUND:

14 April 2009 The Council at its Ordinary Meeting conditionally approved by Absolute Majority an application for Two (2) Two Storey Grouped Dwellings at the rear of the existing Single House.

DETAILS:

The proposal involves the construction of two (2), two-storey grouped dwellings at the rear of the existing single storey dwelling at No. 15 Baker Avenue, Perth. **This application is identical to the plans approved by the Council on 14 April 2009, and have been resubmitted to the Town as the two (2) year Planning Approval time period has lapsed.**

The subject property forms part of a heritage listed streetscape, which has a Management Category B - Conservation Recommended listing on the Town's Municipal Heritage Inventory. The Town's Heritage Officer has provided comments which are noted in the Heritage Comments section of the report.

It is noted that whilst the plans depict the two proposed units as single bedroom units, the proposed units have been assessed as grouped dwellings as they exceed the minimum floor area for single bedroom dwellings.

ASSESSMENT:

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
Minimum Site Area:	160 square metres	Unit 2 - 138 square metres Unit 3 - 130 square metres (Proposed Average for 3 Lots 204.33m2)
<i>Officer Comments:</i>		
Supported – the retention of the existing dwelling maintains the amenity of the heritage listed streetscape and can be supported as per clause 27 of the Town's TPS No. 1.		
Building Setbacks:		
Ground floor south west boundary (Garage)	1.0 metre	Nil.
<i>Officer Comments:</i>		
Supported. The proposed garage parapet wall of Unit 2 abuts an open rear yard area of the adjoining property to the south. It is considered that this parapet wall will not detrimentally affect the existing dwelling in terms of reduction of light or ventilation. However it is noted that the maximum and average wall height must comply with the requirements of the Residential Design Codes and is conditioned accordingly.		
Outdoor Living Area:	Behind the street setback area	Unit 1 - Within street setback area.
<i>Officer Comments:</i>		
Supported - not considered to have an undue impact on the streetscape or the amenity of the area and as the applicant has a surplus of outdoor living spaces when considering the rear covered courtyard space.		
Visual Privacy:		
Unit 2 - North west side of roof top terrace	7.5 metres or screening	3.8 metres to south west boundary
Unit 3 - South west side of roof top terrace	7.5 metres or screening	7.0 metres to south west boundary
Unit 3 - North west side of roof top terrace	7.5 metres or screening	3.8 metres to northern boundary
<i>Officer Comments:</i>		
Supported - The proposed privacy encroachment of the north west side of Unit 3 to the adjoining property to the north is minor and only has the possibility of overlooking an unused area in the corner of the adjoining property. The proposed privacy overlooking to the southern property from both the rooftop terraces of Unit 2 and Unit 3 are not supported and are conditioned accordingly.		

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
<u>Essential Facilities:</u> Stores – Unit 2 and Unit 3	An enclosed lockable storage area with a minimum area of 4 metres and a minimum dimension of 1.5 metres.	Two store areas with a minimum dimension of 1 metre and a total area of 4.3 metres.
<i>Officer Comments:</i>		
Supported- the two stores for Units 2 and 3 are considered functional and meet the intent of the provisions of the Residential Design Codes.		
<u>Buildings on Boundary:</u> Unit 2 – Garage Wall Southern Boundary Unit 3 – Garage Wall Northern Boundary	Average wall height – 3.0 metres Average wall height – 3.0 metres	Proposed Average Wall Height - 3.4 metres Proposed Average Wall Height – 3.4 metres
<i>Officer Comments:</i>		
Not supported - considered to impact on adjacent property owners and in light of objections, this element has been conditioned to comply.		

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

Consultation Submissions		
Item	Comments Received	Officer Comments
Support (Nil)	Nil	Noted.
Objection (One)	<p><u>Heritage</u></p> <p>As a Heritage listed street, the bulk of the building seems out of character</p> <p><u>Privacy</u></p> <p>Issues with possible overlooking from the decking and windows.</p> <p><u>Overshadowing</u></p> <p>Affecting the existing adjoining neighbours back garden and vegetable plot and fence line garden in particular.</p>	<p>Noted. See Heritage Comments below.</p> <p>Supported. The privacy requirements are noted and the upper storey roof terraces of Units 2 and Unit 3 are conditioned accordingly to comply with the provisions of the Residential Design Codes.</p> <p>Not supported. The overshadowing proposed by the development is compliant with the provisions of the Residential Design Codes.</p>

Consultation Submissions		
Item	Comments Received	Officer Comments
	<p><u>Traffic and Parking</u></p> <p>Issues with parking and traffic during building construction, traffic flow in the right of way and more cars creating more fumes. The proposal would also create increases in parking along Baker Avenue.</p>	<p>Not supported. Whilst traffic will increase as part of this development, the development accommodates sufficient on-site car parking bays for the residential use, and the widening of the right of way abutting the property has been provided which will reduce any potential conflict with adjoining residential properties that utilise the right of way. It is further noted that the proposed development has been designed with a sufficient setback to ensure the majority of vehicle movements are achieved within the property.</p>
Advertising	Advertising was carried out as per the Town's Policy No. 4.1.5 – relating to Community Consultation.	

Other Implications	
Legal/Policy	TPS 1 and associated Policies, Residential Design Codes (R Codes).
Strategic	<p>The Town's <i>Strategic Plan 2011-2016</i> - Objective 1 states: <i>"Natural and Built Environment</i> <i>1.1 Improve and maintain the natural and built environment and infrastructure</i> <i>1.1.2 Enhance and maintain the character and heritage of the Town."</i></p>
Sustainability	Nil.
Financial/Budget	Nil.

COMMENTS:

Heritage

The proposed development comprising two, two-storey grouped dwellings to the rear of the heritage-listed property at No. 15 Baker Avenue has been assessed in accordance with the Town's Policy relating to Heritage Management - Development Guidelines.

The subject place is one of eight (8) brick and tile dwellings along Baker Avenue constructed in the Inter-War Bungalow style that address Birdwood Square. Collectively, the dwellings are considered to have heritage value as follows:

- *some aesthetic value* as cohesive row of dwellings exhibiting characteristics of the Inter-war bungalow style of architecture providing an important vista to Birdwood Square; and
- *some historic value* through reflecting the change of focus of suburban development from land speculation to planned communities with particular emphasis placed on amenity as encouraged through the Garden City Movement.

The proposed development is setback 20.45 metres from the front facade of the existing heritage listed property and approximately 30 metres from the front lot boundary. These considerable setbacks have sought to demonstrate minimal impact of the proposed development on the aesthetic value of the single storey streetscape. Additional plans submitted 26 November 2008 provide further context with regard to the impact of the proposed development on the streetscape.

The contemporary style of the proposed development including the bulk and scale, the use of simple planes and a concealed roof form are considered to provide an appropriate demarcation between the architectural features and building materials of the existing 1920s Bungalow and the proposed additional grouped dwellings.

Whilst the proposed development will eventuate in the loss of the rear garden, a key element of bungalows constructed in the Inter-War period, it is considered that the retention of the existing dwelling and the front garden will ensure that the setting of the property remains in keeping with the uniformity of the streetscape addressing Birdwood Square, whilst also allowing an increase in density in this inner city location.

In light of the above, there is no objection to the proposed additional two, two-storey grouped dwellings from Heritage Services.

It is also noted that the proposal does not comply with the minimum site area provisions of the Residential R80 coding of the property, with the requirement of 160 square metres per lot. The proposed rear lots propose 138 square metres for Unit 2 and 130 square metres for Unit 3. Under Clause 27 of the Town of Vincent Town Planning Scheme, where it is desirable to facilitate the conservation of an existing dwelling, which in this case, the Baker Avenue streetscape is Heritage Listed under the MHI; the Town can vary any site or development requirements. In this particular case, given the retention of the existing house, the site meets the average site area requirements of the Residential R80 coding and the proposed dwellings are considered to be appropriate for the site, the variation is supported.

In considering the density coding under the Town Planning Scheme No. 1, and the size of lots along Baker Avenue, this is a locality where it is reasonable to expect that the future amenity would include lots redeveloped with at least an additional dwelling. In this context and in light of the minor variations proposed, the application is considered acceptable and would not result in any undue impact on the amenity of the surrounding area. In light of the above, the application is therefore supported, subject to standard and appropriate conditions to address the above matters. If the Council is inclined to approve the application, the Council is required to approve it by an 'Absolute Majority', as the applicant is seeking a variation to the minimum site area requirements.

The Presiding Member, Mayor Nick Catania advised that Cr Lake and Cr Maier had declared a financial interest in Item 9.1.7. Cr Lake and Cr Maier departed the Chamber at 7.48pm and did not speak or vote on this matter.

9.1.7 Approval to Adopt the Draft Appendix No. 20 Relating to Refunding and Waiving of Planning and Building Fees

Ward:	Both	Date:	17 June 2011
Precinct:	All	File Ref:	PLA0234
Attachments:	001 – Draft Appendix No. 20 relating to Refunding and Waiving of Planning and Building Fees		
Tabled Items:	-		
Reporting Officer:	E Lebbos, Planning Officer (Strategic)		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

- (i) *AUTHORISES the Town's Officers to advertise the Draft Appendix No. 20 relating to Refunding and Waiving of Planning and Building Fees, as shown in Appendix 9.1.7, for public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1 (TPS No. 1), including:*
- (a) *advertising a summary of the subject Appendix once a week for four consecutive weeks in a newspaper circulating in the locality;*
 - (b) *where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the subject Appendix; and*
 - (c) *forwarding a copy of the subject Appendix to the Western Australian Planning Commission (WAPC); and*
- (ii) *After the expiry period for submissions:*
- (a) *REVIEWS the Draft Appendix No. 20 relating to Refunding and Waiving of Planning and Building Fees, having regard to any submissions; and*
 - (b) *DETERMINES the Draft Appendix No. 20 relating to Refunding and Waiving of Planning and Building Fees, with or without amendment, to or not to proceed with it.*

COUNCIL DECISION ITEM 9.1.7

Moved Cr Topelberg, Seconded Cr Farrell

That the recommendation be adopted.

MOTION PUT AND CARRIED UNANIMOUSLY (6-0)

(Cr Lake and Cr Maier were absent from the Chamber and did not vote on this matter. Cr McGrath was an apology for the meeting.)

Cr Lake and Cr Maier returned to the Chamber at 7.49pm. The Presiding Member, Mayor Nick Catania advised that the item was carried.

PURPOSE OF REPORT:

The purpose of this Report is to obtain the Council's approval to advertise the Draft Appendix No. 20 relating to Refunding and Waiving of Planning and Building Fees, for public comment.

BACKGROUND:

It is envisaged that the Draft Appendix will be useful for the Town, in order to ensure that an equitable and transparent framework is in place to guide the matter relating to the refunding and waiving of planning and building fees.

DETAILS:

Planning Fees

Planning fees are imposed in accordance with Part 7 and Schedule 2 of the *Planning and Development Regulations 2009*. The prescribed planning fees are a maximum amount and may be waived or refunded (in whole or part) under regulation 52, which states that '*a local government may waive or refund, in whole or in part, a payment of fee for a planning service*'. A local government is also permitted under regulation 49 to recover costs and expenses incurred in the provision of specified services.

Building Fees

Fees for a Building Licence and a Building Approval Certificate are imposed in accordance with Part 6 of the *Building Regulations 1989*, and the fees are set by the Regulations.

With respect to the Building Fees collected through the Building Construction Industry Training Levy (BCITF) and the Builder's Registration Board (BRB), these cannot be waived and do not apply to the Draft Appendix No. 20 relating to Refunding and Waiving of Planning and Building Fees.

Existing Procedure

Further to the above, the Town currently has in place a somewhat brief framework to address the refunding or waiving of planning and building fees, as outlined in Part 6.17 of the Town's Delegated Authority Register 2010-2011, which relates to Planning and Building Fees and Charges. This stipulates that the Chief Executive Officer is '*delegated the power to reduce, waive or refund fees and charges payable for planning and building applications, and searching and printing of building plans.*'

More specifically, the Conditions and Reporting requirements of the Delegated Authority are as follows:

- '*Up to 100 percent of the planning application fees and charges may be reduced, waived or refunded where in circumstances considered extraordinary by the Chief Executive Officer or Director Development Services.*
- '*Up to 100 percent of the fees and charges for building applications, and searching and printing of building plans may be reduced, waived or refunded where in circumstances considered extraordinary by the Chief Executive Officer or the Director Development Services.*'

Heritage Provisions

In addition to the above however, the Town has some more specific provisions in place, in relation to the waiving of fees for heritage listed properties. These are outlined in clause 2 of the Town's Policy No. 3.6.7, relating to Heritage Management – Municipal Heritage Inventory (MHI) Incentives and Development Bonuses, as well as in the Town's Schedule of Fees and Charges. The Town's Officers have cross-referenced with these documents whilst developing the Draft Appendix No. 20 relating to Refunding and Waiving of Planning and Building Fees, in order to ensure that the Draft Appendix is in line with the various provisions the Town currently has in place to govern the refunding and waiving of fees.

Way Forward

In order to provide a clearer framework and better guidance in relation to the circumstances where the refunding and waiving of planning and building fees apply more generally, it is considered prudent for the Town to develop and adopt an Appendix relating to refunding and waiving of planning and building fees, so as to remove any ambiguity in relation to this matter.

Development Assessment Panels

It is noted that the waiving of planning fees outlined in the Draft Appendix No. 20 relating to Refunding and Waiving of Planning and Building Fees, does not apply to the fees that apply to applications that are determined by the Development Assessment Panel, which are regulated by the *Planning and Development (Development Assessment Panel) Regulations 2011*. However, the fees that are collected by the Town which are also paid upon lodgement of an application that are being determined by the Development Assessment Panel can be modified at the discretion of the Chief Executive Officer, in accordance with the provisions within the Draft Appendix No. 20 relating to Refunding and Waiving of Planning and Building Fees.

CONSULTATION/ADVERTISING:

The Draft Appendix No. 20, relating to Refunding and Waiving of Planning and Building Fees, will be advertised for a period of twenty eight (28) days, in accordance with clause 47 of TPS No. 1.

LEGAL/POLICY:

- Town Planning Scheme No. 1 and associated Policies;
- Planning and Development Regulations 2009; and
- Building Regulations 1989.

RISK MANAGEMENT IMPLICATIONS:

Not applicable.

STRATEGIC IMPLICATIONS:

In keeping with the Town's *Strategic Plan 2011-2016* – Objective 1.1 states:

“Improve and Maintain the Environment and Infrastructure:

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

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

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

COMMENTS:

It is considered that the Draft Appendix No. 20, relating to Refunding and Waiving of Planning and Building Fees, will result in a comprehensive and transparent framework that will provide clarity to the public in regards to the circumstances where the refunding and waiving of planning and building fees apply.

In light of the above justification, it is recommended that the Council progresses the Draft Appendix in accordance with the Officer Recommendation.

9.2.1 Investigation of the possible introduction of speed restrictions for bicycle riders within the Town's Parks and Reserves

Ward:	Both	Date:	17 June 2011
Precinct:	All	File Ref:	LEG0024
Attachments:	-		
Tabled Items:	-		
Reporting Officers:	J MacLean, Manager Ranger Services and Community Safety R Lotznicker, Director Technical Services		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council;

(i) *NOTES that;*

- (a) *the legal advice received advises that the Town can create a local law to introduce speed restrictions for bicycle riders in its Parks and Reserves however it cannot introduce a local law authorising the Town's employees to control or regulate the speed of bicycles as this would be in conflict with the Road Traffic Act 1974 (WA) whereby only a Police Officer is authorised to control the speed in accordance with the Act;*
- (b) *Main Roads WA have advised that they are responsible for setting speed limits on roads, they have significant relevant experience in this area and are not in favour of what is being suggested as there would be poor compliance and difficult to enforce as the installation of speed signage in isolation does little to change driver behaviour without a significant level of enforcement;*
- (c) *the Western Australian Local Government association concurred with the legal advice received and Main Roads WA's position on the matter;*
- (d) *no response was received from either the WA Police or the Department of Transport at the time of writing the report; and*
- (e) *each matter involving reported conflict between cyclists and other park users will be assessed on a case by case basis and other measures will be implemented where appropriate as outlined in the report; and*

(ii) *DOES NOT PROCEED with the creation of a Local Law to control speed restrictions for bicycle riders within the Town's Parks and Reserves for the reasons outlined in the report and in clause (i) above.*

Moved Cr Maier, Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

AMENDMENT NO 1

Moved Cr Maier, Seconded Cr Harvey

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

“(iii) REQUESTS that the Chief Executive Officer to provide a further report to the Council on any other approach which improves pedestrian safety without unnecessarily discouraging recreational cycling.”

Debate ensued.

AMENDMENT NO 1 PUT AND LOST (3-5)

For: Cr Buckels, Cr Lake, Cr Maier

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

(Cr McGrath was an apology for the meeting.)

AMENDMENT NO 2

Moved Cr Maier, Seconded Cr Harvey

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

“(iii) REQUESTS that the Chief Executive Officer to provide a further report to the Council on any other approach which improves pedestrian safety without unnecessarily discouraging recreational cycling.”

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

(Cr McGrath was an apology for the meeting.)

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

(Cr McGrath was an apology for the meeting.)

COUNCIL DECISION ITEM 9.2.1

That the Council;

(i) NOTES that;

(a) *the legal advice received advises that the Town can create a local law to introduce speed restrictions for bicycle riders in its Parks and Reserves however it cannot introduce a local law authorising the Town’s employees to control or regulate the speed of bicycles as this would be in conflict with the Road Traffic Act 1974 (WA) whereby only a Police Officer is authorised to control the speed in accordance with the Act;*

(b) *Main Roads WA have advised that they are responsible for setting speed limits on roads, they have significant relevant experience in this area and are not in favour of what is being suggested as there would be poor compliance and difficult to enforce as the installation of speed signage in isolation does little to change driver behaviour without a significant level of enforcement;*

- (c) *the Western Australian Local Government association concurred with the legal advice received and Main Roads WA's position on the matter;*
- (d) *no response was received from either the WA Police or the Department of Transport at the time of writing the report; and*
- (e) *each matter involving reported conflict between cyclists and other park users will be assessed on a case by case basis and other measures will be implemented where appropriate as outlined in the report;*
- (ii) *DOES NOT PROCEED with the creation of a Local Law to control speed restrictions for bicycle riders within the Town's Parks and Reserves for the reasons outlined in the report and in clause (i) above; and*
- (iii) *REQUESTS that the Chief Executive Officer to provide a further report to the Council on any other approach which improves pedestrian safety without unnecessarily discouraging recreational cycling.*

PURPOSE OF REPORT:

The purpose of this report is to advise the Council on the outcome of investigations regarding the possible introduction of speed restrictions for bicycle riders within the Town's Parks and Reserves.

BACKGROUND:

At its Ordinary meeting held on 19 April 2011, the Council considered a notice of motion requesting the administration to investigate Local Laws with the view of introducing speed restrictions for bicycle riders within the Town's Parks and Reserves.

Following consideration of the matter the Council made the following decision:

“That the Council REQUESTS:

- (i) *that the Chief Executive Officer investigate and prepare a report on the potential use of the Town's Local Government Property Local Law (2008) [particularly clauses 2.7 (1) and 2.7 (2) to define different classes of bicycle use] or any other appropriate Local Law, with the view of introducing speed restrictions for bicycle riders within the Town's parks and reserves. The report should include but not be limited to:*
 - (a) *including obtaining external legal advice;*
 - (b) *seeking advice from government departments and other agencies, including the Western Australian Local Government Association, Department of Transport, Bikewest, Western Australian Police and Main Roads WA;*
 - (c) *potential criteria as to where such restrictions could apply (e.g. adjacent to playgrounds);*
 - (d) *issues of enforcement, including the need to determine the speed at which a cyclist is riding; and*
 - (e) *any other approach which improves pedestrian safety without unnecessarily discouraging recreational cycling; and*
- (ii) *a report be submitted to the Council no later than 30 June 2011.”*

DETAILS:

The following investigations have been undertaken with regards the potential use of the Town's Local Government Property Local Law (2008) with the view of introducing speed restrictions for bicycle riders within the Town's parks and reserves.

Legal advice:

Legal advice relating to the Town of Vincent Local Government Property Local law was obtained from the Town's solicitor. The Town's officers requested advice on whether the Town could amend/create a local law introducing speed restrictions for bicycle riders within its parks and reserves and whether such a local law could be enforced. On 26 May 2011 the following advice was received.

Section 3 of the Road Traffic Code 2000 (WA) defines a "bicycle" as follows:

a vehicle with 2 or more wheels that is built to be propelled by human power through belt, chain or gears (whether or not it has an auxiliary motor) –

- (a) Including a pedicab, penny-farthing and tricycle; but*
- (b) Not including a wheelchair, wheeled recreational device, wheeled toy, scooter or a power-assisted pedal cycle (if the motor is operating).*

Section 5 of the Road Traffic Act 1974 (WA) defines a "vehicle" as follows:

- (a) every conveyance, not being a train, vessel or aircraft, and every object capable of being propelled or drawn, on wheels or tracks, by any means; and*
- (b) Where the context permits, an animal being driven or ridden.*

A bicycle therefore falls within the definition of "vehicle" pursuant to section 5 of the Road Traffic Act 1974 (WA).

Section 6 and section 6AA of the Road Traffic Act 1974 (WA) provide that the Commissioner of Police is responsible for the enforcement of the traffic regulation provisions of the said Act and that the Commissioner of Police may delegate to a member of the Police Force any power or duty of the Commissioner under the said Act.

*In our opinion the Town can create a local law with the view of introducing speed restrictions for bicycle riders within the Town's parks and reserves. **However, the creation of such local law would be futile given that it would not be possible for the Town to enforce such a local law for the reason that only a Police Officer is authorised to control the speed of vehicles including bicycles pursuant to the Road Traffic Act 1974 (WA).***

*The Road Traffic Act 1974 (WA) prevails over any local Law in that the said Act authorises only Police Officers to take all necessary action in the enforcement of speed limits for vehicles including bicycles. **Therefore, the Town cannot introduce a local law authorising the Town's employees to control or regulate the speed of bicycles as this would result in the local law being in conflict with the Road Traffic Act 1974 (WA).***

Officers Comments:

The Town can create a local law to introduce speed restrictions for bicycle riders in parks however the Town would not be able to enforce the local law as only a Police Officer is authorised to control the speed in accordance with the Road Traffic Act.

Therefore, the Town cannot introduce a local law authorising the Town's employees to control or regulate the speed of bicycles as this would result in the local law being in conflict with the Road Traffic Act.

Advice from Government Departments and other Agencies:

The Director Technical Services wrote to the following agencies in May 2011. At the time of writing this report a formal response had been received from Western Australian Local Government Association (WALGA) and Main Roads WA (MRWA).

Western Australian Local Government Association (WALGA):

The following reply received from WALGA's Manager Governance on 16 June 2011:

I refer to your correspondence regarding the potential to investigate Local Laws for the introduction of speed restrictions for bicycle riders.

WALGA concurs with your legal advice and the views of MRWA. It is open for a Local Government to determine certain activities as prohibited on local government property; such a provision is included in the WALGA Model Local Government Property Local Law.

However as legislation currently stands, **this determination will require the involvement of the WA Police to enforce.**

Main Roads WA:

The following reply received from MRWA on 1 June 2011:

I refer to your correspondence dated 27 May 2011 requesting Main Roads WA comments with regard to the introduction of local laws to restrict the speed of bicycle riders within the Town of Vincent's parks and reserves.

Main Roads WA is not in favour of the proposed local laws as they would have poor compliance and would be difficult to enforce.

Main Roads WA is responsible for setting speed limits on roads and has gained significant relevant experience in this area. Main Roads WA has found that the installation of speed signage in isolation does little to change driver behaviour without a significant level of enforcement.

Even if the Council does have the power to legally make such a law then it is likely that the responsibility for enforcing these laws would lie with the Council. In order to do this I would expect that the Council would need to be able to accurately measure the speed of a rider which would require expensive equipment. The extra workload involved in the enforcement together with the expense of the equipment and the training required to use it could prove costly to the Town.

It should also be noted that there is existing legislation that can be applied to poor rider behaviour. Reckless riding is an offence that can be enforced by a police officer. In addition, it allows the police officer the opportunity to determine what is unacceptable in different circumstances. For example, a rider travelling along a straight path through an empty park at 30km/h is safer than a rider travelling at 15km/h along a very busy shared path by weaving around pedestrians. A police officer has the power to make this distinction and act accordingly.

Department of Transport, Bikewest:

At the time of writing this report no formal response had been received however the following email was received on 13 June 2011. While the email was unrelated to the requested information it outlines important information of recent changes at the Department of Transport with regards to the provision of cycling facilities in WA

There has been a review of cycling activities across the Transport Portfolio in the second half of 2010. One of the key recommendations of the review was for the relocation of the Cycling Infrastructure staff from Bikewest to the Integrated Transport Planning Directorate. This recommendation is aimed at taking a totally integrated approach to the planning of infrastructure that caters for the movement of people. The change was recently implemented and the Cycling Infrastructure staff are now part of the Network Planning-Moving People Branch within the Integrated Transport Planning Directorate. Bikewest will be retained by the department but will focus on promotion and travel behaviour change.

Western Australian Police:

At the time of writing this report no response had been received

Officers Comments:

The Town can create a local law to introduce speed restrictions for bicycle riders in parks however the Town would not be able to enforce the local law as only a Police Officer is authorised to control the speed in accordance with the Road Traffic Act.

Therefore, the Town cannot introduce a local law authorising the Town's employees to control or regulate the speed of bicycles as this would result in the local law being in conflict with the Road Traffic Act.

It is clear therefore from the legal advice received and from the agency responses that without the involvement of the WA Police enforcement of speed cannot occur, that most bicycle riders would be unaware of how fast they were travelling and that there is existing legislation that can be applied to poor rider behaviour. Reckless riding is an offence that can be enforced by a police officer.

Potential criteria as to where such restrictions could apply (e.g. adjacent to playgrounds):

Based on the advice received speed restrictions can only be enforced by a Police Officer and that as MRWA have indicated that the installation of speed signage in isolation does little to change driver behaviour without a significant level of enforcement.

Therefore it is considered that speed restrictions would be of little benefit in changing 'rider' behaviour.

Issues of enforcement, including the need to determine the speed at which a cyclist is riding; and

This has been covered in detail earlier in the report.

Other approaches to improve pedestrian safety without unnecessarily discouraging recreational cycling:

It is considered that any issues that are brought to the Town's attention should be dealt with on a case by case basis rather than each situation may be different from the other.

Some measures that have been implemented and could be implemented include:

- Appropriate advisory signage e.g. Banks Reserve,
- Appropriate line markings e.g. Town's greenway path network
- Chicanes/Bollards where appropriate
- Rumble strips e.g. Banks Reserve, Robertson Park
- Appropriately designed fencing where appropriate to provide a safe barrier e.g. Robertson Park
- Separate bike lanes/pedestrian paths e.g. South Perth Foreshore path
- Bike rider/recreational park user's education.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

As mentioned in the report, the Town can create a local law to introduce speed restrictions for bicycle riders in parks however the Town would not be able to enforce the local law as only a Police Officer is authorised to control the speed in accordance with the Road Traffic Act.

RISK MANAGEMENT IMPLICATIONS:

Low: While there have been some isolated incidences of bicycle/pedestrian conflict their prevalence of these has been minor and measures are investigated to address these on a case by case basis and as MRWA have indicated a rider travelling along a straight path through an empty park at 30km/h is safer than a rider travelling at 15km/h along a very busy shared path by weaving around pedestrians.

STRATEGIC IMPLICATIONS:

The Town's *Strategic Plan 2011-2016* states:

"Natural and Built Environment

Objective 1.1.5: Enhance and maintain the Town's infrastructure, assets and community facilities to provide a safe, sustainable and functional environment".

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

Not applicable.

COMMENTS:

The legal advice received indicates that the Town can create a local law to introduce speed restrictions for bicycle riders in its Parks and Reserves however it cannot introduce a local law authorising the Town's employees to control or regulate the speed of bicycles as this would be in conflict with the Road Traffic Act 1974 (WA) whereby only a Police Officer is authorised to control the speed in accordance with the Act.

Main Roads WA advised that they are responsible for setting speed limits on roads, they have significant relevant experience in this area and are not in favour of what is being suggested as there would be poor compliance and difficult to enforce as the installation of speed signage in isolation does little to change driver behaviour without a significant level of enforcement.

It is recommended that the Council not proceed with the creation of a local law with the view of introducing speed restrictions for bicycle riders within the Town's Parks and Reserves for the reason outlined in the report and continues to assess each matter involving reported conflict between cyclists and other park users on a case by case basis and implements other measures where appropriate as outlined in the report.

9.2.2 Traffic Management Matter - Pennant Street, North Perth – Further Report No. 3

Ward:	North	Date:	17 June 2011
Precinct:	Smith's Lake P6	File Ref:	TES0275
Attachments:	001 – Plan 2786-CP-1 002 – Plan 2786-CP-2 003 – Plan 2786-CP-3 004 – Plan 2831-SD-01 005 – Plan 2786-CP-04 006 – Feedback		
Tabled Items:	-		
Reporting Officers:	R Lotznicker, Director Technical Services C Wilson, Manager Asset and Design Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

(i) *NOTES that;*

- (a) *residents in Pennant Street have conducted a survey of preferred traffic calming measures in the street (refer attached Plan No.'s 2786-CP-1, 2786-CP-2, 2786-CP-3 and Appendix 9.2.1); and*
- (b) *the results of the residents survey was discussed at the Local Area Traffic Management Advisory Group meeting held on 16 June 2011 and that while it is not considered that the vehicle speeds are excessive, it was agreed that a 6 month traffic calming trial in Pennant Street should be implemented;*

(ii) *APPROVES;*

- (a) *conducting a 6 month trial of a 'single lane' slow point' in Pennant Street as shown on attached plan 2831-SD-01 at an estimated cost of \$3,500; and*
- (b) *IN PRINCIPLE the removal of the 'Residential Only Parking' in Pennant Street and replacing it with a 2P time restriction 8.00am to 5.30pm Monday to Friday, as shown on attached plan No 2786-CP-04 for the reasons outlined in the report;*

(iii) *CONSULTS*

- (a) *with Pennant Street residents regarding the trial (as outlined in clause (ii)(a) and if no significant objections are received IMPLEMENTS the trial; and*
- (b) *with Pennant Street residents regarding the removal of the 'Residential Only Parking' in Pennant Street and replacing it with a 2P time restriction 8.00am to 5.30pm Monday to Friday;*
- (v) *RECEIVES a further report at the conclusion of the consultation as per clause (iii)(b) above;*
- (v) *ADVISES the respondents of its decision.*

Cr Burns departed the Chamber at 7.58pm.

Moved Cr Maier, Seconded Cr Topelberg

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

“That a new subclause (i)(c) be inserted as follows:

- (i)(c) that very little on road parking has been observed on Pennant Street since the introduction of resident only parking and that this indicates that there is not a shortage of parking for residents in the street;”*

Debate ensued.

Cr Burns returned to the Chamber at 8.00pm.

Debate ensued.

Cr Buckels departed the Chamber at 8.01pm and did not return to the Meeting, as he was unwell.

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (7-0)

(Cr Buckels had departed the Meeting. Cr McGrath was an apology for the meeting.)

COUNCIL DECISION ITEM 9.2.2

That the Council;

(i) NOTES that;

- (a) residents in Pennant Street have conducted a survey of preferred traffic calming measures in the street (refer attached Plan No.'s 2786-CP-1, 2786-CP-2, 2786-CP-3 and Appendix 9.2.1);*
- (b) the results of the residents survey was discussed at the Local Area Traffic Management Advisory Group meeting held on 16 June 2011 and that while it is not considered that the vehicle speeds are excessive, it was agreed that a 6 month traffic calming trial in Pennant Street should be implemented; and*
- (c) that very little on road parking has been observed on Pennant Street since the introduction of resident only parking and that this indicates that there is not a shortage of parking for residents in the street;*

(ii) APPROVES;

- (a) conducting a 6 month trial of a ‘single lane’ slow point’ in Pennant Street as shown on attached plan 2831-SD-01 at an estimated cost of \$3,500; and*
- (b) IN PRINCIPLE the removal of the ‘Residential Only Parking’ in Pennant Street and replacing it with a 2P time restriction 8.00am to 5.30pm Monday to Friday, as shown on attached plan No 2786-CP-04 for the reasons outlined in the report;*

(iii) **CONSULTS**

- (a) *with Pennant Street residents regarding the trial (as outlined in clause (ii)(a) and if no significant objections are received IMPLEMENTS the trial; and*
- (b) *with Pennant Street residents regarding the removal of the 'Residential Only Parking' in Pennant Street and replacing it with a 2P time restriction 8.00am to 5.30pm Monday to Friday;*
- (v) **RECEIVES a further report at the conclusion of the consultation as per clause (iii)(b) above;**
- (v) **ADVISES the respondents of its decision.**

PURPOSE OF REPORT:

The purpose of this report is to advise Council of the outcome of community consultation regarding proposed traffic management in Pennant Street and to seek Council's approval to implement the proposal.

BACKGROUND:

Ordinary Meeting of Council held on 11 July 2000

In 2000 the Town was made aware of problems created by some vehicles parking all day in a number of streets in the North Perth area. Following consultation with residents the Council considered a report on the matter where the following decision, in part, was made.

- "(ii) the Council introduces "RESIDENTIAL PARKING ZONES" in the following streets:*
- (a) Howlett Street between Tennivale Place and Pennant Street;*
 - (b) Hardy Street between Howlett Street and Scarborough Beach Road;*
 - (c) Tennivale Place between Howlett Street and Kadina Street; and*
 - (d) Pennant Street between Scarborough Beach Road and Kadina Street;"*

Ordinary Meeting of Council held on 23 June 2009

Pennant Street traffic was discussed at the LATM Advisory Group meeting held on 4 June 2009 and a report on the matter was presented to the Ordinary Meeting of Council held on 23 June 2009, where the following decision was made.

"That the Council;

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

Ordinary Meeting of Council held on 22 September 2009

The Council was advised that on 19 August 2009, letters were distributed to residents in Pennant Street and at the close of consultation 23 responses had been received with seventeen (17) in favour and six (6) partially in favour of the proposal to modify the intersection of Pennant Street and Scarborough Road.

While at the time most were in favour of something happening some considered the proposal did not go far enough. Some indicated they would not like to see speed humps in the future and several respondents suggested more substantial measures. One resident suggested changing the designation of Pennant Street, however, with its 'Access Road' status it is already at the lowest end of the Metropolitan Functional Hierarchy.

Following consideration of the report the Council made the following decision.

"That the Council;

- (i) RECEIVES the further report on Pennant Street, North Perth, Traffic Management Matter;*
- (ii) NOTES the comments received from the respondents;*
- (iii) APPROVES the implementation of a pedestrian refuge/splitter island at the intersection of Pennant Street and Scarborough Beach Road estimated to cost \$7,500, as outlined on attached Plan No. 2657-CP-01A;*
- (iv) MONITORS the street to determine whether the proposal has improved the amenity of the street in terms of traffic speed; and*
- (v) ADVISES the respondents of its decision.*

DETAILS:

Pennant Street runs north south between Scarborough Beach Road and Kadina Street, is classified as an Access Road in accordance with the Metropolitan Functional Road Hierarchy, and has a posted speed limit of 50 kph. Pennant Street also has a direct link to Loftus Street via Chamberlain Street.

Since the implementation of the pedestrian refuge/splitter island at the intersection of Pennant Street and Scarborough Beach Road a number of residents have continued to express concerns at the speed of traffic in the street.

As a result of these concerns a number of residents, in liaison with the Town's officers prepared a number of possible traffic calming options and conducted their own resident survey. The residents and their survey results were discussed at the LATM Advisory Group meeting held on 16 June 2011.

LATM Advisory Group meeting held on 16 June 2011

Presentation by residents:

Three (3) residents from Pennant Street attended the meeting and presented the results of their consultation. They outlined the three (3) options presented to the residents in the street and the results of their consultation as follows: (refer attached plans)

Option 1 (Drawing No 2786-CP-1)

- Installation of 2x one-way slow points (between # 8, 10 and 27, 29 Pennant St)*
- A plateau at the intersection of Howlett St and Pennant St*
- 1 x low profile speed hump (between 43, 45 Pennant St)*

Option 2 (Drawing No 2786-CP-2)

- *Installation of 3 x speed cushions (between #8, 10 and 27, 29 and 43, 45 Pennant St)*
- *These can be installed very quickly and either in a temporary (or trial) or permanent basis.*

Option 3 (Drawing No 2786-CP-3)

- *Installation of 3 x low profile speed humps (between #8, 10 and 27, 29 and 43, 45 Pennant St).*
- *A plateau at the intersection of Howlett St and Pennant St.*

The results of the resident consultation indicated the following:

24 in favour of Option 1

11 in favour of option 2

5 in favour of option 3

Discussion:

It was indicated that while the 85% speed in the section of Pennant Street between Chamberlain Street and Scarborough Beach Road had increased marginally, i.e. 51.8 kph in 2009 and 54kph in late 2010, it is considered that the speeds are still not excessive.

One of the residents considered there was a speeding issue in the section of Pennant Street between Chamberlain and Kadina however the 85% speed in this section of the street is only 46.8kph (unchanged since 2009) and no traffic measures can be justified at this location. Notwithstanding, the Town is in the process of implementing traffic calming in Kadina Street (separate project) and will be further investigating the implementation of the Vincent Greenway along Pennant Street and Chamberlain Street. There may be a requirement to implement some calming measures as part of the Greenway implementation at this location in future.

Also as mentioned above Pennant Street has been a residential only parking zone since 2000 and, as a consequence, very few cars, residents and/or their visitors park in the street.

Suggested/agreed way forward:

The group agreed to progress the matter as follows:

Implement a six (6) month trial of a single lane slow point on Pennant Street midway between Chamberlain Street and Scarborough Beach Road (Option 1 principle).

Canvass Residents regarding removing the resident only parking restriction and replacing it with a 2P restriction 8.00am to 5.30 Monday to Friday.*

Note*: It was indicated that vehicles parked on the street would result in lowering speeds as motorists would need to slowdown and 'give way' to other motorists (*courtesy*) given the width of the street. This is normal practice in a large number of similar streets in the Town resulting in speed not being an issue.

CONSULTATION/ADVERTISING:

Residents will be advised of the Council decision and requested to comment on both proposals. With regards to the proposed six (6) month trial, residents will be advised that if there is no significant objection to the proposal then the trial would be implemented at the conclusion of the consultation period.

LEGAL/POLICY:

Not Applicable.

RISK MANAGEMENT IMPLICATIONS:

Low: The recorded 85% speed is not excessive however residents do have concerns given the number of children living in the street.

STRATEGIC IMPLICATIONS:

The Town's *Strategic Plan 2011-2016* states:

"Natural and Built Environment"

Objective 1.1: Improve and maintain the natural and built environment and infrastructure.

1.1.5: Enhance and maintain the Town's infrastructure, assets and community facilities to provide a safe, sustainable and functional environment".

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

The cost to implement the trial using water filled barriers (or similar) and speed cushion, signage etc is estimated to cost \$3,500 and can be funded from the miscellaneous traffic management budget allocation.

COMMENTS:

The Traffic data indicates that there is not a major speed issue in Pennant Street, however the residents do have concerns given the number of children living in the street.

The modifications at the Scarborough Beach Road/Pennant Street intersection have had little impact in lowering the speed of vehicles and residents were previously advised that the matter would be further considered if there was no change following the introduction of the Scarborough Beach Road/Pennant Street intersection works.

It was therefore recommended that the Council undertakes a trial as indicated and consults with residents regarding the removal of the resident only parking restriction and replacing it with a time restriction.

9.2.3 Proposed Change to 2 Hour Parking Restriction – Baker Avenue, Perth

Ward:	South	Date:	16 June 2011
Precinct:	Hyde Park, P12	File Ref:	PKG0183
Attachments:	-		
Tabled Items:	-		
Reporting Officer:	P Cicanese, Coordinator Ranger Services		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council APPROVES an alteration to the operating times, for the existing parking time restriction, in Baker Avenue, Perth, from the current Two Hour (2P) 8am to 5.30pm Monday to Friday and 8am to 12 noon Saturday, to a Two Hour (2P) restriction which operates at all times.

COUNCIL DECISION ITEM 9.2.3**Moved Cr Topelberg, Seconded Cr Lake**

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (7-0)

(Cr Buckels had departed the Meeting. Cr McGrath was an apology for the meeting.)

PURPOSE OF REPORT:

The purpose of this report is to secure Council approval to amend the existing Two hour (2P) parking restriction in Baker Avenue, Perth, to operate at all times.

BACKGROUND:

In the last two years, the Ranger and Community Safety Services have received numerous complaints from local residents in Baker Avenue, Perth concerning backpackers who camp overnight, street prostitution, park drinking and noise. The majority of the complaints relate to vehicles that park after the time restrictions have ended, for long periods of time and, in many cases, overnight. It has been suggested that the problem with backpackers and other itinerant persons sleeping in their vehicles overnight is becoming worse and this is having an adverse impact on the local residents' perception of safety and security.

DETAILS:

Under the Caravan Parks and Camping Grounds Act 1995 and the Town's Local Government Property Local Law, it is an offence to camp overnight, in an area which has not been designated for that purpose. However, it is extremely difficult to prove whether a vehicle is actually being used for "camping", or whether it is simply "parked" for a long period. While, on the balance of probability, the vehicles are being used for "camping", unless an Authorised Officer can prove, beyond a reasonable doubt, that the occupants are "living" in the vehicle, no case can be brought.

The primary complaints being received by the Town, suggest that persons are parking in Baker Avenue and sleeping overnight. Because there are no toilet facilities, or cooking facilities at the location, it is also alleged that the itinerants regularly urinate on the park, in front of their vehicles and they often cook their meals on portable stoves on the ground of the park. Residents complain that they feel unsafe, because they have no idea who is sleeping in the vehicles very close to their homes and very close to a primary school.

Baker Avenue is part of the current residential parking exclusion zone, in force when major events are being held at nearby nib Stadium, so the vehicles already move away during these periods. The current parking restrictions in Baker Avenue only allow the Town's Rangers to enforce the provisions of the two hour parking restriction (2P) during the period of 8am to 5:30pm Monday to Friday and 8am to noon on Saturday. Because there are no time restrictions after 5:30pm on weekdays, on Saturday afternoons and all day Sunday, Rangers have no power to move these vehicles on.

As a result, it is suggested that, if the parking time restrictions are amended to operate at all times, Rangers would then have the authority to issue an infringement notice to offenders, and/or to require the drivers to move on. This will allow more flexibility for rangers to monitor and will extend the enforcement options in the street. It is suggested that this approval will create an easier method to control these itinerant vehicles and, because the restrictions are in force at all times, it will be a more effective deterrent to all night parkers. By extending restrictions, issues such as vehicular traffic, street drinking, antisocial behaviour, noise and criminal activity, are likely to be reduced.

CONSULTATION/ADVERTISING:

Complaints have been received from a number of residents in the street, who are seeking the Town's assistance to remove the current unacceptable behaviour. It is considered that there is no need for consultation as residents in the street already have their Residential Parking Permit in place; subsequently, no cost will be involved.

LEGAL/POLICY:

There is no legal consequence of the recommendation.

RISK MANAGEMENT IMPLICATIONS:

Low: There is a concern by the residents that backpackers and other itinerant travellers pose a safety and security risk.

STRATEGIC IMPLICATIONS:

The Town's *Strategic Plan 2011-2016* – Objective 1 states:

“Natural and Built Environment

1.1 Improve and maintain the natural and built environment and infrastructure.

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

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

Implementing the change of restriction will require the purchase and installation of seven (7) new signs at an estimated cost of \$350. This cost is minimal when comparing it with the benefits that would be derived.

COMMENTS:

Baker Avenue is currently being used by backpackers and other itinerants who are taking advantage of the limited current parking restrictions, by parking (camping) overnight. This problem would be easily rectified by amending the current 2P restriction to operate at all times. As a result, the Officer Recommendation is recommended for approval.

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 8.09pm and did not speak or vote on this matter.

Deputy Mayor, Cr Sally Lake assumed the Chair at 8.09pm.

9.3.1 Investment Report as at 31 May 2011

Ward:	Both	Date:	2 June 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 31 May 2011 as detailed in Appendix 9.3.1.

COUNCIL DECISION ITEM 9.3.1

Moved Cr Harvey, Seconded Cr Maier

That the recommendation be adopted.

MOTION PUT AND CARRIED UNANIMOUSLY (5-0)

(Mayor Catania and Cr Burns were absent from the Chamber and did not vote on this matter. Cr Buckels had departed the Meeting. Cr McGrath was an apology for the meeting.)

Mayor Catania and Cr Burns returned to the Chamber at 8.10pm. 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 31 May 2011 were \$14,035,743 compared with \$15,535,743 at 30 April 2011. At 31 May 2010, \$12,609,646 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
March	\$15,774,304	\$17,635,510
April	\$14,234,304	\$15,535,743
May	\$12,609,646	\$14,035,743

Total accrued interest earned on Investments as at 31 May 2011:

	Annual Budget	Budget Year to Date	Actual Year to Date	%
Municipal	\$454,000	\$439,520	\$545,430	120.14
Reserve	\$403,000	\$369,413	\$432,226	107.25

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.

Investment funds have been required to be drawn down during this month for the payment of suppliers and payroll. 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.

9.3.3 Financial Statements as at 31 May 2011

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

OFFICER RECOMMENDATION:

That the Council RECEIVES the Financial Statements for the month ended 31 May 2011 as shown in Appendix 9.3.3.

COUNCIL DECISION ITEM 9.3.3

Moved Cr Maier, Seconded Cr Topelberg

That the recommendation be adopted.

Discussion ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (7-0)

(Cr Buckels had departed the Meeting. Cr McGrath was an apology for the meeting.)

PURPOSE OF REPORT:

The purpose of this report is to present to the Council the Financial Statements for the period ended 31 May 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 31 May 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 34-39); and
- Monthly Financial Positions Graph (pages 40-42).

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	-	\$2.8 million
YTD Budget	-	\$4.1 million
Variance	-	-\$1.3 million
Full Year Budget	-	\$10.6 million

Summary Comments:

The current unfavourable variance is due to a timing difference on the receipt of revenue from Capital Grants and Contributions.

Operating Revenue

YTD Actual	-	\$37.3 million
YTD Budget	-	\$37.5 million
YTD Variance	-	-\$0.2 million
Full Year Budget	-	\$38.4 million

Summary Comments:

The total operating revenue is currently 99.35% of the year to date Budget estimate.

Major variances are to be found in the following programmes:

- Governance – 27% over budget;
- Law Order and Public Safety – 36% below budget;
- Health – 13% below budget;
- Education and Welfare – 15% below budget;
- Other Property and Services – 14% over budget;
- Administration General – 213% over budget.

More details variance comments are included on the page 34 – 39 of this report.

Operating Expenditure

YTD Actual	-	\$35.7 million
YTD Budget	-	\$37.4 million
YTD Variance	-	-\$1.7 million
Full Year Budget	-	\$40.3 million

Summary Comments:

The operating expenditure is currently 4.54% below budget.

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

- Health – 15% below budget;
- Education and Welfare – 16% below budget;
- Community Amenities – 13% below budget;
- Economic Services – 14% over budget;
- Other Property & Services – 19% over budget.

Detailed variance comments are included on the page 34 – 39 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 31 May 2011 of \$6,234,007 which represents 43% of the revised budget of \$14,575,113.

	Budget	Revised Budget	Actual to Date (Include commitment)	%
Furniture & Equipment	\$214,900	\$218,800	\$141,362	65%
Plant & Equipment	\$2,662,600	\$1,908,250	\$1,838,900	96%
Land & Building	\$12,125,150	\$3,750,480	\$692,460	18%
Infrastructure	\$10,843,834	\$8,697,583	\$3,558,013	41%
Total	\$25,846,484	\$14,575,113	\$6,230,734	43%

Statement of Financial Position and Statement of Changes in Equity

The statement shows the current assets of \$18,773,987 and non current assets of \$142,876,233 for total assets of \$161,650,220.

The current liabilities amount to \$8,793,764 and non current liabilities of \$13,460,331 for the total liabilities of \$22,254,095. The net asset of the Town or Equity is \$139,396,125.

Restricted Cash Reserves

The Restricted Cash Reserves schedule details movements in the reserves including transfers, interest earned and funds used, comparing actual results with the annual budget.

The balance as at 31 May 2011 is \$9.3m. 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 \$642,586 is outstanding at the end of May 2011.

Out of the total debt, \$164,779 (25.6%) relates to debts outstanding for over 60 days, which is related to Cash in Lieu Parking and \$181,003 (28.1%) 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 31 May 2011 including deferred rates was \$249,869 which represents 1.16% of the outstanding collectable income compared to 1.46% at the same time last year.

Statement of Financial Activity

The closing balance carry forward for the year to date 31 May 2011 was \$1,800,102.

Net Current Asset Position

The net current asset position as at 31 May 2011 is \$11,062,160.

Beatty Park – Financial Position Report

As at 31 May 2011 the operating deficit for the Centre was \$445,946 in comparison to the year to date budgeted deficit of \$501,588.

The cash position showed a current cash deficit of \$38,137 in comparison year to date budget estimate of a cash deficit of \$74,447. 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 2011-2016:

- “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;*
 - (a) *Continue to adopt best practice to ensure the financial resources and assets of the Town are responsibly managed and the quality of services, performance procedures and processes is improved and enhanced.”*

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 Investigation into an Artist in Residence/Resident Artist Programme

Ward:	Both	Date:	28 June 2011
Precinct:	All	File Ref:	CMS0070
Attachments:	Nil		
Tabled Items:	Nil		
Reporting Officers:	A McCormick, Community Development Officer; R Gunning, Arts Officer; J Anthony, Manager Community Development		
Responsible Officer:	M Rootsey, Director Corporate Services		

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the outcome of the investigation into the establishment of an Artist in Residence programme in the Town of Vincent;*
- (ii) *REFERS the information from the investigation to the Art Advisory Group for consideration on the preparation of an Implementation Plan for an Artist in Residence programme;*
- (iii) *NOTES that:*
 - (a) *an amount of \$30,000 is listed on the 2011/2012 Budget for the establishment of an Artist in Residence; and*
 - (b) *a further report will be submitted to Council on an implementation plan for the establishment of an Artist in Residence in the Town.*

COUNCIL DECISION ITEM 9.3.4

Moved Cr Topelberg, Seconded Cr Lake

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (7-0)

(Cr Buckels had departed the Meeting. Cr McGrath was an apology for the meeting.)

PURPOSE OF REPORT:

To report back to Council on the investigation into the establishment of an Artist in Residence programme in the Town.

BACKGROUND:

At the Ordinary Meeting of Council, held on 22 March 2011, a Notice of Motion was adopted regarding the investigation into the establishment of an Artist in Residence programme in the Town, as follows:

“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”.*

DETAILS:

- (a) Potential scope & terms of reference for the programme, including community engagement

The phenomenon of Artists in Residence has been part of the international art world for over a century, but its popularity has soared in recent times. An Artist in Residence involves an artist residing in a particular location, for a particular purpose, for a set period of time. The details vary from programme to programme as each project is tailored to meet a specific need. Some residency programmes focus on one discipline of the arts, while others are open to any discipline. Examples include visual artists, literature, music, performing arts, architecture, design, and dance. The duration of a residency also varies enormously depending on available resources and the desired outcomes of the project, and can range from one week to one year. As a condition of the residency, artists are generally offered living accommodation and a studio to work in, thus providing them the opportunity to apply singular focus to their art practice in conditions that are conducive to creativity. In return they are expected to provide specific outcomes in order to meet a particular need. For example, some residencies are connected to an exhibition programme and others include community commitments such as running workshops or delivering seminars.

Residency programmes are linked to a variety of institutions including art galleries, education departments and local councils, and are often part of collaboration between several agencies.

Examples of Artist in Residence Programmes

Hosting visitors from Australia and around the world, **Artspace** is a key hub for the contemporary art community in Sydney and across New South Wales, fostering dialogue between local artists, writers and curators and their national and overseas counterparts. Artspace operates four residential and seven non-residential studios on-site in the Gunnery Building, Woolloomooloo. Residencies are generally offered for periods of between two and six months. The Residency Programme provides local, national and international artists with the space and time to develop new ideas and work, as well as enabling the construction of major site-specific works for the Artspace Gallery Programme.

In Western Australia, **Artsource** manages a number of residency programmes giving artists the opportunity to develop their artistic practices outside of normal routines. Details of these are listed below:

Regional Residencies

A number of residences are offered in regional communities who are looking for interaction, inspiration and connection with visiting artists. Residencies range from two weeks to a maximum of six months and include areas such as Dwellingup, Geraldton-Greenough, Lesmurdie, Margaret River, Albany, Beverley, Ellenbrook, Esperance, Moora, and Guildford Grammar School. These residencies offer free accommodation and studio space. Some communities also have an exhibition space available and will offer the option of holding an exhibition either during or after the residency. Socialising with the local community is a prerequisite for this particular programme.

Fremantle

Fremantle residencies are available to international, interstate, and local artists and arts administrators from all mediums. Residency periods begin at a minimum of two weeks with a maximum stay of three months.

Switzerland

Artsource manages a 6 month residency and exchange to Basel, Switzerland each year. The programme gives a Western Australian artist the opportunity to undertake research and creative development in Switzerland. In return, Artsource hosts a Swiss artist for six months each year in their Fremantle residential studio. The exchange is supported by the Department of Culture and the Arts and the Christoph Merian Foundation of Basel, Switzerland and includes accommodation and use of a studio.

Sydney

Artsource offers an annual three month residency for a Western Australian visual artist at Artspace Visual Arts Centre in Woolloomooloo, Sydney.

Perth Institute of Contemporary Arts (PICA) Studio Programme provides participating artists with a dedicated space to produce new work. The artists work in their studios throughout the residency and are required to open the studio on select days and present artist talks. It is also a condition that the residency must result in a public outcome. PICA's Studio Programme does not offer residential facilities but does provide artists with their own studio space within the gallery, in addition to the opportunity to form collegiate relationships with other PICA studio artists, visiting artists, curators, and other arts professionals, enabling the artist to engage with a diverse audience. The residencies run for approximately ten weeks, culminating in an artist talk and presentation of their studio. The studio is then open to the public for a further two weeks. The residency programme runs along-side the exhibitions programme, so often patrons are able to engage with the artists working in the studios. The artist talks at the end of the residency period are public events and are always very well attended. While residents are encouraged to engage with the community some do this more than others. As one example of community engagement, recent residents Lucy Kumara Moore and Liang Luscombe organised free film screenings in their studios. Another example is the Now Right Now! Performance programme, where a number of interdisciplinary artists worked within short residency periods, many of them engaging with the surrounding community.

Holmes a Court Gallery in East Perth runs a seven week Artist in Residence programme annually. The objectives of this are to provide an opportunity for an established artist to explore new work in a public space where he or she can engage with the public in a direct way, and to provide the opportunity for visitors to engage with a working artist in a studio situation, with a view to removing some of the mystery surrounding the idea of 'the artist'. The residency commences with an exhibition following which the artist paints in the gallery throughout the duration, gives tutorials to organised visiting groups, answers queries about their art practice, and engages in debate about topics related to art during organized light lunches. The artist gives a public exit talk about the work they have produced and the overall experience.

The Centre of Interdisciplinary Arts (CIA Studios) in West Perth provide studio spaces and resources for artists and small companies working in the live art and interdisciplinary art sectors, whose practice sits at the edges of traditional art form genres. CIA supports two types of residency; three 12 month programmes, and short term self-initiated residencies. Artists are provided with dedicated studio space and living accommodation for the duration. The residency programme has been developed with the goal of supporting artists in the process of developing their practice. CIA provides an opportunity for PVI Collective (a tactical media arts company) and residents, to build a hub of artistic risk takers and provide space in which to exchange ideas, engage in critical debate, share skills and experiment with new artistic practice. PVI are keen for these residencies not to happen in isolation, but for them to be informed, invigorated and supported by other practitioners in the building, offering peer support, opportunities for collaboration and skill-sharing.

Artist in Residence in Education

Artist in Residence programmes have also featured in the education sector in recent times. Since 2008 a new initiative commenced in Australia where professional artists participate as Artists In Residence in schools to improve young people's access to quality arts education programmes. The Artists in Residence initiative, in conjunction with State Arts and Education Departments, employs professional artists in schools to introduce young people to creative arts practice. This provides artists with the opportunity to broaden their experiences and share their skills, while providing Australian school and university students with greater exposure to creative practice. To date, over 70 residencies have taken place in schools across the country.

Artist in Residence programmes also take place in higher education institutions more locally. **Turner Galleries** has an ongoing agreement with the **Central Institute of Technology** to hold joint residencies. The Central Institute of Technology provides accommodation and studio space located within the Fine Art complex of the School of Creative Industries at Aberdeen Street, Perth. This comprises living quarters: a kitchen, laundry, bathroom, living area and office in addition to a spacious studio with 3 rooms and a separate entry including studio space and a shop front display area. Residencies last 4 to 6 weeks and proposals from designers, artists, craft and media practitioners, musicians and organisations who wish to apply to use the premises are invited. Visiting designers and artists contribute to the education programmes at Central Institute of Technology by conducting public programmes such as talks and workshops for students and the wider community. The programme has attracted artists from interstate and overseas and has fostered connections between artists and the community as a whole. There is also an ongoing collaboration between Turner Galleries and three other tertiary institutions, Edith Cowan University, the University of WA, and Curtin University, for artists to have joint residencies.

Artists in Residence and Community Engagement

Artist in Residence programmes offer a number of opportunities for community engagement. A condition of many residencies requires the artist to create and deliver community engagement activities. These are agreed upon before the commencement of the residency and may be in the form of artist talks, community workshops, and master classes for local artists, or exhibitions. Community activity may take place on site or at another local venue that is appropriate.

Collaborating with local artists, or bringing in visiting artists, can motivate community members to participate in arts and cultural activity. Artist in Residence programmes can occur in many forms including a cultural exchange with an international artist, or a community cultural development project where the artist actively seeks to engage the community, providing a creative process to highlight an issue, or develop skills around a particular practice within a community.

There are a series of questions which should be considered to establish the objectives of an Artist in Residence in relation to community engagement:

- Are there any specific artistic skills that can be obtained within the community?
- Do local artists have professional development needs that could be built into the project?
- Are there any particular sectors of the community with which there is a desire to engage?
- What potential project partners are there within the community?
- Is the aim for the artist to develop a new work for exhibition or performance?
- Is there a local or regional artist that can successfully complete the project?

Local artist **Judith Forrest** provided the following advice regarding community engagement: The first point of consideration should be who the residency is for. Is the purpose to involve and interest everyone in the community regardless of their initial interest in art, or is it to communicate with professional and local artists and use the programme as a way of drawing the creative community together? Both options would involve different types of community interaction. The first through workshops, open studio sessions, and community input into the project or artwork, artist talks and judging art competitions locally. The second is more challenging to achieve but could be accomplished through an Artist in Residence, local artist's forums, informal studio visits, one on one sessions with artists, or local gallery owners and their artists. This may result in self-generated connections with the community and also the potential for a joint exhibition with local artists and the Artist in Residence. Both approaches require a different type of artist, and consideration should be given to both talent and communication skills, as well as the artist's desire to interact with the community. Advertisements and application criteria should state the level and type of communication expected and asks applicants to demonstrate skill and experience in this area.

Judith Forrest also advised that the term "artist" should be interpreted very broadly. Consideration should be given to people with skills across the board from design, textiles, graffiti, film and television, and bicycle fixie making. Selecting an artist with unusual skills would have an impact with the press and make publicity and community involvement easier. For example, a roving landscape architect, land artist or installation artist, doing exciting things with suburban nature strips?; A sculptor working on temporary installations on vacant blocks?; A media artist involving the community in a work?

According to Judith a good idea is more important than a large budget, but setting up an Artist in Residence programme is a lot of work, and in order to get both artists and the community excited it is necessary to offer something unusual.

Art in the community can be beautiful, healing, uniting, challenging or even confronting. The outcomes can be many and varied, but most importantly the artwork should be of and for the community.

(b) Possible integration with the Percent for Art Policy

An Artist in Residence programme is compatible with the objectives of the Town's Art Policy (1.1.7) as stated below:

The objectives of this Policy are to:

- *celebrate and acknowledge the Town's cultural and social diversity through the acquisition and encouragement of art in the Town;*
- *encourage the development of quality art in the Town of Vincent by ensuring a commitment to excellence and innovation;*
- *engage the public with artwork that will enliven and enhance public space within the Town and create a sense of place amongst the residents and visitors to the Town; and*
- *encourage a sense of community through the acquisition and encouragement of art in the Town.*

It is also consistent with how these objectives are to be achieved in that:

- *All work is to be of the highest artistic merit and display the Town's commitment to excellence and innovation.*
- *The Town is to support a diversity of approaches to cultural and art making practices.*
- *The Town is to support local artists living in, or have a strong connection to the Town of Vincent through the purchase and commissioning of artwork where applicable and practicable.*
- *The Town is to promote and support the existing artistic skills and resources within the Town of Vincent; and*
- *Enhance the environment and contribute to the cultural life of the community.*

An Artist in Residence is also in keeping with the objectives of the Percent for Art Policy (3.5.13), namely;

"To develop and promote community identity within the Town of Vincent by requiring commissioned public art works within the Town of Vincent."

According to the Percent for Art Policy (3.5.13) developers may elect to satisfy the public art contribution by paying a minimum of one (1) per cent of the estimated total project cost by cash-in lieu.

Such cash-in-lieu is to be:

- a) *paid to the Town of Vincent Public Arts Fund (Percent for Public Art); and*
- b) *expended on a public art project within the immediate vicinity of the area. Individual funds contributed within a single area may be accrued for more comprehensive or detailed art projects and/or areas as outlined in the Town of Vincent Strategic Plan.*

A Resident in Artist programme would satisfy the conditions for the expenditure for cash-in-lieu and it is conceivable that it could be used for such.

(c) Examining similar programmes in other local governments in Australia

Artist in Residency programmes are run in a number of local governments throughout Australia.

In **New South Wales, Ashfield Council** have an Artist in Residence that is focused on community cultural development, whereby the artist assists the community to express aspirations through the arts. The programme is open to a variety of platforms including sculpture, painting, drawing, dance, theatre, sound art, photography and film. The programme offers the opportunity for artists to share their vision with the community in a specific manner, as well as periods for the artist to develop their own work. The artist will also make a donation of an artwork created during the residency. Community engagement is facilitated by creative skills development workshops for community groups, exhibition of artwork, open studio for interested community members, and weekly talks to visiting groups such as schools.

Also in **New South Wales, Marrickville Council** Artist in Residence programme provides month long professional development opportunities for artists, while promoting cultural understanding and development. Applications from local, NSW, interstate, national and international artists who are emerging or mid-career are welcomed. Artist accommodation is located at the Petersham Town Hall Artist Residence and can accommodate up to three artists. The resident artist/s are expected to do their own work and to make a contribution to the cultural life of the Marrickville community.

In **Western Australia, the Artego Cultural Complex** is overseen by the Shire of **Busselton**. The complex offers three Artists in Residence places per year. These include studios but no accommodation. The lease terms are 6 or 12 months and the rent is nominal. Details of the individual programmes are listed below:

Stable 1 is available for a single artist working towards an exhibition, fellowship or grant recipient, or an artist needing larger space on a temporary basis. All art forms are accepted including music, writing, performing and visual arts and crafts.

Stable 2 is available for two individual artists working on individual projects, or one group (up to six people) working on one project. The space can be used as a transitional space between university studies and professional practice, offering mentoring, networking and professional development. Applications are accepted from emerging artists, artist groups, or agency style arts groups. Artists are encouraged to expand their practice by offering specialist classes in media and subject matter to all levels of the community.

The Fodder Room is available for artists or groups needing to hire a low cost venue to conduct arts related workshops and meetings on a casual or permanent, weekly or daily basis. Applications are open to all creative arts including, visual, performing and literary forms.

The **City of Geraldton-Greenough** also runs an Artist in Residence programme in partnership with the National Trust of Australia (WA) and Artsource. The programme provides successful applicants the opportunity to work and live in Central Greenough, in a National Trust building situated in a peaceful and historical setting, 20kms south of Geraldton. The Quarters are fully self contained with; fully equipped kitchen, laundry, bedroom, lounge room and bathroom. Residencies are offered to successful applicants for a period of 3 to 6 weeks. Artists from all backgrounds, including but not limited to the visual arts, music, writing, performance, and dance are invited to apply. Resident artists are required to create and deliver community engagement activities. These may be in the form of artist talks, community workshops, master classes for local artists, exhibitions or other activities.

The **City of Melville** runs an annual art programme in conjunction with Heathcote Museum and Art Gallery. While the programme is not referred to as an Artist in Residence, it has many similar features, and provides a useful comparison. One artist per year is accepted to work with the curator of Heathcote Museum and the local History Officer to create their medium of art, or an alternative medium if they choose. A wide variety of art forms are accepted and examples to date include media, sculpture and painting, with a different medium selected each year. The artist is not provided with a physical studio space. The purpose of the project is to give local artists and staff at the gallery an opportunity to engage with each other; provide an opportunity to engage with local heritage and telling a story; and make local residents aware of the heritage of the area in an innovative way. At the end of the project a piece of art is acquired for the City of Melville.

The **City of Perth** is involved in an exchange programme with the city of Taipei, providing the opportunity for a Western Australian practising professional artist to travel to Perth's sister city in Taiwan, to participate in the Taipei and Perth Artist Exchange Programme. The programme was developed to facilitate the exchange of ideas and understanding between the two cities and to foster the creative development of artists in those cities. The exchange offers a reciprocal residency of 2 months for an artist from Perth to travel to Taipei and an artist from Taipei to travel to Perth. The Perth artist is accommodated at the Taipei Artist Village and the Taiwanese artist resides at the Central Institute of Technology. The resident artist is expected to make a contribution to the cultural life of the host community. The exchange aims to promote widespread public awareness of the arts and cultural life of the Cities of Perth and Taipei and the diverse experiences they offer, to promote local creativity, and foster ongoing dialogue that crosses political and geographical borders.

- (d) Potential work and/or exhibition space for an Artist in Residence/Resident Artist, including possible collaboration with local galleries

Potential work space and accommodation needs to be identified within the Town of Vincent in order to make an Artist in Residence programme possible.

Gallery Central, owned by the Central Institute of Technology, have advised that they are currently looking for partners to pay artists fees and travel, in exchange for the provision of accommodation located within the Fine Art complex of the School of Creative Industries at Aberdeen Street, Perth.

Last Chance Studio is a unique artist collective representing the Low-Brow art Movement in Perth. The studio showcases some local talented artists who have also expressed an interest in becoming involved in an Artist in Residence programme.

Loretta Martella, Studios and Residencies Manager in **Artsource** has offered her services in helping to design an Artist in Residence programme.

Perth Centre for Photography, located in the Town and the state's premier gallery for photography has also expressed interest in an Artist in Residence programme.

- (e) Potential benefits being investigated

A number of benefits have been listed for Artist in Residency programmes.

Benefits for the Participating Artist

- An opportunity to broaden their experiences and share their skills;
- An opportunity for singular focus on their practice;
- Professional development opportunities to explore, research, experiment and develop; their practice in a new and stimulating working environment;
- Material outcomes such as the creation of new work;
- An opportunity to engage with a local community; and
- Within the education context, residencies give artists an opportunity to work with children and young people, and to facilitate the expression of their ideas, identity and creativity. When working in schools, artists can contribute not only their expertise in their chosen art form, but also their personal skills and qualities as a responsible mentor for young people.

Benefits for the Local Community

- An opportunity for imagination and creativity to flow, diverse thinking to take place, individuality to excel and positive self-expression to evolve;
- Offering a connection point to audiences who often feel distanced from artists;
- Bringing energy to local galleries;
- Providing opportunities for interaction, inspiration and connection between artists and community members;
- Encouraging the use of public space in a positive manner;
- Providing access to high quality arts activities;
- Providing local artists within the community exposure to other professionals and professional development opportunities;
- Facilitating the creation of culture via the development of new works;
- Motivating the community to participate in arts and cultural activity;
- In international residencies a means of inviting international artists to Perth and encouraging a wider understanding of other nations, their traditions, customs and cultures;
- An opportunity for local government to demonstrate leadership and support their creative community by developing partnership initiatives;
- Strengthening relationships or partnerships between various sectors of the community; and
- Providing an outlet to meet the objectives of the Town of Vincent Art Policy.

Benefits within Education

- Studies have shown that there is a significant correlation between arts education and student achievement. The arts encourage active, enthusiastic participation in the learning process, which can translate into greater confidence, self-esteem and achievement in other academic subjects. They have also been known to be effective in intervention and empowerment of at-risk students;
- Provide an opportunity for teachers to develop their skills and professional knowledge in different approaches to teaching and learning, resulting in many coming out of the experience with increased confidence in their own creative skills and their ability to facilitate students' creative work, not only in the Arts Learning Area, but across the whole Curriculum Framework;
- Act as a catalyst for school engagement in wider community-based activities, for example festivals and events, site-specific works, performances, publications and exhibitions of children's work, creative classes and workshops for parents and families; and
- Develop sustainable partnerships between education, the arts and the wider community.

As stated in the National Endowment for the Arts' publication, *Learning Through the Arts*, "... the arts help us all better understand and interpret the world around us. The arts improve our ability to think critically and act creatively and offer us the opportunity to communicate our most profound thoughts and deepest feelings."

(f) Budget Implications

The cost of a residency varies depending on the length of the artist's stay and the type of work they are creating. Visual art residencies often require the purchase of paints, clay, fabrics, and other consumable materials. Artist fees will also fluctuate based on travel expenses, accommodation, and the amount of work requested. Residencies are tailored to suit the needs of the schools and communities engaged in each project. It is for this reason that each project costs a different amount to the next. The main cost factors are duration, number of artists involved and distance for the artists to travel. Some residency programmes cover all of the costs, while others do not cover any costs at all. The level of funding varies significantly between projects.

Examples of typical items related to overall Income and Expenditure in Artist in Residence projects are listed below:

Expenditure

- Salaries, fees, and living allowances,
- Superannuation, insurance, workers compensation
- Aboriginal and Torres Strait Islander fees
- Freight, travel, transport, fares (including visa and customs costs for overseas artists)
- Accommodation
- Invitations, publicity and advertising
- Rental, venue hire, studio hire
- Postage, telephone, fax, stationery
- Audit and accountancy
- Workshop fees

Income

- Money from funding bodies and sponsorship organizations
- Artists own contribution
- In-kind support
- Box office fees
- Fundraising and donations

Grants are also available to help fund Artist in Residence programmes. The Australia Council for the Arts is the Australian Government's arts funding and advisory body. They support Australia's arts through funding, strengthening and developing the arts sector. They also collaborate to build new audiences, foster philanthropic support and deepen understanding of the arts through research. Each year, they deliver more than \$160 million in funding for arts organisations and individual artists across the country.

(g) Funding in Education

In the May 2008 Federal Budget, \$5.2million was allocated over 4 years for a new initiative where professional artists participate as Artists in Residence in schools to improve young people's access to quality arts education programmes.

The Artist in Residence Grants Programme in Western Australia, is a pilot funding programme designed to support Artist In Residence activity in schools and universities and to improve students' access to high quality arts in education programmes in this State. In 2011, the third year of the 4 year pilot programme, \$280,000 will be available for Artist in Residence projects in Western Australian public schools and teacher training institutions. The Artist in Residence grants programme is made up of two funding streams. Stream 1 provides \$30,000 for short term artist residencies, for a minimum of 30 days. Applicants are WA public schools or teacher training institutions (i.e. tertiary Schools of Education). Stream 2 provides \$100,000 for longer term residencies for a minimum of 60 days.

In the collaboration between **Turner Galleries and the Central Institute of Technology** the Artist is provided with fully furnished accommodation owned by the Central Institute of Technology. This is free of rental, gas and electricity charges. A large studio adjoined to the accommodation is also provided. Central Institute of Technology does not provide travel or artist fees and exhibitions need to be self-funded. A solo exhibition is also provided in Turner Galleries lasting 4 weeks. Turner Galleries will pay for publicity, food and beverages at the opening, and staff for the duration of the exhibition. Any requirements outside of these are usually funded by the artist or sponsor. Turner Galleries takes 40% commission (+GST) on residency exhibitions and sales from the stockroom. Minimum funding for each residency will include return airfare, return freight (to a maximum of \$3,000) and \$4,400 towards producing 60 limited edition artworks equalling approximately \$9,900 per residency.

Curtin University no longer has a specific Artist in Residence programme, although for many years it did exist with less than \$30,000 per annum funding. Participating artists were granted a salary of \$650 per week plus a daily allowance. The daily allowance was only applicable for interstate and international artists to cover local travel, and daily expenses such as food whilst living away from home. If an artist was approved by a Committee it would fund 66% of a residency and the hosting school would fund 34%.

(h) Examples of Funding in Artist in Residence Projects

In the case of **Artspace in Sydney** successful applicants are charged a subsidised studio rental. The base rates for 2012 are \$350 per week for a residential studio; \$250 per week for a residential studio; and \$75 per week for non-residential studios. There is no stipend or living allowance attached to the residencies and successful applicants are responsible for all other associated costs including travel, insurance, materials and equipment. Residents are also required to pay a refundable bond of \$300 prior to occupancy to cover any costs associated with damage or extraordinary cleaning. Interstate and overseas artists in particular need to consider other sources of income to fund their visit.

Artsource is working towards generating funds to provide a living allowance for artists and assistance with travel, however at this stage, none of their residencies include any financial support. Costs involved in Artsource's residencies vary between projects and are outlined below.

In the *regional residencies* artists are provided with accommodation and studio space. *Fremantle* residencies are available to international, interstate, and, local artists and arts administrators from all mediums at a cost of \$220 per week for WA artists and \$350 per week for others. Travel and living expenses are to be met by the artist and grants or living allowances paid to the artist are not available currently. The *Basel, Switzerland* residency includes accommodation and use of a studio. A \$26,000 grant is also included via the Department of Culture and the Arts. Finally, the *Sydney* residency includes accommodation and use of a studio. A \$7,000 grant is also included via the Department of Culture and the Arts. In each instance the costs to Artsource include weekly hire fees as stipulated by the Shire of Busselton's Schedule of Fees and Charges for the appropriate financial year. A representative of Artsource advised that the Town of Vincent should give consideration to whether or not the artist receives a fee. In Artsource's view, paying the artist always works best, as artists have to leave paid employment to undertake residencies, and \$500 per week should be considered as a starting point.

The **City of Melville** does not provide artists with a studio space. They do however cover all of the costs associated with setting up an exhibition, including administrative, catering and installation costs. This generally costs around \$25,000 in addition to staff and in-kind fees. Artists are not paid a fee for the residency, however in some cases funding is provided towards materials.

The City of Perth's international Artist in Residence exchange is co-sponsored by the Cultural Affairs Bureau of Taipei. A residency includes studio space with accommodation, per diem expenses (\$35 per day of residence), roundtrip airfares (max \$1,400), and artist materials for the duration of the residency (\$600 per month).

CONSULTATION/ADVERTISING:

The information in this report has been compiled through consultation with the following sources:

Local Government

Perth
Melville
Joondalup
Wanneroo
Mandurah
Busselton
Geraldton-Greenough
Beverley

Education Institutions

Central Institute of Technology
Curtin University
University of Western Australia
Arts Edge

Galleries

Holmes a Court gallery east Perth
The Artego Cultural Complex
Last Chance Studio
Turner Galleries
John Curtin Gallery
Perth Institute of Contemporary Arts
Heathcote Museum and Gallery

Other

Artsource
History Council of Western Australia
Judith Forrest (artist)

LEGAL/POLICY:

Art Policy (1.1.7)
Percent for Public Art (3.5.13)

RISK MANAGEMENT IMPLICATIONS:

The implementation of an Artist in Residence programme has minimal risk implications.

STRATEGIC IMPLICATIONS:

An Artist in Residence programme addresses the following strategic objectives of the Town's Strategic Plan 2009–2014:

- “3.1.1 Celebrate and acknowledge the Town's cultural and social diversity*
(a) Organise and promote community events, programmes and initiatives that engage the community and celebrate cultural and social diversity of the Town, including the development of a programme for the holding of an event in each of the Town's main commercial centres.”

3.1.2 *Provide and develop a range of community programmes and community safety initiatives*

- (j) *Deliver a coordinated programme plan to promote public and community art in the Town.*
- (k) *Review the Town's Annual Art and Photographic Exhibitions, including policies/strategies to encourage/promote greater community participation and for lending artwork for public display."*

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

An amount of \$30,000 is listed in the 2011/2012 Budget for the establishment of an Artist in Residence project.

COMMENTS:

As the report indicates there are a number of approaches and options to consider for a Artist in Residence Programme, it is the officers recommendation that this report be reviewed by the Art Advisory Group and a further report be submitted based on their advice. The second report will present an implementation plan for the establishment of an Artist in Residence in the Town.

9.4.1 Draft Sustainable Environment Strategy 2011-2016 – Final Adoption

Ward:	Both Wards	Date:	17 June 2011
Precinct:	All Precincts	File Ref:	PLA0175
Attachments:	001 – Draft Sustainable Environment Strategy 2011-2016 002 – Summary of Submissions		
Tabled Items:	-		
Reporting Officer:	A Gordon, Project Officer – Sustainability		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

- (i) *NOTES the submissions received concerning the Town’s Draft Sustainable Environment Strategy 2011-2016; and*
- (ii) *APPROVES BY AN ABSOLUTE MAJORITY to adopt the amended Sustainable Environment Strategy 2011-2016, as shown in Appendix 9.4.1A.*

COUNCIL DECISION ITEM 9.4.1

Moved Cr Topelberg, Seconded Cr Farrell

That the recommendation be adopted.

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

(Cr Buckels had departed the Meeting. Cr McGrath was an apology for the meeting.)

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of the outcomes of the formal advertising period for the *Draft Sustainable Environment Strategy 2011-2016*, and to seek final adoption of the Strategy.

BACKGROUND:

- 12 June 2007 At its Ordinary Meeting, the Council adopted the Town’s original *Sustainable Environment Plan 2007-2012*.
- 13 July 2010 At its Ordinary Meeting, 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 2007-2012*.
- 21 December 2010 At its Ordinary Meeting, the Council received a progress report on the review of the *Sustainable Environment Plan*, noting that a draft *Sustainable Environment Strategy*, intended to update and replace the *Sustainable Environment Plan*, would be presented to the Council for consideration in early 2011.

- 22 March 2011 At its Ordinary Meeting, the Council resolved to advertise the *Draft Sustainable Environment Strategy 2011-2016* for a period of forty-two (42) days, inviting written submissions from the public.
- 5 April 2011 – The Town advertised the *Draft Sustainable Environment Strategy*
20 May 2011: *2011-2016* for public comment.

DETAILS:

The *Draft Sustainable Environment Strategy 2011-2016* has been advertised as required by the *Local Government Act 1995*, with advertising commencing on 5 April 2011 and closing on 20 May 2011.

Submissions Received

Seven (7) submissions on the Draft Strategy were received, provided by:

- City of Bayswater;
- Swan River Trust;
- Heritage Council of Western Australia;
- Main Roads WA;
- Claise Brook Catchment Group;
- Greg Elliott (a Town of Vincent resident); and
- City of Subiaco.

Three (3) of the submissions expressed support for the Draft Strategy overall, and two (2) expressed support for particular sections of the Strategy. Details of the submissions received, and the Town's Officers' comments in respect of the submissions, are provided in Appendix 9.4.1B.

The Town's Officers have amended the Draft Strategy to incorporate the following changes as a result of the submissions received, as indicated in strikethrough and underline in the Draft Strategy (Appendix 9.4.1A):

- A new Action 2.10, to note the Town's commitment to continuing implementation of the Mounts Bay Catchment Water Quality Improvement Plan;
- An addition to the Background Information in Part 3.4, to note that the adaptation and re-use of buildings can significantly reduce demolition waste; and
- Added reference to the Town's Local Plant Sales in "The Town's achievements to date" under section 3.3.

The Town's Officers have also made some additional minor changes to the Draft Strategy, also indicated in Appendix 9.4.1B, to account for developments since the Draft Strategy was advertised (for example, the recent adoption of the Town's *Strategic Plan 2011-2016*).

In addition, the following comments of particular note were made in the submissions received:

Hyde Park Lakes:

- The Claise Brook Catchment Group expressed support for Action 2.9 ("*As part of the Hyde Park Lakes restoration project, improve water quality and reduce water consumption of the Hyde Park Lakes*"). The CBCG noted that it has previously raised concerns that the current Council-approved hybrid Option 2A plan for the restoration of the lakes will not achieve the aim expressed in Action 2.9, and will affect the environmental, heritage and aesthetic values of the lakes.

Officer Comment:

A review of Option 2A is being undertaken, subsequent to advice provided by the Department of Environment and Conservation and the Department of Water at a recent meeting of the Hyde Park Lakes Restoration Working Group.

Cycling:

- Town resident Greg Elliott expressed strong support for the development of a Vincent Bicycle Strategy, suggesting that the Town is in need of an east-west bicycle path from Leederville to East Perth, as currently ratepayers in East Perth have no path connection with Leederville.

Officer Comment:

It is noted that there is currently a dual-use bicycle path connection between Leederville and East Perth; however, the route is somewhat lengthy and indirect. It is noted that a more direct link between Leederville and East Perth is desirable.

An amount of \$30,000 has been included in the Draft Budget 2011/2012 for the development of a Bicycle Strategy (review of the Local Bicycle Network Plan). The suggestion of a direct link will be taken into account in the development of the Strategy.

All of the submissions received by the Town, and the Town's Officers' comments on the matters raised, are set out in Appendix 9.4.1B.

Expressions of support for collaboration with the Town

It is pleasing that several organisations who made submissions noted that they would be happy to collaborate with the Town in meeting the objectives of the Strategy:

- The City of Bayswater noted that it would welcome opportunities to work with other local governments in meeting sustainability objectives, including supporting improvements to alternative transport infrastructure;
- The Swan River Trust noted the strong focus in the Strategy on Water Sensitive Urban Design and the reduction of groundwater contamination, and stated that it looked forward to being involved in the development of the Catchment Management Plan; and
- The Claise Brook Catchment Group collaborates with the Town on a number of initiatives, including by assisting at the Town's Local Plant sales. The CBCG noted that the development of a Weed Management Plan would assist the CBCG in its work in establishing and maintaining the wetland at Robertson Park.

The Town's Officers will consider these collaboration opportunities when preparing the Implementation Plan for the Strategy.

Implementation Plan for the Sustainable Environment Strategy

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 Town's Officers have commenced preparing 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* was advertised for a period of six (6) weeks, in accordance with the requirements of the *Local Government Act 1995*.

The formal advertising period commenced on 5 April 2011 and closed on 20 May 2011. In total, seven (7) submissions were received, with three (3) expressing support for the entire Strategy, two (2) expressing support for particular sections of the Strategy.

A summary of the comments received in the submissions can be found in Appendix 9.4.1B.

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, including the Sustainable Environment Strategy (as outlined in the Town's *Strategic Plan 2011-2016*).

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 Town's *Strategic Plan* to ensure currency and consistency.

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 2011-2016* states – Objective 1 states:

“Natural and Built Environment:

1.1 Improve and maintain environment and infrastructure,

1.1.3 Take action to reduce the Town's environmental impacts and provide leadership on environmental matters.

(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.”

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:

Funding necessary for the implementation of actions in the *Sustainable Environment Strategy* has been allocated in the Town's Draft Budget 2011/2012.

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 adopt the *Sustainable Environment Strategy 2011-2016*.

9.4.2 Establishment of a Design Advisory Committee

Ward:	Both	Date:	17 June 2011
Precinct:	All Precincts	File Ref:	ADM0067
Attachments:	001 – Terms of Reference		
Tabled Items:	-		
Reporting Officers:	A Fox, Strategic Planning Officer; R Boardman, Director Development Services		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council;

- (i) **APPROVES BY AN ABSOLUTE MAJORITY**, pursuant to Section 5.8 of the Local Government Act 1995 and Clause 36 of the Town of Vincent Town Planning Scheme the establishment of a Design Advisory Committee, as shown in the Draft Terms of Reference Relating to a Design Advisory Committee, as shown in Appendix 9.4.2;
- (ii) **APPROVES BY AN ABSOLUTE MAJORITY** the following fee structure:
 - (a) *A single fee of \$300 paid to the Design Advisory Committee Chairperson for attendance at each Design Advisory Committee meeting up to 2 hours and \$200 per hour thereafter;*
 - (b) *A single fee of \$200 paid to each Design Advisory Committee Member for attendance at each Design Advisory Committee meeting up to 2 hours and \$150 per hour thereafter;*
 - (c) *No additional fee paid to Design Advisory Committee Members for additional work associated with the Design Advisory Committee;*
 - (d) *A Development Application referral fee of \$200 paid by proponents for applications referred to the Design Advisory Committee for consideration; and*
 - (e) *The Development Application referral fee of \$200 be credited towards the standard Development Application fee for a Development Application submitted within 60 days of the last consideration by the Design Advisory Committee; and*
- (iii) **AUTHORISES** the Chief Executive Officer to:
 - (a) *advertise for Members and Deputy Members for appointment to the Town's Design Advisory Committee for a period of two (2) years from the period of the ratification of the Committee by the Council; and*
 - (b) *review the operation of the Design Advisory Committee after a period of twelve (12) months of its implementation and submit a report to the Council.*

Moved Cr Maier, Seconded Cr Farrell

That the recommendation be adopted.

Debate ensued.

AMENDMENT NO 1

Moved Cr Maier, Seconded Cr Lake

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

“(i) *APPROVES BY AN ABSOLUTE MAJORITY, pursuant to Section 5.8 of the Local Government Act 1995 and Clause 36 of the Town of Vincent Town Planning Scheme the establishment of a Design Advisory Committee, as shown in the Draft Terms of Reference Relating to a Design Advisory Committee, as shown in Appendix 9.4.2, subject to the following:*

(a) clause 3.2(b) of the Terms of Reference being deleted;”

Debate ensued.

AMENDMENT NO 1 PUT AND LOST (2-5)

For: Cr Lake, Cr Maier

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

(Cr Buckels had departed the Meeting. Cr McGrath was an apology for the meeting.)

AMENDMENT NO 2

Moved Cr Maier, Seconded Cr Farrell

“(i) *APPROVES BY AN ABSOLUTE MAJORITY, pursuant to Section 5.8 of the Local Government Act 1995 and Clause 36 of the Town of Vincent Town Planning Scheme the establishment of a Design Advisory Committee, as shown in the Draft Terms of Reference Relating to a Design Advisory Committee, as shown in Appendix 9.4.2, subject to the following:*

(a) clause 3.2(b) of the Terms of Reference being amended to read as follows:

3.2(b) Current registration with their relevant Professional Body is desirable; and”

AMENDMENT NO 2 PUT AND CARRIED UNANIMOUSLY (7-0)

(Cr Buckels had departed the Meeting. Cr McGrath was an apology for the meeting.)

Debate ensued.

AMENDMENT NO 3

Moved Cr Maier, Seconded Cr Topelberg

That subclause (ii)(a) be amended to read as follows, subclause (ii)(b) be deleted and the remaining clauses renumbered:

“(ii) APPROVES BY AN ABSOLUTE MAJORITY the following fee structure:

- (a) *A single attendance fee of \$200 per hour for each Design Advisory Committee Member for attendance at \$300 paid to the Design Advisory Committee Chairperson for attendance at each Design Advisory Committee meeting up to 2 hours and \$200 per hour thereafter;*”**

Debate ensued.

AMENDMENT NO 3 PUT AND LOST (1-6)

For: Cr Maier

Against: Mayor Catania, Burns, Cr Farrell, Cr Harvey, Cr Lake, Cr Topelberg

(Cr Buckels had departed the Meeting. Cr McGrath was an apology for the meeting.)

AMENDMENT NO 4

Moved Cr Maier, Seconded Cr Topelberg

“(i) APPROVES BY AN ABSOLUTE MAJORITY, pursuant to Section 5.8 of the Local Government Act 1995 and Clause 36 of the Town of Vincent Town Planning Scheme the establishment of a Design Advisory Committee, as shown in the Draft Terms of Reference Relating to a Design Advisory Committee, as shown in Appendix 9.4.2, subject to the following:

(b) clause 3.1 and 3.2 be amended to read as follows:

3.1 External members

The Membership of the Town of Vincent Design Advisory Committee (DAC) shall comprise of ~~three (3)~~ five (5) external members and three (3) deputy members approved by the Council and appointed by the Chief Executive Officer.

3.2 *The Town will seek to engage external members so that the Advisory Committee meetings will consist of ~~three (3)~~ five (5) members and three (3) deputy members having:...*

Debate ensued.

AMENDMENT NO 4 PUT AND CARRIED UNANIMOUSLY (7-0)

(Cr Buckels had departed the Meeting. Cr McGrath was an apology for the meeting.)

Debate ensued.

AMENDMENT NO 5

Moved Cr Topelberg, Seconded Cr Farrell

That subclauses (ii)(a) and (b) be amended to read as follows:

- “(ii) (a) *A single fee of \$300 paid to the Design Advisory Committee Chairperson for attendance at each Design Advisory Committee meeting ~~up to 2 hours and \$200 per hour thereafter;~~*
- (b) *A single fee of \$200 paid to each Design Advisory Committee Member for attendance at each Design Advisory Committee meeting ~~up to 2 hours and \$150 per hour thereafter;~~”*

Debate ensued.

AMENDMENT NO 5 PUT AND CARRIED (6-1)

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

(Cr Buckels had departed the Meeting. Cr McGrath was an apology for the meeting.)

MOTION AS AMENDED PUT AND CARRIED UNANIMOUSLY (7-0)

(Cr Buckels had departed the Meeting. Cr McGrath was an apology for the meeting.)

COUNCIL DECISION ITEM 9.4.2

That the Council;

“(i) **APPROVES BY AN ABSOLUTE MAJORITY, pursuant to Section 5.8 of the Local Government Act 1995 and Clause 36 of the Town of Vincent Town Planning Scheme the establishment of a Design Advisory Committee, as shown in the Draft Terms of Reference Relating to a Design Advisory Committee, as shown in Appendix 9.4.2, subject to the following:**

(a) *clause 3.2(b) of the Terms of Reference being amended to read as follows:*

“3.2 *Current registration with their relevant Professional Body is desirable.”*

(b) *clause 3.1 and 3.2 be amended to read as follows:*

“3.1 *External members*

The Membership of the Town of Vincent Design Advisory Committee (DAC) shall comprise of ~~three (3)~~ five (5) external members and three (3) deputy members approved by the Council and appointed by the Chief Executive Officer.

3.2 *The Town will seek to engage external members so that the Advisory Committee meetings will consist of ~~three (3)~~ five (5) members and three (3) deputy members having:”*

- (ii) **APPROVES BY AN ABSOLUTE MAJORITY the following fee structure:**
- (a) *A single fee of \$300 paid to the Design Advisory Committee Chairperson for attendance at each Design Advisory Committee meeting;*
 - (b) *A single fee of \$200 paid to each Design Advisory Committee Member for attendance at each Design Advisory Committee meeting;*
 - (c) *No additional fee paid to Design Advisory Committee Members for additional work associated with the Design Advisory Committee;*
 - (d) *A Development Application referral fee of \$200 paid by proponents for applications referred to the Design Advisory Committee for consideration; and*
 - (e) *The Development Application referral fee of \$200 be credited towards the standard Development Application fee for a Development Application submitted within 60 days of the last consideration by the Design Advisory Committee; and*
- (iii) **AUTHORISES the Chief Executive Officer to:**
- (a) *advertise for Members and Deputy Members for appointment to the Town's Design Advisory Committee for a period of two (2) years from the period of the ratification of the Committee by the Council; and*
 - (b) *review the operation of the Design Advisory Committee after a period of twelve (12) months of its implementation and submit a report to the Council.*

PURPOSE OF REPORT:

The purpose of this report is to provide the Council with further information relating to the establishment of a Design Advisory Committee (DAC) and to present a draft Terms of Reference for consideration and adoption.

BACKGROUND:

23 February 2010 The Council at its Ordinary Meeting considered and adopted a Notice of Motion in relation to the formation of a Design Advisory Committee.

25 May 2010 The Council at its Ordinary Meeting considered a Progress Report in relation to Design Advisory Committees and resolved to defer making a decision on a proposed DAC for a period of three (3) months until the following clause (iv) had been addressed:

- “(iv) *prior to the Forum in August 2010 on a DAC, REQUESTS the Chief Executive Officer to further investigate:*
- (a) *the impact of the proposed Development Assessment Panels (DAPS) in Western Australia which may have some overlap and implications on a Design Advisory Committee established within the Town; and*

(b) *the implications of a DAC on the current processing timeframes for development applications; and*

(c) *the extent of its current delegations to the Town's Administration considered necessary so as to enable the prompt and efficient processing of development applications, within the statutory timeframes."*

Potential Impact of DAPS, processing times and Delegation

17 August 2010 Strategic Planning Officers presented at a Council Member Forum to address clause (iv) of the above Council resolution.

DETAILS:

The issue of design and built form quality is often raised in discussion on major development proposals in the Town. However, difficulties arise in achieving a consensus on what constitutes 'good design', as it is subjective and therefore cannot be legislated or legally prescribed. Design Review Panels or Committees are considered a means of improving the design quality of new development within existing and new urban areas. Such Committees are used in a limited number of metropolitan local authorities in Western Australia, such as Fremantle, Perth, South Perth and Victoria Park.

The following discussion builds on previous research undertaken by the Town's Officers on the formation of a Design Advisory Committee:

1. Scope and Intent of DAC

The purpose of the Town's proposed DAC will be to provide external expert advice to facilitate good design and improvement in the quality of the built environment within the Town. The document 'Design Review – Principles and Practice' published by the United Kingdom Commission for Architecture and the Built Environment in 2009 defines good design as follows:

"By good design we mean:

- *buildings and spaces that are fit for purpose and will last;*
- *development that is in the right place and responds to its surroundings;*
- *places that are designed for all to use and promote community inclusion and cohesion;*
- *proposals that respond to environmental imperatives and minimise their carbon footprint;*
- *schemes that create spaces and places that people will enjoy and be proud of.*

In discussing good design we don't mean:

- *buildings in any particular style – decision makers such as planning committees have to deal with proposals in a variety of styles and panels need to be able to advise on whether design is good whatever the style;*
- *extravagant schemes – good design means smart thinking about efficient use of resources and direct response to needs;*
- *inappropriate gestures – all development is encouraged to mesh with larger planning and local objectives."*

Based on the above definition of 'good design', a proposed scope of the DAC has been developed. Accordingly, it is recommended that the DAC is to act in an advisory capacity with respect to matters including, but not limited to:

- (a) The overall built form merits of the proposal including:
 - the appropriateness of the use of materials and finishes;
 - the functionality of the building; and
 - the potential of the building to form a lasting contribution to the sense of place and identity of the Town.
- (b) The quality of architectural design and how it responds to its context and surroundings.
- (c) The relationship with and impact on the public realm within its immediate locality and the broader community.
- (d) The impact on the character of the precinct, including its impact upon heritage structures, significant natural features and landmarks;
- (e) The extent to which the proposal is designed to be resource efficient, climatically appropriate, responsive to climate change and its contribution to environmentally sustainability, including TOD principles.
- (f) The demonstration of other qualities of best practice urban design including Crime Prevention through Environmental Design (CPTED) performance, protection of important view corridors and lively civic places.

It is not intended that the DAC provide advice on Technical Matters or those matters, which are already assessed by the Town's staff (that is, car parking ratio requirements, compliance with Australian Standards; assessment of plot ratio and setbacks).

2. Statutory Requirements

The establishment of a Committee is specified in Section 5.8 of the Local Government Act and the appointment of Members and Deputy Members is specified in Sections 5.10 and 5.11A of the Local Government Act. Clause 36 of the Town of Vincent Town Planning Scheme No. 1 (TPS No. 1) enables the formation of a DAC and states that:

- "1) The Council is to appoint a design advisory committee for the purpose of considering, and advising the Council with respect to, applications.*
- 2) The design advisory committee may be consulted on design matters relating to development."*

However, it is considered a significant provision is missing from the TPS No. 1. That is, a provision to ensure the Council has 'due regard' to any relevant recommendation from the Committee when determining a planning application. Whilst clause 36 enables the formation of such committee, there is no further clause that requires the Council to consider the recommendations or advice from such a committee in determining a planning application. It is considered such a clause would be imperative should an application proceed to the State Administrative Tribunal. It is noted that both the Cities of South Perth and Fremantle have such a scheme provision, with the South Perth provision reading as follows:

“7.5 Matters to be considered by Council

In considering an application for planning approval, the Council shall have due regard to, and may impose conditions with respect to, such of the following matters, as are, in the opinion of the Council, relevant to the proposed use or development the subject of the application:

...(w) any relevant submissions received on the application, including those received from any authority or committee consulted under clause 7.4...”

In light of the considerable time and staff resource implications involved in undertaking a Scheme Amendment of TPS No. 1, and the late stage of the progression of the TPS No. 2, it is recommended that should the Council proceed with the development of the Design Advisory Committee, that the relevant clauses relating to ‘due regard’ be incorporated into the draft TPS No. 2.

3. Schedule of Meetings and Impact on Planning Application Processing Times

Statutory timeframes:

In accordance with the requirements of Clause 45 of the Town Planning Scheme, which derives from the Model Scheme Text provision 10.9.1, as provided for in the Town Planning Regulations 1967, planning applications are to be assessed and determined within a 60 day statutory timeframe. The introduction of a DAC must ensure that it will have minimal impact on the processing time of planning applications.

As outlined in from the following table, the Town of Victoria Park and the City of Fremantle refer proposals to the DAC prior to the submission of a Development Application (DA) in order to avoid delays to the statutory timeframes. The Cities of Perth and South Perth on the other hand refer applicable applications post DA submission:

Local Government	Meeting Frequency	Pre DA or Post DA
Town of Victoria Park	Once every three weeks.	<ul style="list-style-type: none"> ▪ Meeting pre DA stage are encouraged. About 50 percent of proposals are referred to DRC pre DA stage. ▪ \$60 fee is paid for initial pre DA consultation with Committee. ▪ DAs are also referred back to DRC regardless of if they have had a pre DA referral.
City of South Perth	Once a month.	<ul style="list-style-type: none"> ▪ A proposal is submitted to DAC once a DA has been submitted.
City of Perth	Once every three weeks.	<ul style="list-style-type: none"> ▪ 90 percent of applications considered by DAC are considered post DA submission once they have been initially assessed by a Planning Officer. The relevant Planning Officer presents the DA to the Committee Meeting. ▪ A small number of proposals are presented pre DA stage. No fee is charged for this.
City of Fremantle	Once every month.	<ul style="list-style-type: none"> ▪ Applicants encouraged to meet with committee pre DA stage. ▪ Cost of referral to DAC \$2000. Fee will be credited towards normal DA fees if DA is submitted within a 60 day period.

To ensure that the statutory 60 day timeframe is not compromised, the Town's Administration is proposing the approach whereby the DAC consider proposed developments, prior to the submission of a formal planning application. The benefits of this approach include:

- (a) The onus will be placed on the applicant to factor the DAC into their own timeframes prior to DA submission, and as a result, not impact on the statutory timeframes; and
- (b) The applicant will give appropriate consideration to the local context and associated design responses in the early stages of the process as opposed to being 'an afterthought'.

Frequency of meetings:

Preliminary statistics indicate that approximately 25 – 30 of DAs considered by the Town in the 2008/2009 financial year, met the criteria for referral to the DAC based on the criteria set out in the Draft Terms of Reference.

In light of the current number of DAs that would be referred to a DAC, meetings will initially be scheduled to be held once a month with the frequency of meetings further reviewed if required.

Procedures of the DAC:

The procedures to be undertaken in relation to the operation of the Design Advisory Committee are best described in a four step process as detailed below:

Step 1: Actions to be undertaken prior to scheduled DAC meeting

- Applicant to submit draft plans to the Town 2 weeks before the scheduled DAC meeting;
- Plans to be circulated to Planning, Building, Health and Technical Services for preliminary comment;
- Town's Officers to undertake a site visit of the proposal, including comprehensive photographs of site and surrounding area to assist in discussion during the DAC meeting;
- Town's Officers to circulate Agenda including plans and preliminary Officer Comments to DAC Members approximately 5 days prior to the DAC Meeting; and
- DAC Member to review plans and undertake site inspection.

Step 2: The DAC Meeting

- The applicant will have the opportunity to present their proposal to the DAC, ask questions and receive advice and feedback from the DAC members with the intention that many design issues can be addressed prior to DA submission;
- The DAC are to identify the positive and negatives of the proposal and provide recommendations;
- A record will be made of the Meeting; and
- The Meeting Notes will be endorsed by the Chair of the Committee prior to the end of the meeting and copies made for the application and the Town's Files.

Step 3: Applicants Actions Post DAC Meeting

- Consider comments and design recommendations by the DAC and amend proposal as required;
- Consider preliminary comments made by Planning, Building, Health and Technical Services and amend proposal as required; and
- Submit formal Planning Application.

Step 4: Actions to be undertaken during Planning Application:

Planning Officer to assess the planning application, taking into consideration the recommendations of the DAC.

(a) DAC Recommendations Addressed:

Planning Application determined in accordance with standard practices. Recommendations of the DAC are to be included in the Officer Report to the Council on the proposal; or

(b) DAC Recommendations NOT Addressed:

At the discretion of the Director Development Services, the Planning Application may be referred back to the next available DAC Meeting. Recommendations of the Committee are to be included in the Officers Report to the Council on the proposal.

4. Payments to Committee Members

A review has been undertaken to determine those Local Government Authorities that operate Design Advisory Committees, who pay their Committee Members. The following table is a comparison of the fees paid to members in DACs at a number of Local Authorities:

Local Government	Fees
Town of Victoria Park	\$140 – \$190 per hour (set by individual professional at time of appointment) (fees set by external members at time of appointment)
City of South Perth	\$180 per meeting
City of Perth	Voluntary
City of Fremantle	\$200 per hour
Town of Cottesloe	Voluntary
EPRA	\$120 - \$180 per hour (set by individual professional at time of appointment) (for attending meetings, site visits and reviewing plans)

The Town’s Officers contacted six (6) professional architects to gauge whether they would consider being part of a DAC at the Town on a pro bono basis, or if not, what they consider is a reasonable hourly rate. The following responses were received:

Comment from Architects:	
Question 1: Would you consider being involved in a Design Advisory Committee (DAC) for the Town of Vincent?	
Yes	5
No	1 (due to time constraints)
Question 2: If so, would you agree to participate in the DAC on a pro bono basis?	
Yes	1 (although preferred to be paid)
No	4
Question 3: If not on a pro bono basis, what would you consider an acceptable hourly rate?	
\$120/hour	1
\$190/hour	1
\$195/hour	1
\$200/hour	3

As can be seen above, all but 1 of the architects identified that they would not be willing to participate on a pro-bono basis. Accordingly, it is considered appropriate that a fee be set to attract professional Committee Members. To provide an hourly rate, similar to that set by Fremantle and Victoria Park, would pose more significant budget implications. Rather, a flat fee of \$200 per meeting is proposed, up to 2 hours and \$150 per hour thereafter. The DAC Chairman to receive \$300 for a 2 hour meeting and \$200 per hour thereafter, similar to that of the City of South Perth.

Based on the above cost considerations and a maximum of three Committee Members per Meeting, the following table outlines indicative cost implications of a Design Advisory Committee attending monthly meetings:

Indicative cost implications	
Item	Estimated Annual Cost Implications'
Committee Member Fees	\$9,600
Stationary/Copying	\$2,500
TOTAL	\$12,600

It is noted that administrative support costs will also become a factor, should meetings be held after office hours.

Application fee for referral to DAC:

It is noted that while the DAC is a service provided and funded by the Town in order to improve design outcomes, it should not be seen as an opportunity for free planning advice to applicants that are not in a position to follow through with a planning application.

Of the Local Government Authorities reviewed, only two charged a fee to applicants to have proposals considered by the DAC, as follows:

- City of South Perth - a non refundable fee of \$205.00 is charged, in addition to the standard development application fee.
- City of Fremantle - a fee of \$2000 is charged. If the applicant submits a DA within 60 days of the last DAC consideration then the \$2000 is credited towards the standard development application fee. If a DA is not submitted within the 60 day period then no refund is given.

In determining whether a DAC referral fee should be paid, the Town's Officers have considered a fee of approximately \$200 is appropriate (equivalent to one member sitting fee). As with the City of Fremantle model, it would be reasonable that this fee be credited towards the standard development application fee should a DA be submitted within a 60 day period from the last consideration by the DAC. Should a DA not be submitted within this time, then the fee is non-refundable.

Terms of Reference

Taking into consideration the feedback provided by the Councillors at the Council Member Forum on 17 August 2010, the research into a number of Local Authorities DACs and consideration of the Town's specific requirements; the Town's Officers have drafted Terms of Reference which set out the operational matters of the DAC. The draft Terms of Reference is included in attachment 001 of this report.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

The establishment of a Committee is specified in Section 5.8 of the Local Government Act and the appointment of Members and Deputy Members is specified in Sections 5.10 and 5.11A of the Local Government Act.

Clause 36 of the Town of Vincent Town Planning Scheme No. 1 requires that:

- “1) *The Council is to appoint a design advisory Committee for the purpose of considering, and advising the Council with respect to, applications.*
- 2) *The Design Advisory Committee may be consulted on design matters relating to development.”*

STRATEGIC IMPLICATIONS:

The Town’s draft *Strategic Plan 2011-2016* – Objective 1 states:

“Natural and Built Environment:

- 1.1 *Improve and maintain the natural and built environment and infrastructure*
 - 1.1.1 *Develop and implement a Town Planning Scheme and associated policies, guidelines and initiatives that deliver the community vision;*
 - 1.1.2 *Enhance and maintain the character and heritage of the Town.”*

SUSTAINABILITY IMPLICATIONS:

It is considered that a DAC would provide a holistic approach to the assessment of Development Applications. The panel of expertise will aim to ensure that the best design outcome is achieved for the environment, the community and the applicant.

FINANCIAL/BUDGET IMPLICATIONS:

The current 2009/2010 Budget does not allocate any funds towards a Design Advisory Committee. It is recommended that funds be set aside for the 2011/2012 financial year.

COMMENTS:

It is considered that a DAC should add value to the Town by providing an alternative means of ensuring design excellence, through an independent advisory role outside the statutory decision making process. The DAC should not be viewed as a further bureaucratic step in the development process, but rather a mechanism by which the Town can benefit from improved quality of design in areas where the Town may lack the in-house design expertise.

The Town’s Administration considers that a DAC could delay the processing time for a DA, particularly if the process is not carefully managed. However, until a DAC has been in operation for some time, the impact is mainly conjecture.

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

The Presiding Member, Mayor Nick Catania advised that the Chief Executive Officer had declared a financial interest in Item 9.4.3. The Chief Executive Officer departed the Chamber at 8.43pm and did not speak or vote on this matter.

The Director Corporate Services assumed the role of Acting Chief Executive Officer's at 8.43pm.

9.4.3 Chief Executive Officer's Performance Review 2011 - Appointment of Human Resources Consultant

Ward:	-	Date:	21 June 2010
Precinct:	-	File Ref:	-
Attachments:	-		
Reporting Officer:	John Giorgi, Chief Executive Officer		
Responsible Officer:	John Giorgi, Chief Executive Officer		

Disclosure of Financial Interest:

The Chief Executive Officer, John Giorgi has disclosed a financial interest in this item. The extent of his interest being, that it relates to his Contract of Employment.

OFFICER RECOMMENDATION:

That the Council APPROVES of engaging Human Resource Consultant, Mr John Phillips of WALGA's Business Solutions to assist in conducting the Chief Executive Officer's (CEO's) Performance Review 2011, as detailed in this report, at a maximum cost of \$3,300 (incl. GST).

COUNCIL DECISION ITEM 9.3.1

Moved Cr Burns, Seconded Cr Farrell

That the recommendation be adopted.

MOTION PUT AND CARRIED UNANIMOUSLY (7-0)

(Cr Buckels had departed the Meeting. Cr McGrath was an apology for the meeting.)

The Chief Executive Officer returned to the Chamber at 8.44pm. The Presiding Member, Mayor Nick Catania advised that the item was carried.

PURPOSE OF REPORT:

The purpose of the report is to obtain Council approval to engage a consult to assist in conducting the CEO's Performance Review 2011.

BACKGROUND:

At the Ordinary Meeting of Council held on 28 September 2010, the Council resolved as follows;

“That the Council;

- (i) RECEIVES the Performance Review Report 2010 concerning the Chief Executive Officer's Annual Performance Review 2010 and ENDORSES the overall rating of "Exceeds the Performance requirements of the position of Chief Executive Officer of the Town of Vincent for the review period of 2009/2010";*

- (ii) *APPROVES of:*
- (a) *revised Performance Criteria and Indicators (Schedule B), as shown in Appendix A, for the 2010/2011 review period;*
 - (b) *a Performance Bonus of \$10,000 be paid to the Chief Executive Officer for the period 2009/2010, in recognition of the appraisal process outcome, and in accordance with clause 12.3 of the Deed of Contract of Employment; and*
 - (c) *the Performance Bonus for the period 2010/2011 to be set to a maximum of \$20,000;*
- (iii) *NOTES the next review of the Chief Executive Officer's performance is to be conducted by August 2011."*

REVIEW PROCESS

The Contract of Employment incorporates clauses which require the Council to determine the most suitable method for conducting the annual review and includes the use of an external person to assist in conducting the CEO's Annual Performance Review. The performance review process is similar to previous years and consists of the following:

1. Council to determine the most appropriate method of conducting the CEO's annual review and this process will now include the use of an external consultant in conjunction with the Mayor and Councillors;
2. CEO to prepare annual performance review within twenty (20) working days of the anniversary of the CEO's commencement with the Town (i.e. 8 August 2004) or date to be agreed;
3. CEO and external consultant (Reviewing Person) to meet to discuss the process and timing;
4. CEO to present report to external consultant (Reviewing Person) and Mayor;
5. External consultant (Reviewing Person) to review and assess CEO's review report assessing the performance measured against the position description, performance criteria, key result areas;
6. "External Consultant (Reviewing Person)" will offer each Council Member the opportunity to provide a written response and also the opportunity of an interview concerning the Employee's performance (noting the Council Members need not provide a written response);
7. A summary of the Council Member responses on the Performance Criteria and Indicators and Key Result Areas will be prepared and the results will be jointly discussed between the Reviewing Person, the Mayor and the Employee. If performance in any of the Performance Criteria and Indicators, Key Result Areas and responsibilities prescribed in clause 5.4(a) is considered unsatisfactory by either party, specific examples illustrating the performance gap must be identified, in writing;"
8. A summary of the Council Members' responses will be prepared and discussed jointly between the external consultant (Reviewing Person), Mayor and CEO (and Councillors, if required);
9. CEO is provided with an opportunity to comment on the report;
10. The external consultant (Reviewing Person) and Mayor to jointly prepare a report within fourteen (14) working days of the interview and the report to be signed by all parties to be presented to Council within twenty (20) working days of the interview date.

Indicative Timeline

An indicative timeframe has been prepared as follows:

Item	Indicative Timeline	Indicative hours
1. Report to Council seeking approval to use External Consultant	28 June 2011	-
2. Initial meeting with CEO to discuss timeline and format	30 June – 2 July 2011	1hr approx
3. Consultant to review of CEO's Review Report	4 – 15 July 2011	2hrs approx
4. Consultant to issue the CEO's questionnaire to Council Members	18 – 23 July 2011	1hr approx
5. Collation of Council Members' responses and follow-up, if required (*conduct interviews, if any, by 13 August 2010)	25 – 30 July 2011	3hrs approx
6. Preparation of Council Members' responses Summary Report for discussion with CEO	1 – 5 August 2011	2hrs approx
7. Meeting with CEO to discuss Council Members' Summary Report	8 – 12 August 2011	1hr approx
8. Meeting with Mayor (and Councillors, if required) to discuss Council Members' Summary Report	15 – 19 August 2011	2hrs approx
9. Preparation of CEO report to Council and liaison with Mayor	22 – 26 August 2011	3hrs approx
10. Final meeting with CEO to discuss final Report, any recommendations and areas of interest, etc	29 – 31 August 2011	1hr approx
11. Report to Council	13 September 2011	-
	Total	16hrs approx

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

The Local Government Act 1995, Section 5.39 requires that Senior Employees are to be governed by a written contract. (The Town's CEO and Executive Managers are designated Senior Employees.)

It is a legal requirement that each Contract of Employment contains sufficient information to enable the Officer to effectively carry out his responsibilities. Under Section 5.38, each employee is to be reviewed at least once in every of their employment.

This matter is to be treated as a Confidential Item as it relates to an employee. Section 5.23 of the Local Government Act 1995 allows for matters relating to employees to be considered on a confidential basis.

STRATEGIC IMPLICATIONS:

This proposal is in keeping with the Town's Strategic Plan 2011-2016, Objective 4 "*Leadership, Governance and Management*", in particular, 4.2.1 "*Promote employee preference, recognition, reward, satisfaction and wellbeing, and provide a safe and positive workplace.*"

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

A written quotation was obtained from WALGA to conduct the CEO's performance review as detailed in this report. An amount of \$3,300 (incl. GST) has been quoted. Any interviews (in person or telephone) will be an additional cost of \$120 (incl. GST) per hour (which includes any travelling time). Mr Phillips of WALGA has assisted Council in conducting the CEO's Performance Review since 2004.

The actual cost for the 2010 consultancy was \$3,000 (incl. GST).

COMMENTS:

The proposed CEO Review Process is in keeping with the Council decision of 28 September 2010 and the CEO's Contract of Employment.

10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

10.1 Notice of Motion – Cr Joshua Topelberg – Request to Investigate the Purchase of Tablet Computers

That the Council REQUESTS:

- (i) *the Chief Executive Officer to investigate the purchase of tablet computers for Executive Officers, Development Services (shared) and Elected Members to provide an alternative to hard copy documentation, meeting agendas, and minutes. The investigation should include but not be limited to:*
 - (a) *examining the advantages and disadvantages associated with this technology;*
 - (b) *analysis of the potential impact on paper, printing and photocopying costs;*
 - (c) *examining adoption of similar technologies in other local governments; and*
 - (d) *cost of purchase, configuration and maintenance;*
- (ii) *a report be submitted to the Council no later than September 2011, with a view to implementing the program immediately after the October election if approved.*

COUNCIL DECISION ITEM 10.1

Moved Cr Topelberg, Seconded Cr Farrell

That the motion be adopted.

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (7-0)

(Cr Buckels had departed the Meeting. Cr McGrath was an apology for the meeting.)

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

Nil.

12. REPRESENTATION ON COMMITTEES AND PUBLIC BODIES

Nil.

13. URGENT BUSINESS

Nil.

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

Nil.

15. CLOSURE

There being no further business, the Presiding Member, Mayor Nick Catania, declared the meeting closed at 8.45pm with the following persons present:

Mayor Nick Catania, JP	Presiding Member
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 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> ”

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 28 June 2011.

Signed:Presiding Member
Deputy Mayor Sally Lake

Dated this day of 2011