



## TOWN OF VINCENT

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*"Enhancing and celebrating our diverse community"*

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# MINUTES

<p>14 SEPTEMBER 2010</p>
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| (iii) | WALGA Member - Traffic Management for Works on Roads Advisory Group;  |     |
| (iv)  | WALGA Member - Urban Development Advisory Committee;  |     |
| (v)   | WALGA Deputy Member - Urban Development Advisory Committee; and   |     |
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Nil. 114

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Nil. 114

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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 14 September 2010, commencing at 6.00pm.

**1. DECLARATION OF OPENING**

The Presiding Member, Mayor Nick Catania, declared the meeting open at 6.07pm.

**2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE**

**(a) Apologies:**

Mike Rootsey, Director Corporate Services – apology due to personal commitments.

Minutes Secretaries – apologies due to personal commitments.

**(b) Present:**

Mayor Nick Catania, JP	Presiding Member
Cr Matt Buckels	North Ward
Cr Anka Burns	South Ward (from 6.09pm)
Cr Steed Farrell	North Ward
Cr Taryn Harvey	North Ward
Cr Sally Lake ( <i>Deputy Mayor</i> )	South Ward
Cr Warren McGrath	South Ward
Cr Dudley Maier	North Ward
Cr Joshua Topelberg	South Ward

John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Development Services
Rick Lotznicker	Director Technical Services

Employee of the Month Recipient

Audrie Scott                      Former Acting Senior Technical Officer  
(until approximately 7.42pm)

Recipient of Certificate of Appreciation – Retiring Advisory Group Representative

Chris Parry                      Local Area Traffic Management Advisory  
Group and the Safer Vincent Crime  
Prevention Partnership (in the public gallery  
until approx 6.30pm)

David Bell                      Journalist – “*The Perth Voice*”

Approximately 28 Members of the Public

**(c) Members on Approved Leave of Absence:**

Nil.

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

The Presiding Member, Mayor Nick Catania asked for an indication from the Public Gallery for those persons who were present for Item 9.1.6 relating to the development at 390 Oxford Street.

Approximately 10-12 persons raised their hands. The Presiding Member, Mayor Nick Catania then read out the following statement:

**“With respect to Item 9.1.6 on tonight's Agenda relating to the Proposed Change of Use Application for No. 390 Oxford Street, Mount Hawthorn, it is advised that at 3.53pm today the Town received an email from the Owner of the subject property, as follows;**

*"I refer to our recent telephone discussion regarding the above property, and confirm that I, Hank Ekamper, as Director/Secretary of the owner of this property, namely Nieman Enterprises Pty Ltd, hereby withdraw any authority for the MRS Form 1 previously lodged by me on behalf of the intending tenants.*

*I would appreciate your email by return confirming that Item 9.1.6 has been withdrawn from tonight's agenda.*

*Hank Ekamper."*

Accordingly, the Application is WITHDRAWN, as it does not have the landowner's consent.

**Received with Acclamation from the public gallery!**

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

1. Burke Hugo of 206 Stirling Highway speaking on behalf of the applicant Ms Khamsawat – Item 9.1.1. Stated she is extremely pleased that her application to open her business has been approved, however there is a bit of concern over some of the conditions of approval. Advised the main point being that in 12 months time she has to repeat the application process and clause (i)(e) for instance tends to colour the whole application. Advised this was a point of contention at the meeting last month with the suggestion that she might be trying to operate a brothel or place of prostitution without any evidence to back that up. Thanked the Council for the recommendation for approval.

**The Presiding Member, Mayor Nick Catania stated that the condition for 12 months is a condition that is put on applications such as this as. About six years ago there was a spate of applications to change from one zoning to the consultancy zoning and all the Council received was applications to open brothels. Therefore, a condition has been put on to say that the Council will watch the business over the next 12 months to see what is being done to ensure that what was stated is what is being done. This same condition would apply to a well known doctor operating in the Town for many years however, a planning tool was required to ensure people did what they said they would. Therefore the 12 months will remain as it is the only tool the Town has as a way to monitor the business activity. Stated there was no implication or connotation as the condition applies to any application seeking to a change to a consultancy zoning.**

2. Linda Borrison of 33 Heytesbury Road, Subiaco – Item 9.1.1. Stated that she would like to support the application submitted for the Thai Therapy Centre in Northbridge. Advised that she first met the applicant at Subiaco Street Markets shortly after she set up her business there and, at the time she was struggling with an injury to her ankle and, through the applicant’s expertise, found relief and was able to effectively complete rehabilitation of her ankle within a few weeks. Advised that she subsequently treated her swollen knee and both she and her partner are now regular clients at her Subiaco Station Street premises. Advised that she was distressed by the perception that it could be used as a massage of a sexual nature and felt that this was implied by that designation, but as the Chairman explained the planning tool which they were unaware and that every application has the same condition. Stated that she would like to support and encourage the application and feels that she has been running a legitimate business in Subiaco. Thanked the Council for their time.
3. Tony Jupp of 5/147 Roberts Road, Subiaco – Item 9.1.5. Thanked the Mayor and Councillors for correspondence received regarding his application. Advised that he is happy that the Council has recommended the application and they are happy to be able to return to live in the Town where he used to live about 12 years ago. Believed that NDP Designs has done a fantastic job designing a contemporary Australian home that fits their design brief and he is looking forward to realising that brief. Advised he is also happy to comply with all the conditions the Town has placed on the application and stated that they are more than happy to comply with them, including the completion of a full landscape plan to accompany the building. Advised that he is underway with the plan with Exhibit Green Landscape in Fremantle, and is particularly looking forward to the backyard they have designed which fits that whole site location. Requested the Council to support the application.
4. Trevor Pinnington of 76 Second Avenue, Mount Lawley – Item 9.1.4. Stated that he and his brother (in attendance) have owned the site for 11 years and are hoping to redevelop the land with a view to moving their small computer business from Kalamunda to East Perth. Advised that there are a couple of points he would like to raise because there has been a couple compliance issues that have been raised by the Council. Stated regarding the development interface with their neighbours at 32 Summer Street – they currently have 2 residential dwellings and the owner of that land has submitted a letter to the Council supporting the development. Acknowledged that the area is predominantly commercial and will eventually probably go that way entirely. Believe that their architects have designed a very visually appealing building and hope it will improve the amenity of the area as, it currently does not seem to have a theme. Advised that currently there is a vacant lot and warehouses and they are hoping to put something nice in the area and perhaps set a standard. Stated that another non compliance issue is the shortfall of car parking bays in the proposal. Highlighted that the site is very close to the East Perth Train Station. There is also an abundance of car parking in the area and directly across the road is the land that is owned by EPRA which is part of the East Perth Power Station. Advised that they anticipate that there will be car parking facilities in the area in the near future when it gets redeveloped. Asked the Council to take this into consideration. Stated that they are happy with the recommendation for the cash-in-lieu for the short fall in car parking and consider it to be quiet fair and reasonable. Stated that they strongly believe that what they are proposing will be beneficial to the area and are hoping it will set a precedent and help to tidy the area up.

5. Lou De Florio from Visitor Guide Australia – Item 9.1.7. Advised that there is currently a blank wall on the building and believed that having a sign on it will not be out of place or look like an entry statement. Advised that it is a commercial based intersection and believed it will be compliant and blend in with the commercial buildings around it well. Believed it would not to have a negative impact. Requested the Mayor and Councillors to consider supporting the application, and to act outside the policy which is at their discretion. Believed that this will assist the ratepayers of the Town of Vincent who will be able to utilise the building to its full potential. Requested that the Council judge this particular Item on its own merits.
6. Ray Conrad from Clarendon Realty of 216 Stirling Street, Perth – Item 9.1.8. Stated his objection to the proposal is not so much to the building itself but the sheer magnitude of it of all aspects. Advised that he will refer to only 5 items in his formal submission of objections that he put to the Council which include; density, plot ratio, set back, number of storeys and height.
- Density: the current policy allows for a total of 45 units however, the application seeks 65 – 20 more than permitted.
  - Plot ratio: allows for 2,288m<sup>2</sup> of area however, the applicant is requesting 6,146m<sup>2</sup> – some 170% at least beyond the policy allowances.
  - Building setbacks: there is not one of the 6 floors that comply with the required setbacks of the current policy i.e. 3<sup>rd</sup> floor – 6.95 setback under the policy however, the application gives nil setback, 4<sup>th</sup> floor – 11m and 5<sup>th</sup> floor – 11.4m setback required however, only 3m is submitted.
  - Number of storeys: the current policy allows for 2 storeys however, the applicant is seeking 6, therefore, the sheer magnitude is of concern.
  - Height: 7m is permitted however, the applicant is seeking approx. 20m, which is getting on 3 times that allowed and is creating a building that is far too imposing. Stated on his own submission of a similar size lot of 1,500 m<sup>2</sup> directly opposite this site he was allowed 2 floors and a penthouse and he has stuck to the rules so he asks the other developers do the same.
- Believed property developers must design within the existing Town Planning Guidelines otherwise there is probably little point of having the rules and for this applicant to ask the Councillors to consider this application which is some 170% over the above current Town Planning Guidelines and is beyond comprehension. Requested the Council to reject the application in its present form, and request the applicant to downsize the building within the current Town Planning Policy.

There being no further speakers, public question time closed at approx. 6.25pm.

**(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil.

**4. APPLICATIONS FOR LEAVE OF ABSENCE**

- 4.1 Cr Joshua Topelberg requested leave of absence from 10 October 2010 to 16 October 2010, inclusive, due to work commitments.

**Moved Cr Lake, Seconded Cr Farrell**

*That Cr Joshua Topelberg's request for leave of absence be approved.*

**CARRIED (9-0)**

**5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND PRESENTATIONS**

- 5.1 A petition was received from Ms E. Savory of Wilberforce Street, Mount Hawthorn along with 219 signatures, requesting that the Council reject the application by Nieman Enterprises to operate a "Gentleman's Spa & Massage" at 390 Oxford Street, Mount Hawthorn on the grounds of an anticipated negative impact on residents, businesses, property values and the general amenity of the area, should the application be allowed.

The Chief Executive Officer advised that this petition related to Item 9.1.6 on this Agenda, which had been withdrawn, as advised by the Presiding Member, Mayor Nick Catania. He recommended that the petition be received and noted.

**Moved Cr Farrell, Seconded Cr Burns**

*That the petition be received as recommended.*

**CARRIED (9-0)**

**6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

6.1 Minutes of the Ordinary Meeting of Council held on 24 August 2010.

**Moved Cr Farrell, Seconded Cr Maier**

*That the Minutes of the Ordinary Meeting of Council held 24 August 2010 be confirmed as a true and correct record.*

**CARRIED (9-0)**

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

**Moved Cr Topelberg, Seconded Cr McGrath**

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

Cr Maier stated that according to Standing Orders he wished to advise that he was dissatisfied with the Minutes specifically the Public Minutes in relation to Item 7.2. He stated that there are no amendments in the Minutes, which are made public and he would like them shown.

**PROCEDURAL MOTION**

**Moved Cr Maier, Seconded Cr Lake**

*That the Minutes of the Special Meeting of Council held on 6 September 2010 be accepted, subject to the Public Minutes containing all decisions made at the meeting including all amendments moved irrespective of whether they were carried or lost.*

Cr Maier provided an explanation.

Debate ensued between Cr Maier and the Presiding Member, Mayor Nick Catania.

The Presiding Member, Mayor Nick Catania asked the Chief Executive Officer for his comments. The Chief Executive Officer stated that he had already sent a response to Cr Maier's email and read out the following:

*"Cr Maier sent an email to me on Sunday 12 September 2010 at 10:49pm and a reply was sent back to him on Monday 13 September 2010 at 5:51pm, as follows;*

*Dear John*

*I don't think council members have received the minutes of the SMC of 6 September. Neither Sally nor I have a copy.*

**CEO Comments:**

*We are checking to see what has occurred-irrespective, hard copies of the Minutes will be delivered this evening. Minutes have already been emailed.*

*I have seen the public minutes and am concerned that they only contain the final decision and not the decisions that council made on individual amendments.*

*We have corresponded about this previously and I have previously obtained advice from the Department of Local Government. The advice I received at the time was that they were surprised that amendments were not shown in the minutes but that it would be up to individual councils to decide what is included in the minutes.*

**CEO Comments:**

*See comments below. The advice I gave to you in my email of 13 February 2008 remains the same. I believe that you have misinterpreted the Department's advice.*

*A check of other Local Government's minutes reveals that they do NOT include their amendments in the information relating to the Council Decision which are made public – which is consistent with what happens at Vincent.*

*I draw your attention to the minutes of the OMC of 22 September 2009. Confidential items 14.4 and 14.5 clearly show the amendments that were moved and show the vote for each amendment.*

**CEO Comments:**

*Noted – the amendments are shown in this case, as the Report was no longer deemed Confidential and was made public.*

*Also, the minutes of item 7.2 of the SMC of 6 September show 'officer recommendation:'. This is not correct. The officer recommendation was a little different and was subsequently amended by council.*

**CEO Comments:**

*The words "Council Decision" appear on page 12, whereas the words "Officer Recommendation" also appear on page 9 – this will be changed to be the same as page 12.*

*I believe that the minutes should include all council decisions, including the amendments.*

**CEO Comments:**

*I hold a different view. As previously advised;*

**Council Minutes**

*For information, the Local Government (Administration) Regulations 1996 prescribe the requirements for Minutes. Clause 11 states;*

*"11. The contents of minutes of a meeting of a council or a committee to include-*

- (c) details of each motion moved at the meeting, the mover and the outcome of the motion;*
- (d) details of each decision made at the meeting;..."*

*The Town of Vincent Local Law Relating to Standing Orders Clause 5.16 states;*

*"Where the Council adopts a motion or a recommendation contained in a report, either with or without amendment or modification, the recommendation so adopted is deemed to be a decision of the Council."*

*[underlining added]*

*When the Report is no longer deemed Confidential and is made public, in accordance with the current practice, it will include all the amendments.*

*In view of the above, I believe that the Town's Minutes comply with the Local Government Act and Regulations and the Town of Vincent Standing Orders''.*

Debate ensued between the Presiding Member, Mayor Nick Catania and Cr Maier.

The Chief Executive Officer then interrupted the discussion and advised that Standing Orders require him to interrupt the meeting, when Standing Orders are being breached.

The Chief Executive Officer read out Standing Orders Clause 14.2 as follows;

*“14.2 Duty of Chief Executive Officer*

*It is the duty of the CEO to draw attention of the Council to any breach or likely breach of the Standing Orders, even if it requires interrupting any person speaking.”*

The Presiding Member, Mayor Nick Catania then put the Procedural Motion.

**PROCEDURAL MOTION PUT AND LOST (4-5)**

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

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

**MOTION TO CONFIRM THE MINUTES CARRIED (6-3)**

**For:** Cr Lake, Cr McGrath, Cr Maier

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

**7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)**

**7.1 Employee of the Month Award for the Town of Vincent for September 2010**

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

For SEPTEMBER 2010, the award is presented jointly to Anne Munyard, Senior Technical Officer, Audrie Scott, former Acting Senior Technical Officer and the Outside Engineering Works Team, in the Town's Technical Services Section.

Anne, Audrie and the Works Team were nominated by Professor Peter Kenyon of Glendower Street, Perth, who recently wrote a letter of appreciation to the Town, as follows:

*"It is with great pleasure that I write this letter to thank all concerned for the expeditious and professional way that the Town of Vincent, through your area of Technical services, responded to my requests to have Primrose Laneway, first, transferred to the Town and then, secondly upgraded to a very high standard.*

*I would like to acknowledge, in particular, the very fine work done by Ms Anne Munyard, who always seemed to have the project at the forefront of her priorities and who, with unfailing professionalism, efficiency and politeness, dealt with my many phone calls and request for information whilst seeing the project through to completion. For the period when she was not involved with the project, Ms Audrie Scott similar dealt with the project very professionally.*

*Finally, I would like to thank the Works Team that constructed the right of way upgrade. They, too, worked very quickly and professionally in performing the upgrade, sometimes in very poor weather.*

*I am pleased to say that this whole project has been, in my opinion, an example of my local government working with the utmost efficiency in meeting its constituents' needs."*

Congratulations Anne, Audrie and the Works Team - and well done all!

**Received with Acclamation!**

7.2 Certificate of Appreciation – Retiring Advisory Group Representative

As you are aware, the Town of Vincent has a number of Advisory Groups to assist the Town and Council with its consideration of a number of areas. These Groups play an important part in the Town's future and as such the Town greatly appreciates the time and effort that community members put in when they join our Advisory Groups.

I am delighted to present this Certificate of Appreciation to Chris Parry served on both the Local Area Traffic Management Advisory Group and the Safer Vincent Crime Prevention Partnership for the past three years.

Local Area Traffic Management (LATM) Advisory Group:

Chris served on the LATM Advisory Group for several years, in which time he provided an invaluable residents perspective on traffic management matters.

Coupled with his professional experience Chris provided well balanced view that was appreciated by both the Group members and those residents who attended a meeting during Chris' tenure.

Safer Vincent Crime Prevention Partnership (SVCPP):

Chris has been a very active participant on the SVCPP. He has always been willing to help, volunteer his time as well as share his expertise and knowledge on safety and community capacity building- roles he fulfilled in his previous work.

Chris has been an enthusiastic supporter of the Vincent Accord and has provided ideas from Kalgoorlie Accord (in which he used to be involved) and from regional areas on Drink Safe/Roadwise strategies.

Chris has recently contributed to an upcoming program being developed to offer personal safety alarms for local school children. Chris and his daughter, Matilda, volunteered to participate in a video for local school children on how to be street safe – the video is being developed by the Town's Safer Vincent Crime Prevention Partnership and will be released soon.

As a local resident Chris has been active in the neighbourhood in obtaining crime prevention advice for residents and improving community safety in the area. Most recently, Chris has provided support to a nearby neighbour who was a victim of a home invasion and burglary.

Once again, on behalf of the Town, I would like to thank Chris for his past contribution.

I hope that you accept this token of our appreciation and display the Certificate with pride.

I trust that you will remain active in the Town and will continue to assist us in our mission to “enhance and celebrate our diverse community” even though it is not as a member of an Advisory Group.

**Received with Acclamation!**

7.3 Item 9.1.6 - Proposed Change of use Application for No. 390 Oxford Street, Mount Hawthorn

The Presiding Member stated that he had already read out this announcement (refer to page 2).

**8. DECLARATIONS OF INTERESTS**

- 8.1 Mayor Catania declared a Proximity interest in Item 9.2.4 – Traffic Safety Improvements in the Vicinity of the Intersection of Fitzgerald and Forrest Streets, North Perth – Further Report. The extent of his interest being that he is a director of a company that owns a property on Forrest Street.
- 8.2 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.
- 8.3 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.
- 8.4 Cr Topelberg declared a Proximity interest in Item 9.1.2 – No. 5 Leake Street, North Perth – Proposed Alterations and Additions and Ancillary Accommodation Addition to Existing Single House. The extent of his interest being that his primary residence is approximately 50 metres from the proposed development.
- 8.5 Cr McGrath declared an Impartiality interest in Item 9.4.4, IB06 – Minutes of the Tamala Park Regional Council Meeting held on 19 August 2010. The extent of his interest being that he has recently commenced employment with the environmental consultancy providing services to the Tamala Park Regional Council.
- 8.6 Cr McGrath declared a Proximity interest in Item 9.2.3 – Traffic Management Matter – Randell Street, Perth – Further Report. The extent of his interest being that he lives opposite Randell and Palmerston Street intersection.
- 8.7 Cr Burns declared an Impartiality interest in Item 9.2.4 – Traffic Safety Improvements in the Vicinity of the Intersection of Fitzgerald and Forrest Streets, North Perth – Further Report. The extent of her interest being that she lives in Wasley Street which may be impacted by the decision.

**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 9.1.1, 9.1.5, 9.1.4, 9.1.7 and 9.1.8.

**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 9.1.9, 9.1.10, 9.4.2 and 9.4.3.

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

Items 9.1.2, 9.2.3, 9.2.4 and 9.3.1.

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

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

Cr Farrell	Nil.
Cr Topelberg	Item 9.2.6.
Cr Buckels	Nil.
Cr McGrath	Nil.
Cr Harvey	Nil.
Cr Lake	Nil.
Cr Burns	Nil.
Cr Maier	Item 9.4.4.
Mayor Catania	Nil.

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

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

Items 9.1.3, 9.2.1, 9.2.2, 9.2.5, 9.3.2, 9.3.3 and 9.4.1.

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

Nil.

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

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

Items 9.1.3, 9.2.1, 9.2.2, 9.2.5, 9.3.2, 9.3.3 and 9.4.1.

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

Items 9.1.1, 9.1.5, 9.1.4, 9.1.7 and 9.1.8.

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

**Moved Cr Topelberg, Seconded Cr Buckels**

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

*Items 9.1.3, 9.2.1, 9.2.2, 9.2.5, 9.3.2, 9.3.3 and 9.4.1.*

**CARRIED (9-0)**

**Cr Farrell departed the Chamber at 6.51pm.**

## ITEM WITHDRAWN

**(Due to the landowner withdrawing his consent on the MRS Form, as stated by the Presiding Member, Mayor Nick Catania on page 2 – Public Question Time & Receiving of Public Submissions.)**

**9.1.6 No. 390 (Lot 13; D/P 2878) Oxford Street, Mount Hawthorn - Proposed Change of Use from Showroom and Warehouse to Unlisted Use (Gentleman's Spa and Massage) and Associated Alterations and Additions**

<b>Ward:</b>	North	<b>Date:</b>	7 September 2010
<b>Precinct:</b>	Mount Hawthorn Centre; P02	<b>File Ref:</b>	PRO4881; 5.2010.308.1
<b>Attachments:</b>	<a href="#">001</a> ; <a href="#">002</a>		
<b>Reporting Officer:</b>	D Pirone, Statutory Planning Officer		
<b>Responsible Officer:</b>	R Boardman, Director Development Services		

**OFFICER RECOMMENDATION:**

*That the Council;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, REFUSES the application submitted by Medici Holdings Pty Ltd on behalf of the owner Nieman Enterprises Pty Ltd for proposed Change of Use from Showroom and Warehouse to Unlisted Use (Gentleman's Spa and Massage) and Associated Alterations and Additions, at No. 390 (Lot 13; D/P 2878) Oxford Street, Mount Hawthorn, and as shown on plans stamp-dated 30 June 2010 and 21 July 2010, for the following reasons:*

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) the close proximity of the use to Residential Uses;*
- (iii) the non-compliance with the car parking requirements of the Town's Policy No. 3.7.1 relating to Parking and Access; and*
- (iv) consideration of the significant number of objections received (99 objections and a petition with 219 signatures).*

<b>Landowner:</b>	Nieman Enterprises Pty Ltd
<b>Applicant:</b>	Medici Holdings Pty Ltd
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Commercial
<b>Existing Land Use:</b>	Showroom and Warehouse
<b>Use Class:</b>	Unlisted Use – Gentleman's Spa and Massage
<b>Use Classification:</b>	"SA"
<b>Lot Area:</b>	445 square metres
<b>Access to Right of Way</b>	East side, 5 metres wide, sealed, Town owned

**PURPOSE OF REPORT:**

The proposal requires referral to the Council for determination as the Town’s Officers do not have the delegation to determine applications for “SA” and “Unlisted” uses where an objection has been received. In addition, more than 6 submissions have been received.

**BACKGROUND:**

No specific background directly relates to the proposal.

**DETAILS:**

The proposal involves the change of use from showroom and warehouse to gentleman’s spa and massage, which is an unlisted use in the Town of Vincent Town Planning Scheme No. 1.

The plans indicate that there are 7 rooms available for massage/spa, each with a shower, a large reception/waiting area, and an after-massage area. The applicant has advised in their submission to the Town that there will be 5 female masseurs, a manager and an administrative assistant at any one time and the operating hours will be from 10:00am to 10:00pm Monday to Saturday and 12:00pm to 8:00pm on Sunday. Furthermore, the applicant is unable to provide massage and spa qualifications for the staff, however has advised that in the event of an approval, a qualified masseuse will teach the staff.

The applicant's submission is attached to the Agenda Report (002).

**COMPLIANCE:**

<b>NON-COMPLIANT REQUIREMENTS</b>	
<b>Car Parking</b>	
Car parking requirement (nearest whole number) • Gentleman’s Spa and Massage (calculated using the car parking requirements for a consulting room) – 3 bays per consulting room Number of Consulting Rooms = 7 (requires 21 car bays) Total car bays required = 21 car bays	= 21 car bays
Apply the adjustment factors. • 0.85 (within 400 metres of a bus stop) • 0.85 (within 400 metres of a public car parking place with in excess of 75 car parking spaces)	(0.7225)  = 15.17 car bays
Minus the car parking provided on-site	3 car bays
Minus the approved on-site car parking shortfall.	N/A
<b>Resultant shortfall</b>	<b>12.17 car bays</b>
<b>Bicycle Parking</b>	
Consulting Rooms • 1 space per 8 practitioners for employees (class 1 or 2) = 0.875 spaces • 1 space per 4 practitioners for visitors (class 3) = 1.75 spaces Total class one or two bicycle spaces = 0.875 space = 1 space Total class three bicycle spaces = 1.75 spaces = 2 spaces	

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

<b>Consultation Submissions</b>		
<b>Item</b>	<b>Comments Received</b>	<b>Officer Comments</b>
Support	Nil.	Noted.
Objection (99)	• Lack of on-site car parking provided will result in congestion on Oxford Street and surrounding residential streets.	• Supported.

<b>Consultation Submissions</b>		
<b>Item</b>	<b>Comments Received</b>	<b>Officer Comments</b>
	<ul style="list-style-type: none"> <li>• Undesirable use in a predominantly residential area.</li> <li>• Unsafe and unsuitable use in an area within very close proximity to churches, schools and with a large number of young families and elderly people.</li> <li>• Increase in anti-social behaviour relating to the use.</li> <li>• The proposed use does not 'fit in' with surrounding commercial uses, the redevelopment of the Mount Hawthorn Centre Precinct or with the ambience of the area.</li> <li>• Negative impacts and effects on nearby businesses.</li> </ul>	<ul style="list-style-type: none"> <li>• Supported.</li> <li>• Supported.</li> <li>• Supported.</li> <li>• Supported.</li> <li>• Supported.</li> </ul>
Petition of objection with 219 signatures	<ul style="list-style-type: none"> <li>• Anticipated negative impact on residents, businesses, property values and the general amenity of the area, should the application be allowed.</li> </ul>	<ul style="list-style-type: none"> <li>• Supported.</li> </ul>
<b>Advertising</b>	Advertising for a period of 14 days was carried out as per the Town's Policy No 4.1.5 – relating to Community Consultation.	

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

**COMMENTS:**

In light of the above, it is considered that the proposed use does not receive any favourable support from the surrounding community. From a planning viewpoint, it is considered that the significant car parking shortfall will result in an undue impact on the surrounding residents, business owners and overall community and set an undesirable precedent for further applications with similar shortfalls. It is therefore recommended that the Council refuse the application for the change of use from showroom and warehouse to gentleman's spa and massage.

**9.1.3 Nos. 3-5 (Lots 70 and 71; D/P 1035) Leicester Street, Leederville - Proposed Construction of Three (3), Single-Storey Grouped Dwellings**

<b>Ward:</b>	South	<b>Date:</b>	7 September 2010
<b>Precinct:</b>	Leederville; P03	<b>File Ref:</b>	PRO4030; 5.2010.360.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer:</b>	D Pirone, Statutory Planning Officer		
<b>Responsible Officer:</b>	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 Dale Alcock Homes Pty Ltd on behalf of the owner Phocus Point Pty Ltd for proposed Construction of Three (3), Single-Storey Grouped Dwellings, at Nos. 3-5 (Lots 70 and 71; D/P 1035) Leicester Street, Leederville, and as shown on plans stamp-dated 28 July 2010 and 2 September 2010, subject to the following conditions:*

- (i) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Leicester Street;*
- (ii) *any new street/front wall, fence and gate within the Leicester Street setback area, including along the side boundaries within this street setback area, shall comply with the Town's Policy provisions relating to Street Walls and Fences;*
- (iii) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks and Property Services. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
- (iv) *first obtaining the consent of the owners of No. 1 Leicester 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. 1 Leicester Street in a good and clean condition; and*
- (v) **PRIOR TO THE ISSUE OF A BUILDING LICENCE, the following shall be submitted to and approved by the Town:**

(a) **Construction Management Plan**

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

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

(b) Landscaping and Reticulation Plan

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

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

- A. the location and type of existing and proposed trees and plants;*
- B. all vegetation including lawns;*
- C. areas to be irrigated or reticulated and such method;*
- D. proposed watering system to ensure the establishment of species and their survival during the hot and dry months; and*
- E. separate soft and hard landscaping plans (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); and*

(c) Amalgamation of Lots

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

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

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**COUNCIL DECISION ITEM 9.1.3**

**Moved Cr Topelberg, Seconded Cr Buckels**

*That the recommendation be adopted.*

**CARRIED "EN BLOC" (9-0)**

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<b>Landowner:</b>	Phocus Point Pty Ltd
<b>Applicant:</b>	Dale Alcock Homes Pty Ltd
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R60
<b>Existing Land Use:</b>	Vacant Land
<b>Use Class:</b>	Grouped Dwelling
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	1168 square metres
<b>Access to Right of Way</b>	Not Applicable

**PURPOSE OF REPORT:**

The proposal requires referral to the Council for determination as the Town's Officers do not have the delegation to determine applications with more than two dwellings.

**BACKGROUND:**

8 July 2008                      The Council at its Ordinary Meeting conditionally approved an application for the demolition of the existing single house and the construction of five (5), two-storey grouped dwellings at Nos. 3-5 Leicester Street, Leederville.

6 August 2008                Demolition Licence issued.

**DETAILS:**

The proposal involves the construction of three, single-storey grouped dwellings.

**COMPLIANCE:**

<b>NON-COMPLIANT REQUIREMENTS</b>		
<b>REQUIREMENTS</b>	<b>REQUIRED</b>	<b>PROPOSED</b>
<b>Density:</b>	6.48 dwellings at R60	3 dwellings at R60
<i>Officer Comments:</i>		
Noted – No variation proposed.		
<b>Plot Ratio:</b>	N/A	N/A
<b>Front Setbacks:</b>		
Unit 1	4.4 metres	3.4 metres – 5.1 metres
<i>Officer Comments:</i>		
Supported – The front elevation provides varying setbacks, which creates interest and articulation in the elevation. Furthermore, Leicester Street is a small street which comprises of only 6 dwellings that front the street. These dwellings are of varying setbacks, architectural styles and consist of single and two-storey dwellings. As the subject dwellings are single storey, it is considered that the variation in the front setback will not have an undue impact on the amenity of the area and the streetscape.		
<b>Building Setbacks:</b>		
Unit 1 -North	1.5 metres	1.08 metres – 1.5 metres
Unit 2 -North	1.5 metres	1.04 metres – 1.4 metres
Unit 3 -South	1.5 metres	Nil – 1.9 metres
-West	1.5 metres	1.09 metres – 3 metres
<i>Officer Comments:</i>		
Supported – The proposed building setbacks are not considered to have an undue impact on the neighbouring properties and no objections received.		

<b>NON-COMPLIANT REQUIREMENTS</b>		
<b>REQUIREMENTS</b>	<b>REQUIRED</b>	<b>PROPOSED</b>
<b>Buildings on Boundary:</b>	Walls not higher than 3.5 metres with average of 3 metres for 2/3 (33.59 metres) of the length of the balance of the boundary behind the front setback, to one side boundary.	The proposed wall on the southern boundary is compliant with the requirements of the R Codes.
<i>Officer Comments:</i>		
Noted – No variation proposed.		
<b>Vehicular Access:</b>	The maximum width of the crossover being 40 percent of the width of the frontage or 6 metres, whichever is the lesser.	The proposed width is 7.5 metres or 32 percent of the width of the frontage.
<i>Officer Comments:</i>		
Supported – This is not considered to have an undue impact on the streetscape as the proposed crossover width would be greater if the properties were to be developed individually.		

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

<b>Consultation</b>		
<b>Item</b>	<b>Comments Received</b>	<b>Officer Comments</b>
Support (1)	No comments provided.	Noted.
Objection	Nil.	Noted.
<b>Advertising</b>	Advertising for a period of 14 days was carried out as per the Town's Policy No 4.1.5 – relating to Community Consultation.	

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

**COMMENTS:**

It is noted that the land area can accommodate 6 dwellings and 3 dwellings are proposed. The R Codes however, do not provide requirements for maximum lot sizes, which has the potential for under development of sites.

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

### 9.2.1 Beaufort Street Enhancement Working Group

<b>Ward:</b>	South	<b>Date:</b>	27 August 2010
<b>Precinct:</b>	Beaufort P13	<b>File Ref:</b>	TES0067
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer:</b>	R Lotznicker, Director Technical Services		
<b>Responsible Officer:</b>	R Lotznicker, Director Technical Services		

**OFFICER RECOMMENDATION:**

*That the Council APPOINTS the following persons to the Beaufort Street Enhancement Working Group:*

(i) **Beaufort Street Network Representatives\***;

- (a) *Mr John Carey;*
- (b) *Ms Jaime Phillips; and*
- (c) *Mr Haydn Robinson;*

(ii) **Local Business Representatives\***;

- (a) *Ms Pam Herron, Beaufort Realty; and*
- (b) *Mr Bruce Afflect, Beaufort St 24 Hour Chemist;*

(iii) **Local Resident Representatives\***;

- (a) *Ms Jenny Brandsma; and*
- (b) *Ms Angela Hollams; and*

(iv) **Town of Vincent Officers\*\***

- (a) *Director Technical Services (Chair);*
- (b) *Manager Community Development (Deputy Chair); and*
- (c) *Manager Asset & Design Services.*

\* *Two (2) year Term.*

\*\* *Other Officers to attend as required.*

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**COUNCIL DECISION ITEM 9.2.1**

**Moved** Cr Topelberg, **Seconded** Cr Buckels

*That the recommendation be adopted.*

**CARRIED "EN BLOC" (9-0)**

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**PURPOSE OF REPORT:**

The purpose of this report is to request approval for the Council to appoint representatives to the Beaufort Street Enhancement Working Group.

**BACKGROUND:**

At its Ordinary Meeting held on 8 June 2010, the Council considered the formation of the Beaufort Street Enhancement Working Group, where the following decision was made:

*"That the Council;*

- (i) *APPROVES the establishment of a "Beaufort Street Enhancement" Working Group, comprising the Town's officers and representatives of the Beaufort Street Business Community, to develop a long term Enhancement Program for Beaufort Street between Walcott Street and St Albans Avenue;*
- (ii) *ADOPTS the "Beaufort Street Enhancement Working Group - Terms of Reference" for the proposed Working Group as outlined in Appendix 9.2.1, subject to:*
  - (a) *clause 1.2 of the Terms of Reference being amended as follows:*  
*"1.2 Up to Three (3) Beaufort Street Network Representatives";*
  - (b) *a new clause 4.5 be inserted as follows:*  
*"4.5 That the presentation and exploration of novel and original ideas is to be encouraged and provided for in the Agenda."; and*
  - (c) *clause 5.3 being corrected to include the word "innovative" after the words "that is" and before the words "cost effective"; and*
- (iii) *NOTES that a further report will be presented in July 2010 once the actions as outlined in clauses (i) and (ii) have been further progressed."*

**DETAILS:**

In accordance with the Council decision, on 5 August 2010, letters were sent to Business Proprietors in the Beaufort Precinct, including the Beaufort Street Network, inviting expressions of interest from members of the business community interested in nominating for the Working Group.

Expressions of Interested were also invited from local residents via the Town's website and *The Guardian* newspaper.

At the close of nominations eleven (11) completed nomination forms were received as follows:

- Three (3) nominations from Beaufort Street Network;
- Five (5) nominations from representatives from businesses;
- Three (3) nominations from residents from the area.

**Beaufort Network Nominations:**

Name	Suburb	Membership of Community Organisations	Summary of Comments
Mr John Carey	Perth	<ul style="list-style-type: none"> <li>• Executive Member - Beaufort St Network</li> </ul>	<ul style="list-style-type: none"> <li>• Very interested in and passionate about developing creative and innovative streetscape design and new public art for Beaufort St</li> <li>• Lobbied local Councillors for the new budget allocation.</li> </ul>

Ms Jaime Phillips	Highgate	<ul style="list-style-type: none"> <li>• Beaufort St Network</li> <li>• National Advisory Council of the ABC</li> <li>• Dept of Culture &amp; the Arts</li> <li>• Peer Assessment Panel</li> <li>• Town of Vincent Art Advisory Committee</li> </ul>	<ul style="list-style-type: none"> <li>• A strong interest in the future development of his street</li> <li>• Believes that great streets make a great city and that Beaufort St is poised to become a unique destination, combining excellent design, a distinctive retail culture, an intriguing built environment and a focus on liveability.</li> <li>• Sees it as a place for early morning walks and conversations with shopkeepers, to a busy transport artery, shopping destination, a place for dining and drinking and a night spot.</li> <li>• Has strong networks in her neighbourhood and looks forward to working with a range of stakeholders to enhance the street.</li> </ul>
Haydn Robinson	Mt Lawley	<ul style="list-style-type: none"> <li>• Chairman - Beaufort St Network</li> <li>• Main Roads Committee to Slow Traffic on Beaufort St</li> <li>• Town of Vincent LATM Committee</li> </ul>	<ul style="list-style-type: none"> <li>• Has campaigned for improvements to Beaufort St for 20 years and headed the Beaufort St Network for this purpose.</li> <li>• Has been in business on the corner of Beaufort and Walcott Sts for 20 years and has a clear idea of what is needed to define the area and make Beaufort St more user friendly.</li> </ul>

**Business Representatives:**

Mr Payam Golestani	Mt Lawley	<ul style="list-style-type: none"> <li>• N/A</li> </ul>	<ul style="list-style-type: none"> <li>• Because he cares!</li> </ul>
Mr Bruce Affleck	Mt Lawley	<ul style="list-style-type: none"> <li>• N/A</li> </ul>	<ul style="list-style-type: none"> <li>• As a Pharmacist at Beaufort St 24HR Chemist since 1994 and a partner since 2004, has forged connections with many local residents and business owners.</li> <li>• A proponent of "good design" and has a strong interest in contributing to a vision to make Beaufort St a more vibrant place to live, work and shop.</li> </ul>

Dale Emery	Mt Lawley	<ul style="list-style-type: none"> <li>• Past: Treasurer Mt Lawley Toy Library</li> <li>• Past: Secretary (volunteer) Movies by Burswood</li> <li>• Present: Subiaco Basketball Club Committee</li> </ul>	<ul style="list-style-type: none"> <li>• Has been in business in Beaufort St for 5 years</li> <li>• Concerned about development in Beaufort St - community and business in mind.</li> <li>• Would like to make sure the strip develops and improves, maintaining the unique feel of the strip.</li> </ul>
Mr Michael Booth	Highgate	<ul style="list-style-type: none"> <li>• N/A but has an MBA with skills in strategic implementation and group dynamics.</li> </ul>	<ul style="list-style-type: none"> <li>• As a local business owner with offices on Beaufort St, he has a keen interest in the ongoing development of this unique and vibrant community.</li> <li>• His business involves commercial interior design and construction.</li> <li>• Recognises the benefits of good design and the "Sense of Place" that can be generated from streetscape enhancement.</li> <li>• Has personally seen such projects in New Zealand and the Eastern State.</li> </ul>
Ms Pam Herron	Highgate	<ul style="list-style-type: none"> <li>• N/A</li> </ul>	<ul style="list-style-type: none"> <li>• Has lived in Mt Lawley/Highgate for 24 years.</li> <li>• Has owned 2 real estate agencies in the Town - Woodville Property in North Perth and now Beaufort Realty.</li> <li>• Has a genuine love of the area and a desire to be more involved in the Beaufort St Precinct</li> <li>• Has been involved in the past in setting up the North Perth community Bank and feels ready to get involved in another community project.</li> </ul>

**Residents:**

Mrs Jenny Brandsma	Mt Lawley	<ul style="list-style-type: none"> <li>• Mt Lawley Neighbourhood Learning Centre</li> <li>• Learning Centre Link (Linkwest)</li> <li>• Make a Meal Program for Ronald McDonald House</li> <li>• Festival of Country Gardens</li> </ul>	<ul style="list-style-type: none"> <li>• Has ideas and skills that she could contribute as a resident.</li> <li>• Has a commitment to community service and her current life circumstances mean that she has time to give.</li> </ul>
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		<ul style="list-style-type: none"> <li>• Mondo's Market</li> </ul>	<ul style="list-style-type: none"> <li>• Enjoys working with groups of people in ways which facilitate the formation of community networks.</li> <li>• Passionate in her belief that such networks along with good public architecture and art can greatly improve the quality of people's lives.</li> <li>• Has lived in Chelmsford Road since 1981.</li> </ul>
Ms Angela Hollams	Highgate	<ul style="list-style-type: none"> <li>• Nil</li> </ul>	<ul style="list-style-type: none"> <li>• Moved to Highgate last year.</li> <li>• Drawn to the area largely because of the café strip on Beaufort St, which she feels has a lively and active, yet more personal feel, than Leederville or Subiaco.</li> <li>• Delighted with the combination of a close proximity to such a thriving strip with the sense of peace and seclusion when desired at home.</li> <li>• Believes she can provide a perspective that is fairly representative of a broad range of residents and visitors to the area.</li> <li>• Has a vested interest in the continued development of attractions, while also preserving aspects that make the area 'liveable' - parking, pedestrian access, sense of security.</li> </ul>
Mr Adam Pratt	Highgate	<ul style="list-style-type: none"> <li>• Nil</li> </ul>	<ul style="list-style-type: none"> <li>• Moved to Highgate last year.</li> <li>• Drawn to the area largely because of the café strip on Beaufort St, which she feels has a lively and active, yet more personal feel, than Leederville or Subiaco.</li> <li>• Delighted with the combination of a close proximity to such a thriving strip with the sense of peace and seclusion when desired at home.</li> </ul>

			<ul style="list-style-type: none"> <li>• Believes she can provide a perspective that is fairly representative of a broad range of residents and visitors to the area.</li> <li>• Has a vested interest in the continued development of attractions, while also preserving aspects that make the area 'liveable' - parking, pedestrian access, sense of security.</li> </ul>
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**Working Group Town Officers**

The Chief Executive Officer has reviewed the number of Town Officers previously recommended for the Working Group. It should be noted that if the Council approves all appointments, as previously recommended, the Working Group would comprise of 14 people. This is considered to be too unwieldy and may cause logistical problems for meeting venues. It is also considered that it would not be the best use of Town resources for all seven (7) Town Officers to attend at any one time, as some will only be there for specific items. Accordingly, the Chief Executive Officer has reviewed the number of Officers who will be permanent members of the Working Group and recommends the following:

Permanent Members:

- (a) Director Technical Services (Chair);
- (b) Manager Community Development (Deputy Chair); and
- (c) Manager Asset & Design Services.

Other Officers who will attend as and when required include but are not limited to:

- (a) Director Corporate Services;
- (b) Manager Parks and Property Services;
- (c) Manager Ranger and Community Safety Services;
- (d) Safer Vincent Co-ordinator;
- (e) Co-ordinator Strategic Planning; and
- (f) Arts Officer.

**CONSULTATION/ADVERTISING:**

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

**LEGAL/POLICY:**

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

**STRATEGIC IMPLICATIONS:**

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

**SUSTAINABILITY IMPLICATIONS:**

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

**FINANCIAL/BUDGET IMPLICATIONS:**

An allocation of \$120,000 has been included in the draft 2010/2011 budget for Beaufort Street.

**COMMENTS:**

It is recommended that the nominees, as recommended, be appointed to the Beaufort Street Enhancement Working Group and that the inaugural meeting of the Group be held in October 2010.

**9.2.2 Proposed Intersection Improvements Beaufort & Walcott Streets,  
Mount Lawley – Further Report**

<b>Ward:</b>	North	<b>Date:</b>	7 September 2010
<b>Precinct:</b>	Mt Lawley Centre P11	<b>File Ref:</b>	TES0067/TES0207
<b>Attachments:</b>	-		
<b>Reporting Officer:</b>	C Wilson, Manager Asset & Design Services		
<b>Responsible Officer:</b>	R Lotznicker, Director Technical Services		

**OFFICER RECOMMENDATION:**

*That the Council;*

(i) *NOTES that:*

- (a) *Main Roads WA has withdrawn its request for the City of Stirling to defer its proposed works at the intersection of Beaufort and Walcott Streets;*
- (b) *Main Roads WA acknowledges that the proposed works are unlikely to impact upon any future changes to the intersection that may come out of recommendations of the ‘Project Working Group’ consisting of representatives from the Town of Vincent, City of Stirling and Main Roads WA; and*
- (c) *the matter will be referred to the Town’s Local Area Traffic Management Advisory Group once the proposed ‘Project Working Group’ has met and developed possible improvement options;*

(ii) *AUTHORISES the Chief Executive Officer to enter into discussions with the City of Stirling to determine an equitable cost sharing arrangement for the upgrading of the traffic control signals and pedestrian ramps on the Town’s side of the Walcott and Beaufort Streets intersection; and*

(iii) *ADVISES Main Roads WA, the City of Stirling and the Beaufort Street Network group of its decision.*

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**COUNCIL DECISION ITEM 9.2.2**

**Moved Cr Topelberg, Seconded Cr Buckels**

*That the recommendation be adopted.*

**CARRIED “EN BLOC” (9-0)**

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**PURPOSE OF REPORT:**

To inform the Council of Main Roads WA withdrawing its request for the City of Stirling to defer any works at the intersection of Walcott and Beaufort streets until such times as the ‘Project Working Group’ has considered possible future treatments.

**BACKGROUND:**

**Ordinary Meeting of Council 13 April 2010:**

The Council was advised of the City of Stirling's Mt Lawley Commercial Precinct Streetscape Improvement Plan and of the potential costs to the Town and, after considering the report, the following decision was made (in part).

*"That the Council:*

- (ii) *AUTHORISES the Chief Executive Officer to enter into discussions with the City of Stirling to:*
- (a) *determine an equitable cost sharing arrangement for the upgrading of the traffic control signals and pedestrian ramps on the Town's side of the Walcott and Beaufort Streets intersection and the proposed timing of the works to minimise the impact upon the Town's Capital Works Program; and*
  - (b) *identify opportunities for the City of Stirling to adopt a similar theme and approach as the Town to further streetscape development on Beaufort Street following Notice of Motion 23 February 2010 "Proposed Beaufort Streetscape Upgrade and Art Project" to facilitate the maintenance and enhancement of a consistent Beaufort Street "identity" north and south of Walcott Street;*
- (iii) *NOTES that:*
- (a) *the City of Stirling's Mt Lawley Commercial Precinct Streetscape Improvement project involves modifications to the traffic control signals and pedestrian ramps at the intersection of Walcott and Beaufort Streets, including those on the Town's side of the intersection; and*
  - (b) *\$60,000 has been included in the 2010/11 Draft Budget to fund the Town's portion of the works;"*

**Ordinary Meeting of Council 22 June 2010:**

The Council considered a report on the Proposed Improvements Beaufort Street/Walcott Street Intersection and specifically Main Roads WA request of both the Town and the City of Stirling to defer any works until such time as a 'Project Working Group' had an opportunity to consider possible future treatments and improvements, where the following decision was made.

*"That the Council;*

- (i) *NOTES that Main Roads WA:*
- (a) *intends to reinitiate investigations in partnership with the City of Stirling and the Town of Vincent with a view to identifying possible options to address issues associated with the Walcott Street/Beaufort Street intersection; and*
  - (b) *is seeking the Town's formal support and commitment to create a partnership in the form of a 'Project Working Group' consisting of representatives from the Town of Vincent, City of Stirling and Main Roads, the purpose of which is to undertake the project development role, predominately involving:*
    - *Identify and clarify issues associated with the intersection*
    - *Identify possible options to address these issues*
    - *Determine preferred improvement option(s)*

- *Conduct stakeholder consultation(where required)*
  - *Identify and secure funding to implement the improvement options(s)*
  - *Prepare all project development documentation to allow the project to progress to the detailed design and construction stage;*
- (ii) *REFERS the matter to the Town's Local Area Traffic Management Advisory Group once the proposed 'Project Working Group' (as mentioned in clause (i)(b) above) has met and developed possible improvement options;*
- (iii) *ADVISES:*
- (a) *Main Roads WA that it fully supports the proposal for the establishment of a project working group to investigate improvements at the Walcott Street/Beaufort Street intersection; and*
  - (b) *the City of Stirling and the Beaufort Street Network group of its decision; and*
- (iv) *RECEIVES further progress reports on the matter once the actions in clause (ii) have been progressed."*

**DETAILS:**

**Proposed improvements intersection of Walcott & Beaufort Streets:**

As previously advised, in February 2010, the Town received correspondence from the City of Stirling advising of their proposed works in Beaufort Street north of Walcott Street.

As part of Stage 1, the City was looking at improving pedestrian access and safety at the intersection. Currently all four pedestrian crossing legs have a 'kink' in them and the proposed improvements would have involved modifying the existing median islands to remove the 'kink', which in turn would have required the relocation of the majority of the traffic control signal poles. The existing pedestrian crossing ramps would also have been upgraded to conform with the current disability access standards, including tactile indicators, and the signals upgraded to LED standard.

As per clause (iii)(b) of the Ordinary Meeting of Council held on 13 April 2010, the Council noted that \$60,000 had been included in the 2010/11 Draft Budget to fund the Town's portion of the works.

**Letter from Main Roads WA to the Town of 8 June 2010:**

The following letter was subsequently received from Main Roads WA:

*"As you may be aware, the intersection of Beaufort Street and Walcott Street has been the focus of much attention over the years, with the issues of safety and efficiency being the main concerns raised.*

*An expectation exists for Main Roads to reinitiate investigations of the intersection in partnership with the City of Stirling and the Town of Vincent, with a view to identifying possible options to address issues associated with this intersection. This expectation is a result of Main Roads' involvement in the variable speed limit trial project on Beaufort Street, between Walcott Street and Chatsworth Road.*

*The first step in reinitiating investigations saw a meeting held on Wednesday 2 June 2010 between representatives of the Town of Vincent, City of Stirling and Main Roads to discuss the need and level of support for undertaking further investigations into possible options to improve this intersection. Meeting discussions concluded that all parties agree with reinitiating investigations, together with a verbal commitment being given to assist wherever possible in these investigations.*

*On this basis, Main Roads is seeking the Town's formal support and commitment to create a partnership in the form of a project working group consisting of representatives from the Town of Vincent, City of Stirling and Main Roads. The purpose of this project working group is to undertake the project development role predominately involving the:*

- *Identification and clarification of issues associated with the intersection*
- *Identification of possible options to address these issues*
- *Determination of preferred improvement option(s)*
- *Conducting stakeholder consultation where required*
- *Identifying and securing funding to implement the improvement options(s)*
- *Preparing all project development documentation to allow the project to progress to the detailed design and construction stage.*

*Resource and funding assistance from all organisations within the project working group will be required to enable this development work to be undertaken. It is envisaged that the project working group will directly undertake these tasks where practicable or will project manage consultants where the project working group does not have the capacity to undertake a particular task.*

*On a related matter, Main Roads has been informed of the City of Stirling's streetscape project along Beaufort Street, including modifications to the intersection of Beaufort Street and Walcott Street. It is understood that the Town has allocated funding in its 2010/11 Budget towards this project. Given the desire to undertake investigations of the intersection and the prospect of implementing modifications in the near future, Main Roads is requesting that the City of Stirling consider postponing the intersection portion of this project until these investigations are finalised. This is seen as an appropriate step so that the City of Stirling and Town of Vincent do not expend funds now whilst the possibility exists of having to expend further funds later on implementing improvements stemming from these investigations. This will also provide the opportunity to identify and explore innovative solutions to address the issues at the intersection which may deliver additional benefits beyond the standard treatments typically applied.*

*I believe this partnership provides a great opportunity for the Town of Vincent, City of Stirling and Main Roads to work collaboratively towards finding an acceptable outcome to the issues associated with this intersection. The outcome of this work may also provide a useful foundation when dealing with similar sites in the future should they arise."*

**Letter from City of Stirling to the Town of 12 July 2010:**

The City wrote to the Town advising that while it fully supported the formation of the 'Project Working Group' that because of time constraints it intended to proceed with the signal modifications and pedestrian ramps upgrades in the latter part of 2010, as reported to Council at its Ordinary Meeting of 13 April 2010.

The City's justification for proceeding prior to the first meeting of the 'Project Working Group' was as per the following:

- *The City's proposed works to the pedestrian ramps, cutting back of the median islands and relocation of the traffic signals is unlikely to have an impact or restrict any future proposals for this intersection.*

- *The repositioning of the traffic signals, cutting back of the median islands are considered to be an accompanying component to the current works being undertaken to the Beaufort Street awnings and is considered to be critical to reduce any on-going risk of future collisions to the awnings.*
- *Commitment of funding from the Town of Vincent is secure for 2010/2011 financial year and there is no guarantee this will be carried over in the following year if the working group not resolve this within 12 months.*
- *Given the limitations of the site and the existing heritage-listed properties on the four intersection corners, the City hold concerns that the working group may not be able to develop any significant options or innovative solutions for improvement. Any decision to defer the impending upgrade works may therefore be seen as a wasted opportunity to improve the intersection in the short term.*

*The City has requested that MRWA expedite the approval for the traffic signal, median islands and pedestrian crossings modifications to enable the City to progress with the construction stage, which is due to commence in July 2010.*

**Letter from Main Roads WA to the City of Stirling of 26 July 2010:**

In a letter dated 26 July 2010, Main Roads WA advised the City of Stirling (in part) that:

*“The proposal has been reviewed and Main Roads is pleased to advise the traffic signal design and signing and pavement markings have been approved.”*

**Email from Main Roads WA to the City of Stirling of 24 August 2010:**

The following is an extract from an email from Main Roads WA Project Development Officer to the City of Stirling advising that:

*“I can confirm that MRWA’s approval, dated 26 July 2010, for the traffic signal and signing/pavement marking drawings associated with the proposed works supersedes MRWA’s original decision to request the City of Stirling to defer the work. As such, the City of Stirling can progress with its proposed work at the intersection of Beaufort Street and Walcott Street, Mt Lawley.”*

**Comment:**

In light of the above sequence of events, the City is now seeking the Town’s assurance that the \$60,000 allocated in the 2010/11 budget as the Town’s contribution will be released upon the completion of the works. The Town’s final contribution will be dependent upon verification of the project cost and on the understanding that it will not exceed \$60,000, as based upon the City’s original project estimate.

**CONSULTATION/ADVERTISING:**

Further reports will be submitted to Council following discussions with Main Roads WA, the City of Stirling, Beaufort Network Group and local business proprietors.

**LEGAL/POLICY:**

Both Beaufort and Walcott Streets are District Distributor A roads under the care, control and management of the relevant Local Government. Walcott Street is a boundary road with the City of Stirling and, therefore, under the Local Government Act the City of Stirling is neither obliged nor able to fully fund works within an adjoining Local Authority.

**STRATEGIC IMPLICATIONS:**

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

**SUSTAINABILITY IMPLICATIONS:**

N/A

**FINANCIAL/BUDGET IMPLICATIONS:**

An allocation of \$60,000 has been included in the 2010/2011 budget as the Town’s contribution to the proposed intersection modifications.

**COMMENTS:**

The Beaufort/Walcott Street intersection has for many years been the subject of debate regarding what can and cannot be done to improve safety at the intersection. While Main Roads WA's proposal for a ‘Project Working Group’ will hopefully develop some workable improvement options, the City of Stirling’s proposed works should not prejudice possible future improvements. It is also worth noting that while Main Roads WA intend to proceed with the formation of the ‘Project Working Group’, they have not committed to future funding in support of any findings or recommendations of the ‘Group’.

**9.2.5 Town of Vincent ‘Public Toilet Strategy September 2010’ – Adoption**

<b>Ward:</b>	Both	<b>Date:</b>	8 September 2010
<b>Precinct:</b>	All	<b>File Ref:</b>	CMS0113
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officers:</b>	J van den Bok; Manager Parks & Property Services K Bilyk; Property Officer		
<b>Responsible Officer:</b>	R Lotznicker; Director Technical Services		

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *ADOPTS the Town of Vincent ‘Public Toilet Strategy – dated September 2010’ to be used as a ‘guiding document’ for all future public toilet installations, as shown in Appendix 9.2.5;*
- (ii) *CONSIDERS listing an amount of \$160,000 in the draft 2011/2012 capital works budget for the supply and installation of an automated self cleaning public toilet at a location to be identified;*
- (iii) *RECEIVES further progress reports once further investigations have been completed; and*
- (iv) *AUTHORISES the Chief Executive Officer to:*
  - (a) *advertise the Strategy for a period of twenty-one (21) days, seeking public comment; and*
  - (b) *report back to Council if any submissions are received.*

**COUNCIL DECISION ITEM 9.2.5**

**Moved Cr Topelberg, Seconded Cr Buckels**

*That the recommendation be adopted.*

**CARRIED “EN BLOC” (9-0)**

**PURPOSE OF REPORT:**

The purpose of this report is to seek adoption of the Town’s Public Toilet Strategy and advise the Council of investigation into providing a public toilet facility within the Mount Lawley business precinct.

**BACKGROUND:**

At the Ordinary Meeting of Council held on 28 April 2009, former Cr Messina submitted an Urgent Business item requesting that officers investigate the provision of a ‘self cleaning’ public toilet within the Mount Lawley Business precinct.

A public toilet was previously located within the Raglan Road carpark, however, this was demolished and the Town has since received continued requests for the construction of a new public toilet within this shopping precinct.

As part of the Town's updated Strategic Plan 2009-2014 (Plan for the Future) adopted at the Ordinary Meeting of Council held on 12 May 2009, a new strategy and action plan was included as follows:-

1.1.5 Enhance and maintain parks, landscaping and community facilities. *(d) Prepare a strategy for Public Toilets and drinking water in parks and Town Centres, including a timeframe for implementation of recommendations.*

A program for the installation of drinking fountains and universal accessible facilities was presented to the Council at its Ordinary Meeting held on 24 March 2009 and these works are now in the final years of implementation.

#### **DETAILS:**

The Town currently has twenty (20) public toilet facilities predominantly located within parks and reserves. The majority of these were constructed in the 1960s and were of a basic construction consisting of one (1) or two (2) pans, hand basin and a urinal.

Many of these structures have now been modified to provide improved access where practical.

Much debate has ensued over the years with regard to the need or requirement for public toilets at various locations and also the demolition of existing public toilets due to their condition, continued misuse or history as a location for undesirable behaviour.

The Public Toilet Strategy included in this report provides a guide for future replacement, refurbishment and the requirement for new public toilet facilities.

In preparing the strategy, input was provided by the following officers:

- Manager Parks & Property Services
- Manager Ranger & Community Safety Services
- Manager Health Services
- Property Officer
- Property Maintenance Officer
- Coordinator Safer Vincent
- Public Relations Officer

#### **Existing Toilet Upgrades comprising part of the Universally Accessible 'Building' Upgrade Program**

The strategy also contains a table outlining projects, timing and estimated costs for the Universally Accessible 'Building' Upgrade Program which was adopted by the Council on 24 March 2009.

This has been included as this relates to where toilets are located in buildings, halls, etc. and identifies where existing toilet facilities need upgrading including other works.

**CONSULTATION/ADVERTISING:**

The Strategy will be advertised for public comment for twenty-one (21) days.

Consultation with adjacent owner/occupiers and businesses would be undertaken where Council approved the installation of any new public toilet facility within the Town.

If no submissions are received, the Strategy will be adopted without any changes. Any submissions will be reported to the Council for consideration.

**LEGAL/POLICY:**

Nil.

**STRATEGIC IMPLICATIONS:**

In accordance with the objective of Strategic Plan 2009-2014 – Key Result Area One: 1.1.5 Enhance and maintain parks, landscaping and community facilities“(d) *prepare a strategy for public toilets and drinking water in parks and Town centres, including timeframe for implementation of recommendations.*”

**SUSTAINABILITY IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

The cost of the construction and/or installation of public toilets is significant. The recently installed automated self cleaning public toilet located at Axford Park, Mt Hawthorn has been very successful.

At the time of supply/installation of the above unit, the cost to the Town was around \$122,000.00, however, increased construction costs together with regulation changes to the Building Code effective from 1 May 2011, will require a larger floor space, which will increase the cost of a automated self cleaning public toilet to around \$160,000.

**COMMENTS:**

Officers have received ongoing requests for new public toilets at various locations around the Town, including Beaufort Street, Edinboro Street Reserve, Auckland/Hobart Street Reserve and Britannia Road Reserve.

The completion of the Public Toilet Strategy will now provide guidelines for officers and the Council in terms of their requirement, design, construction and future management.

It is therefore recommended that suitable locations for the installation of public toilets within the Town be investigated, in accordance with the strategy, considers listing an amount of \$160,000 in the draft 2011/2012 capital works budget for the supply and installation of an automated self cleaning public toilet at a location to be identified, and receives further progress reports once the investigations have been completed.

**9.3.2 Authorisation of Expenditure for the Period 1 – 31 August 2010**

<b>Ward:</b>	Both	<b>Date:</b>	6 September 2010
<b>Precinct:</b>	All	<b>File Ref:</b>	FIN0032
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officers:</b>	K Ball, Finance Officer – Accounts Payable; B Tan, Manager Financial Services		
<b>Responsible Officer:</b>	M Rootsey, Director Corporate Services		

**OFFICER RECOMMENDATION:**

*That the Council CONFIRMS the;*

- (i) *Schedule of Accounts for the period 1 August – 31 August 2010 and the list of payments;*
- (ii) *direct lodgement of payroll payments to the personal bank account of employees;*
- (iii) *direct lodgement of PAYG taxes to the Australian Taxation Office;*
- (iv) *direct lodgement of Child Support to the Australian Taxation Office;*
- (v) *direct lodgement of creditors payments to the individual bank accounts of creditors; and*
- (vi) *direct lodgement of Superannuation to Local Government and City of Perth superannuation plans.*

*as shown in Appendix 9.3.2.*

**COUNCIL DECISION ITEM 9.3.2**

**Moved Cr Topelberg, Seconded Cr Buckels**

*That the recommendation be adopted.*

**CARRIED “EN BLOC” (9-0)**

**DECLARATION OF INTEREST**

<b>Members/Officers</b>	<b>Voucher</b>	<b>Extent of Interest</b>
Nil.		

**PURPOSE OF REPORT:**

To seek authorisation of expenditure for the period 1 August – 31 August 2010.

**BACKGROUND:**

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

**DETAILS:**

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

<b>FUND</b>	<b>CHEQUE NUMBERS/ PAY PERIOD</b>	<b>AMOUNT</b>
<b>Municipal Account</b>		
Automatic Cheques	068658- 068771	\$180,685.22
Transfer of Creditors by EFT Batch	1107-1109, 1111-1113, 1115-1117	\$1,625,597.27
Transfer of PAYG Tax by EFT	August 2010	\$207,058.93
Transfer of GST by EFT	August 2010	
Transfer of Child Support by EFT	August 2010	\$1,278.10
Transfer of Superannuation by EFT:		
• City of Perth	August 2010	-
• Local Government	August 2010	-
<b>Total</b>		<b>\$2,014,619.52</b>
<b>Bank Charges &amp; Other Direct Debits</b>		
Bank Charges – CBA		\$8,555.89
Lease Fees		\$2,044.40
Corporate Master Cards		\$11,503.11
Loan Repayment		\$60,316.91
Rejection Fees		\$10.00
<b>Total Bank Charges &amp; Other Direct Debits</b>		<b>\$82,430.31</b>
<b>Less GST effect on Advance Account</b>		<b>0.00</b>
<b>Total Payments</b>		<b>\$2,097,049.83</b>

**STRATEGIC IMPLICATIONS:**

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

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

**ADVERTISING/CONSULTATION:**

N/A.

**COMMENT:**

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

**9.3.3 Location of Artwork for 17 Green Street and 159 Lord Street Developments**

<b>Ward:</b>	Both	<b>Date:</b>	2 September 2010
<b>Precinct:</b>	Beaufort/North Perth	<b>File Ref:</b>	PRO3619/PRO1748
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer:</b>	R Gunning, Arts Officer		
<b>Responsible Officer:</b>	M Rootsey, Director Corporate Services		

**OFFICER RECOMMENDATION:**

*That the Council APPROVES the location of Percent for Art artwork for the developments at 17 Green Street to be Shakespeare Street Reserve, North Perth and 159 Lord Street, Perth to be Gladstone Park, Perth.*

**COUNCIL DECISION ITEM 9.3.3**

**Moved Cr Topelberg, Seconded Cr Buckels**

*That the recommendation be adopted.*

**CARRIED “EN BLOC” (9-0)**

**PURPOSE OF REPORT:**

To seek approval for the proposed location of artwork regarding the developments at 17 Green Street and 159 Lord Street, Perth.

**BACKGROUND:**

The developments at 17 Green Street and 159 Lord Street are both subject to the Town’s Percent for Art Scheme requirements. The Percent for Art Scheme was first adopted in 24 August 1998. The objective of the policy is ‘to develop and promote community identity within the Town of Vincent’ by requiring commissioned public art works associated with public and commercial developments which have a value over \$1 million. The financial requirement for public art placed on such projects is one percent of the cost of the development. In most cases the developer manages the artwork themselves; however they can also elect to pay cash-in-lieu. If the latter option is chosen, the Town manages the project and the artwork is placed on Town of Vincent land in the vicinity of the development.

**DETAILS:**

The amount required to be spent on public art for the 17 Green Street development, as determined by the Town, is \$5,590 and for 159 Lord Street, \$16,000. The developers, for both these projects chose the cash-in-lieu option, and have paid the Town the required amount. As the buildings are now completed, the Town can proceed with the implementation of public art regarding these developments.

The Art Advisory Group reviewed the projects on 2 August and considered possible locations for potential artwork. It was agreed that the closest suitable locations to 17 Green Street are Shakespeare Street Reserve and Ellesmere Street Reserve (see attachment). It was decided both locations should be presented as potential locations in the artist’s brief. The Art Advisory Group agreed the most suitable location for artwork in the vicinity of the 159 Lord Street development is Gladstone Park (see attachment).

Once approval for the locations has been achieved, the Town will develop artist's briefs for both projects and ask for expressions of interest. The Art Advisory Group will consider the applications and make a recommendation based on the artist's former work and the merit of their proposal. This recommendation will go to Council for approval. The selected artists would then be required to enter into a contract with the Town before the work can proceed.

**CONSULTATION/ADVERTISING:**

N/A.

**LEGAL/POLICY:**

Policy No: 3.5.13 Percent for Public Art.

**STRATEGIC IMPLICATIONS:**

Plan for the Future- Strategic Plan 2009-2014:

*“3.1 Enhance and promote community development and well being;  
3.1.1 Celebrate and acknowledge the Town's cultural and social diversity.”*

**SUSTAINABILITY IMPLICATIONS:**

The artwork to be commissioned would be made of materials of an enduring quality and therefore be sustainable.

**FINANCIAL/BUDGET IMPLICATIONS:**

The artwork budget is \$5,590 for the 17 Green Street development and \$16,000 for 159 Lord Street. Both developers have already paid the stated amounts to the Town.

**COMMENTS:**

The Percent for Art Policy has been successful in achieving its objective of developing and promoting community identity within the Town of Vincent by requiring commissioned public artworks associated with public and commercial buildings. When the project is managed by the developer the work is usually located on the development's land, with the proviso that the work may be clearly seen by the public. The cash-in-lieu option however offers the exciting possibility of adding artworks to Town of Vincent land including parks and reserves, thus increasing the variety of locations that permanent artworks can be seen in the Town.

**9.4.1 Use of the Council's Common Seal**

<b>Ward:</b>	-	<b>Date:</b>	1 September 2010
<b>Precinct:</b>	-	<b>File Ref:</b>	ADM0042
<b>Attachments:</b>	-		
<b>Reporting Officer:</b>	M McKahey, Personal Assistant		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

*That the Council NOTES the use of the Council's Common Seal on the documents listed in the report, for the month of August 2010.*

**COUNCIL DECISION ITEM 9.4.1**

**Moved Cr Topelberg, Seconded Cr Buckels**

*That the recommendation be adopted.*

**CARRIED "EN BLOC" (9-0)**

**BACKGROUND:**

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

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

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

<b>Date</b>	<b>Document</b>	<b>No of copies</b>	<b>Details</b>
02/08/2010	Notification under Section 70A	1	Town of Vincent and Portland Asset Pty Ltd, formerly of 25/4 Crawley Avenue, Crawley, now of 4 Walter Street, Claremont re: No. 252 (Lot 301) Charles Street, North Perth - Notification under Section 70/A of the Transfer of Land Act 1893 - <i>To conform to the requirements of the Building Codes of Australian Section 3.7.1.5</i>
03/08/2010	Deed of Restrictive Covenants	3	Town of Vincent and G Sfakianakis of 72 Flinders Street, Mount Hawthorn re: No. 72 (Lots 118 and 119 D/P: 2503) Flinders Street, Mount Hawthorn - Section 129BA Deed of Restrictive Covenants - <i>To satisfy Condition 7 of the WAPC Approval dated 15 April 2009 which required that a restrictive covenant be placed on the Certificates of Title of the proposed Lots 1 and 2 advising of the restriction of the use of land</i>

Date	Document	No of copies	Details
04/08/2010	Restrictive Covenant	3	Town of Vincent and Promeq Pty Ltd and Molouky Pty Ltd, c/o International Management Pty Ltd of 45 Broadhurst Crescent, Bateman re: No. 25 (Lot 5) Violet Street, Mount Lawley - <i>To satisfy Clause (2) of WAPC Conditional Approval of a survey strata subdivision of the subject lot, dated 11 February 2010</i>
5/08/2010	Deed of Variation	2	Town of Vincent and Belgravia Leisure Group Pty Ltd of 20 Longstaff Road, Bayswater, Victoria 3153 re: Use of Loftus Recreation Centre, 99 Loftus Street, Leederville - <i>"The description f the parcel of land leased by the Lessee shall now read: Lot 501 on Deposited Plan 65192 being the whole/part of the land described in Record of Qualified Certificate of Crown Land Title Volume LR3157 Folio 915"</i>
09/08/2010	Deed of Licence	1	Town of Vincent, Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Spotless Services Ltd of Gate 7, Subiaco Oval, Subiaco Road, Subiaco WA 6008 re: Smart Connection "Synthetic Turf" Workshop - 13 August 2010 (Gareth Naven Room)
09/08/2010	Deed of Licence	1	Town of Vincent, Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Spotless Services Ltd of Gate 7, Subiaco Oval, Subiaco Road, Subiaco WA 6008 re: Main Roads Meetings - 16, 18, 20, 24 and 26 August 2010 (Gareth Naven Room)
24/08/2010	Transfer of Land	1	Town of Vincent and City of Perth of Council House, 27 St Georges Terrace, Perth re: Right of Ways transferred to the Town of Vincent from the City of Perth - <i>Lots 56, 57, 59, 60, 61, 62 and 63 on Plan 2001 (Volume 2720, Folio 301, 302, 304, 305, 306, 307 and 308) and Lot 66 on Plan 861 (Volume 2734, Folio 365)</i>
30/08/2010	Deed of Licence	1	Town of Vincent, Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Spotless Services Ltd of Gate 7, Subiaco Oval, Subiaco Road, Subiaco WA 6008 re: Department of Health Conference - 31 August 2010 (nib Lounge)
30/08/2010	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Spotless Services Ltd of Gate 7, Subiaco Oval, Subiaco Road, Subiaco WA 6008 re: Bear by Night Ball 2010 - 18 September 2010 (Southern Marquee, South West Super Suite and Area Inside Gate 4) - <i>(Supersedes Deed of Licence signed on 26 May 2010 - South West Super Suite area added and Bump-in, Bump-out times amended)</i>
31/08/2010	Deed of Licence	1	Town of Vincent, Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Spotless Services Ltd of Gate 7, Subiaco Oval, Subiaco Road, Subiaco WA 6008 re: Fitness First Meeting - 2 September 2010 (Gareth Naven Room)

**9.1.1 No. 7/117 (Lot 61; STR 32978) Brisbane Street, Perth - Proposed Change of Use from Commercial Offices to Unlisted Use (Thai Massage) and Associated Alterations**

<b>Ward:</b>	South	<b>Date:</b>	6 September 2010
<b>Precinct:</b>	Beaufort; P13	<b>File Ref:</b>	PRO5114; 5.2010.260.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer:</b>	A Dyson, Statutory Planning Officer		
<b>Responsible Officer:</b>	R Boardman, Director Development Services		

**FURTHER OFFICER RECOMMENDATION:**

*That the Council;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by R Khamsawat on behalf of the owner Indo-Raya Holdings Pty Ltd for proposed Change of Use from Commercial Offices to Unlisted Use (Thai Massage) and Associated Alterations, at No. 7/117 (Lot 61; Str 32978) Brisbane Street, Perth, and as shown on plans stamp-dated 2 June 2010, subject to:*

- (i) the proposed Unlisted Use (Thai Massage):*
  - (a) is valid for a period of twelve (12) months only and should the applicant wish to continue the use after that period, it shall be necessary to re-apply to and obtain approval from the Town prior to continuation of the use;*
  - (b) any change of use from Unlisted Use (Thai Massage) shall require Planning Approval to be applied for and obtained from the Town prior to the commencement of such use;*
  - (c) shall be limited to a maximum of one (1) consulting room and one (1) consultant operating at any one time. Any increase in the number of consulting rooms/consultants shall require Planning Approval to be applied to and obtained from the Town;*
  - (d) the hours of operation shall be limited to the following times: 9.00am to 6:00pm Monday to Friday; and*
  - (e) shall not be used for massage activity of a sexual nature, prostitution, as a brothel business, as an agency business associated with prostitution, as an escort agency business, or the like;*
- (ii) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Brisbane Street;*
- (iii) all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted to and approval obtained from the Town prior to the erection of the signage;*
- (iv) doors, windows and adjacent floor areas of the office fronting Brisbane Street shall maintain an active and interactive relationship with this street; and*

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

(a) ***Bicycle Parking Facilities***

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

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Cr Farrell returned to the Chamber at 6.52pm.

**Moved Cr Lake, Seconded Cr Harvey**

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

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

(a) ***Bicycle Parking Facilities***

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

Debate ensued.

The Chief Executive Officer departed the Chamber at 6.53pm.

Debate ensued.

The Chief Executive Officer returned to the Chamber at 7.00pm.

Debate ensued.

**MOTION PUT AND CARRIED (9-0)**

**COUNCIL DECISION ITEM 9.1.1**

*That the Council;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by R Khamsawat on behalf of the owner Indo-Raya Holdings Pty Ltd for proposed Change of Use from Commercial Offices to Unlisted Use (Thai Massage) and Associated Alterations, at No. 7/117 (Lot 61; Str 32978) Brisbane Street, Perth, and as shown on plans stamp-dated 2 June 2010, subject to:*

(i) ***the proposed Unlisted Use (Thai Massage):***

(a) ***is valid for a period of twelve (12) months only and should the applicant wish to continue the use after that period, it shall be necessary to re-apply to and obtain approval from the Town prior to continuation of the use;***

- (b) *any change of use from Unlisted Use (Thai Massage) shall require Planning Approval to be applied for and obtained from the Town prior to the commencement of such use;*
- (c) *shall be limited to a maximum of one (1) consulting room and one (1) consultant operating at any one time. Any increase in the number of consulting rooms/consultants shall require Planning Approval to be applied to and obtained from the Town;*
- (d) *the hours of operation shall be limited to the following times: 9.00am to 6:00pm Monday to Friday; and*
- (e) *shall not be used for massage activity of a sexual nature, prostitution, as a brothel business, as an agency business associated with prostitution, as an escort agency business, or the like;*
- (ii) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Brisbane Street;*
- (iii) *all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted to and approval obtained from the Town prior to the erection of the signage;*
- (iv) *doors, windows and adjacent floor areas of the office fronting Brisbane Street shall maintain an active and interactive relationship with this street; and*
- (v) **PRIOR TO THE FIRST OCCUPATION OF THE DEVELOPMENT, the following shall be completed to the satisfaction of the Town:**
- (a) **Bicycle Parking Facilities**
- A minimum of 1 (One) Class 3 bicycle parking facility shall be provided at a location convenient to the entrance of the development. Details of the design and layout of the bicycle parking facility shall be submitted and approved prior to installation of such facility.”*

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#### **FURTHER REPORT:**

Following the Ordinary Meeting of Council held on 24 August 2010, the applicant furnished further information to the Town in order to provide justification for the use of the premises. Included in the submission are the following:

- Certificate of the Registration of Business Name;
- Planning Approval for Home Occupation (Thai Massage) from the City of Gosnells;
- Qualification of the applicant - Thai Massage from Ministry of Public Health – Phuket Province; and
- Reference from Assistant Manager of Subiaco Station Street Market, where the applicant has a stall.

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

The applicant, in their justification have also stated that as they are currently working at other locations including the Subiaco Station Street Markets and at home, that the undertaking of the proposal would initially only require one (1) Consulting Room to service clientele, and be open during normal office hours (9am to 6pm Monday to Friday). Given the amended hours of operation, it is considered that even with the existing mixed use nature of the property, that the use will not be more detrimental than any other related office use, on adjoining residential tenancies.

Based on this information, the parking requirement, taking into account the adjustment factors of 0.7225, the provision of two (2) on-site car parking bays, is compliant with the Parking requirement for the use (Non Medical Consulting Rooms).

In light of this additional information provided by the applicant, the proposal is recommended for approval, subject to the above mentioned conditions.

The Council considered the subject application at its Ordinary Meeting held on 24 August 2010, and resolved as follows:

*“That the item be DEFERRED for further consideration.”*

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 24 August 2010.

*“OFFICER RECOMMENDATION:*

*That the Council;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, REFUSES the application submitted by R Khamsawat on behalf of the owner Indo-Raya Holdings Pty Ltd for proposed Change of Use from Commercial Offices to Unlisted Use (Thai Massage Parlour) and Associated Alterations, at No. 7/117 (Lot 61 Str: 32978) Brisbane Street, Perth, and as shown on plans stamp-dated 2 June 2010, for the following reasons;*

- (i) the development is non consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) the close proximity of the use to Residential Uses;*
- (iii) shortfall in parking proposed; and*
- (iv) consideration of objections received.*

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*COUNCIL DECISION ITEM 9.1.4*

*Moved Cr Farrell, Seconded Cr Maier*

*That the recommendation be adopted.*

*Cr Topelberg returned to the Chamber at 7.31pm. The Presiding Member Mayor Nick Catania advised that the previous Item 9.2.2 was carried as recommended.*

*Debate ensued.*

*Cr Farrell departed the Chamber at 7.35pm.*

*Debate ensued.*

*Cr Farrell returned to the Chamber at 7.36pm.*

*Debate ensued.*

**PROCEDURAL MOTION**

Moved Cr Topelberg, Seconded Cr Harvey

*That the item be DEFERRED for further consideration.*

**PROCEDURAL MOTION PUT AND CARRIED (7-1)**

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

Against: Cr Maier

*(Cr McGrath was on approved leave of absence.)*

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<i>Landowner:</i>	<i>Indo-Raya Holdings Pty Ltd</i>
<i>Applicant:</i>	<i>R Khamsawat</i>
<i>Zoning:</i>	<i>Metropolitan Region Scheme: (MRS): Urban Town Planning Scheme No. 1 (TPS 1): Residential/Commercial R80</i>
<i>Existing Land Use:</i>	<i>Office</i>
<i>Use Class:</i>	<i>Unlisted Use – Thai Massage Parlour</i>
<i>Use Classification:</i>	<i>"SA"</i>
<i>Lot Area:</i>	<i>6045 square metres</i>
<i>Access to Right of Way</i>	<i>N/A</i>

**PURPOSE OF REPORT:**

*This proposal requires referral to the Council for determination due to the "SA" use proposed.*

**BACKGROUND:**

*27 March 2001 The Council at its Ordinary Meeting considered an item for a Proposed Additional Mixed Use Development Consisting of Twelve (12) Two-Storey Offices and Six (6) Two-Storey Multiple Dwellings to Existing Development. The tenancy for 7/117 Brisbane Street was approved as an office tenancy.*

**DETAILS:**

*The proposal involves a Change of Use application from the existing Office tenancy to an Unlisted Use - Thai Massage Parlour. The operation of the tenancy is considered as an unlisted use, as the subject use does not fit into any of the use definitions of the Town Planning Scheme and does not meet the provisions of the Consulting Rooms Policy.*

*The Town of Vincent Town Planning Scheme essentially defines an unlisted use as a use that is not specifically mentioned in the "Zone Table" and cannot reasonably be determined as falling within the interpretation of one of the use class categories. It is considered that the use is not consistent with the objectives and purpose of the Residential/Commercial zone.*

*The applicant proposes to provide traditional Thai Massage including aromatherapy and foot massage within the existing 68 square metres lower floor office tenancy. Within the tenancy, there are three (3) rooms proposed with a toilet and reception area. The subject property itself is in a mixed use development, which contains Office and Retail tenancies on the ground floor with Residential units on the upper floor. Two (2) allocated parking bays are provided within the property for the use of the tenancy.*

*The proposed hours of operation are seven days per week 9 am to 9pm. The equipment proposed is 4 massage tables and 2 chairs. The maximum number of employees proposed is six (6) with a maximum number of six (6) customers proposed. Internally within the premises, the applicant proposes internal partitioning of the premises into three separate rooms.*

*Following the public consultation period, the applicant has indicated that initially, as they are currently operating elsewhere, that only one (1) room will be used for massage, with the other two rooms used as an office and for storage purposes. In addition, the applicant has stated that they are happy to fit in with normal business hours, as they aim to keep their existing service running at the Subiaco Markets, and do not intend to open on weekends.*

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

**COMPLIANCE:**

*Car Parking Assessment for No. 7/117 Brisbane Street, Perth*

*Given the proposal is considered as an "unlisted use" and there are no provisions stipulated under the Town's Parking and Access Policy, the most relevant use class that can be applied to it is the Consulting Room car parking requirements.*

*Calculating the parking under the consulting rooms provisions, would require the provision of three (3) car parking spaces per individual room, with three (3) rooms proposed requiring nine (9) bays. Taking into account the adjustment factors for the site and the car parking provided on-site for the tenancy 4.5 bays are required. Based on the Town of Vincent Parking and Access Policy, the Council may allow a shortfall in parking on-site to be offset by the requirement of Cash in Lieu payment for the 4.5 car bay shortfall.*

<b>Car Parking</b>	
<i>Car Parking Requirement (Nearest Whole Number)</i>	
<ul style="list-style-type: none"> <li>• <i>Non Medical Consulting Room – 3 spaces per Room (3 Rooms requires 9 Bays)</i></li> </ul>	<i>= 9 Car Bays</i>
<i>Apply the adjustment Factors:</i>	<i>(0.7225)</i>
<ul style="list-style-type: none"> <li>• <i>0.85 - Within 400 metres of a Bus Stop</i></li> <li>• <i>0.85 – within 400 metres of Existing Car Parking Spaces in Excess of 75 Car Parking Spaces</i></li> </ul>	<i>= 6.5025 Car Bays</i>
<i>Minus the Car Parking provided on-site</i>	<i>2 Car Bays</i>
<i>Minus the most recently approved on-site car parking shortfall.</i>	<i>Nil</i>
<b><i>Resultant Shortfall</i></b>	<b><i>4.5 Car Bays</i></b>

<i>Bicycle Parking</i>		
<i>Bicycle Parking</i>	<p><i>Non Medical Consulting Rooms</i></p> <ul style="list-style-type: none"> <li><i>Class 1 or 2 Bicycle Facility (Internal) – 1 Space per 8 Practitioners – 1 Required.</i></li> <li><i>Class 3 Bicycle Facilities (Racks) – 1 space per four Practitioners – 1 Required</i></li> </ul>	<p><i>Provided</i></p> <ul style="list-style-type: none"> <li><i>Nil</i></li> <li><i>Nil</i></li> </ul>
<i>Officer Comments</i>		
<p><i>The applicant is to provide one Class 1 or 2 Bicycle Facility (internal) and one (1) Class 3 Bicycle Facility (Bike Rack). In the event the application is supported by Council, a condition would be included in the recommendation.</i></p>		

<i>Consultation Submissions</i>		
<i>Item</i>	<i>Comments- Support (1)</i>	<i>Officer Comments</i>
	<i>No Comments.</i>	<i>Noted.</i>
<i>Item</i>	<i>Comments- Objections (10)</i>	<i>Officer Comments</i>
<i>Parking</i>	<ul style="list-style-type: none"> <li><i>Not enough parking available with only 2 bays allocated to shop.</i></li> <li><i>Customers would use other bays and affect parking for other residences.</i></li> </ul>	<p><i>Supported. It is considered that the presence of two (2) car parking bays on-site is not sufficient to effectively service the use of the premises. In reality, any persons accessing the business will park on the street and provide a burden to the other shops and residential properties in the locality.</i></p> <p><i>Supported. The use of the premises may at certain times mean that the denoted bays are not available, which may mean clients may park in bays not designated for them.</i></p>
<i>Use of Premises</i>	<ul style="list-style-type: none"> <li><i>Hours of Trading – concerns it would be open all day and night and not fit in with the Residential nature of the premises.</i></li> <li><i>Concerns the business is for services of a sexual nature and the clientele it may attract.</i></li> </ul>	<p><i>Supported. In the event an application was supported, a condition would be included in the recommendation stipulating the required hours of operation.</i></p> <p><i>Supported. In the event an application was supported, a condition would be included in the recommendation stipulating the use of the premises is to not be related to activities of a sexual nature.</i></p>

*CONSULTATION/ADVERTISING:*

*The proposal was advertised for 21 days as per the Town's Consultation Policy in the form of letters to the adjoining and adjacent owners, sign on site and a notification in the local newspaper "The Guardian" outlining the proposal.*

*LEGAL/POLICY:*

*Town Planning Scheme No. 1 and associated policies.*

*STRATEGIC IMPLICATIONS:*

*Nil.*

*SUSTAINABILITY IMPLICATIONS:*

*Nil.*

*FINANCIAL/BUDGET IMPLICATIONS:*

*Nil.*

*COMMENTS:*

*It is considered the proposed use of the premises, as it is located within a mixed use type of development with a significant amount of Residential dwellings immediately above and within close proximity to other Residential properties, is not appropriate and is inconsistent with the objectives of a Residential/Commercial zone. Furthermore, consideration of the number and nature of the objections received during the community consultation process and car parking shortfall adds further weight for the application to be not supported.*

*In light of the above, it is recommended that the application be refused."*

**9.1.5 No. 17 (Lot 26; D/P 2270) Fairfield Street, Mount Hawthorn - Proposed Demolition of Existing Single House and Construction of Two-Storey Single House**

<b>Ward:</b>	North	<b>Date:</b>	9 September 2010
<b>Precinct:</b>	Mount Hawthorn; P01	<b>File Ref:</b>	PRO5033; 5.2010.344.1
<b>Attachments:</b>	<a href="#">001</a> ; <a href="#">002</a> ; <a href="#">003</a>		
<b>Reporting Officer:</b>	D Pirone, Statutory Planning Officer		
<b>Responsible Officer:</b>	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 NDP Design on behalf of the owner T Jupp & C Yao for proposed Demolition of Existing Single House and Construction of Two-Storey Single House, at No. 17 (Lot 26; D/P 2270) Fairfield Street, Mount Hawthorn, and as shown on plans stamp-dated 16 July 2010, subject to:*

- (i) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
- (ii) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Fairfield Street;*
- (iii) *any new street/front wall, fence and gate within the Fairfield Street setback area, including along the side boundaries within this street setback area, shall comply with the Town's Policy provisions relating to Street Walls and Fences;*
- (iv) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks and Property Services. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
- (v) **PRIOR TO THE ISSUE OF A BUILDING LICENCE, the following shall be submitted to and approved by the Town:**

(a) **Construction Management Plan**

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

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

(b) Landscaping and Reticulation Plan

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

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

- A. the location and type of existing and proposed trees and plants;*
- B. all vegetation including lawns;*
- C. areas to be irrigated or reticulated and such method;*
- D. proposed watering system to ensure the establishment of species and their survival during the hot and dry months; and*
- E. separate soft and hard landscaping plans (indicating details of materials to be used).*

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

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

(c) Privacy Screening

*The window to bedroom 3 on the western elevation, being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole window can be top hinged and the obscure portion of the window openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject window not exceeding one square metre in aggregate in the respective subject walls, so that it is not considered to be a major opening, as defined in the Residential Design Codes 2008. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of No. 19 Fairfield Street stating no objection to the respective proposed privacy encroachments; and*

(d) Right of Way Widening

*No development shall occur within 1.5 metres of the western boundary of No. 17 Fairfield Street, to facilitate future right of way widening;*

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

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**COUNCIL DECISION ITEM 9.1.5**

**Moved Cr Lake, Seconded Cr Farrell**

*That the recommendation be adopted.*

**Debate ensued.**

**MOTION PUT AND CARRIED (9-0)**

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<b>Landowner:</b>	T Jupp & C Yao
<b>Applicant:</b>	NDP Design
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R30
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Single House
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	1017 square metres
<b>Access to Right of Way</b>	West side, 3 metres wide, sealed, Town owned

### PURPOSE OF REPORT:

The proposal requires referral to the Council for determination as the Town's Officers do not have the delegation to determine applications where more than 5 submissions are received.

### BACKGROUND:

17 March 2010      The Western Australian Planning Commission conditionally approved an application for a green title subdivision at No. 17 Fairfield Street, Mount Hawthorn.

### DETAILS:

The proposal involves the demolition of the existing single house and the construction of a single house on one of the proposed green title lots.

The applicant's submission is attached to the Agenda Report (003), and is partially outlined below:

The applicant requests that the garage be located and accessed from Fairfield Street, rather than the right of way, for the following reasons:

- **Proximity to the Paddington Ale House** – from our pre-purchase due diligence it became obvious to us that there are, at times, issues associated with anti-social behaviour in Fairfield Street coming from patrons of the pub. For this reason we felt uncomfortable with locating a bedroom or living room at the front of the house at ground level. The location of the garage at the front will provide a necessary buffer to these issues. Because we understand that front garages can be ugly and obtrusive, our designer has made sure that the garage is very tastefully appointed and fully integrated into the home design. Most people we show the 3D design images of the proposed house to ask "where is the garage" because they don't recognise it as being one. We'd also like to add that we do not begrudge the presence of the Ale House. Indeed we think it adds valuable amenity to the area and we've already made it our business to meet the owner and manager to introduce ourselves and discuss our plans.
- **The length and orientation of the block** – because the block is 50m deep, placing the garage at the rear off the ROW means that the house will end up being approximately 44m long (allowing for a 6m set back at the front). This is too long, results in a house larger than we want, need or can afford, and also creates another real problem for us in that it makes having a sustainable and solar-oriented back yard to the house impossible. A key feature of our proposed landscape architect's garden design (draft "in progress" plans attached) is the presence of a backyard behind the house for growing fruit and vegetables adding to the sustainability of our project which is very important to us. If the house extends from the ROW to the front of the block, this ambience and amenity is sadly impossible. We intend to recycle some materials from the old garden to use in building the rear garden area in homage to the historical Italian character of the original home. In addition, our integrated design has made full and intelligent use of the block's lateral northern aspect which will maximise the benefits of the winter sun while minimising direct summer sunshine. This improves the energy efficiency and sustainability of the house.

- **A number of precedents have already been set** – From our research we can find many examples of recent developments that include a front garage even though they have a sealed ROW lane. In our own (Fairfield) street for example, numbers 48, 66, 74, 102 and 127 all possess front garages. No. 11 Egina St, Mount Hawthorn and a brand new development at 12 and 12a Franklin St, Leederville also have front garages as well as ROW lanes at the rear.
- **ROW comes off a public/pub car park** – the ROW lane at the rear to our block comes off the car park at the rear of the Paddington Ale House. This would make getting in and out of a rear garage tedious and problematic. The other end of the ROW is to Anzac Road, some considerable distance to the south which makes commuting along its length very difficult especially when confronting oncoming traffic as there are few places to pass other vehicles in this narrow lane.
- **Our ROW lane is narrow and poorly lit** – Our right ROW lane is only 3.7m wide from fence to fence (2.7m for the lane itself) compared to 5m wide for the ROW lanes behind Fairfield St north of Scarborough Beach Road and 5.1m wide for the lane behind 12 and 12a Franklin St. This would make turning into and out of a rear garage very difficult for us. It is also lacks any lighting at all and this presents a safety risk in view of its close proximity to the Paddington Ale House car park
- **A front carport (vs. a garage) would be ugly** – if, instead of a front garage we were to have a front carport, we believe this would be ugly and would necessitate an even uglier front fence for security purposes.

In relation to the contemporary nature of the dwelling, that results in variations to the front setbacks and roof form requirements of the Residential Design Elements Policy, the applicant has provided many examples of nearby precedents of a similar style and form, including the following:

- No. 58 Britannia Road, Mount Hawthorn;
- Nos. 12 and 12A Kalgoorlie Street, Mount Hawthorn;
- No. 29 Barnet Street, North Perth;
- No. 46 Barnet Street, North Perth;
- Nos. 166 and 166A Anzac Road, Mount Hawthorn;
- No. 57 View Street, North Perth; and
- No. 7A Vine Street, North Perth.

Furthermore, the applicants have also indicated that the subject portion of Fairfield Street does not constitute a character streetscape, as it contains a large variety of houses of different forms, periods and styles.

**COMPLIANCE:**

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
<b>Plot Ratio:</b>	N/A	N/A
<b>Front Setbacks:</b> -First Floor	Balcony – 1 metre behind the ground floor main building line. Main Building – 2 metres behind the ground floor main building line.	0.6 metre in front of the ground floor main building line. 0.8 metre to 1.6 metres behind the ground floor main building line.
<b>Officer Comments:</b>		
Supported – The proposed two-storey single house is representative of contemporary design of today’s era, which is also consistent with several existing contemporary dwellings in the Mount Hawthorn and North Perth areas. The dwelling maintains the existing street setback line and the upper floor balcony facing Fairfield Street provides views to the city.		

<b>NON-COMPLIANT REQUIREMENTS</b>		
<b>REQUIREMENTS</b>	<b>REQUIRED</b>	<b>PROPOSED</b>
<p>The Residential Design Elements Policy under Clause 6.4.1, states that: '<i>residential development should compliment the existing streetscape and should be designed to harmonise with the streetscape and adjoining properties</i>'. Dwellings along Fairfield Street are inconsistent in architectural style, and the streetscape contains a mix of developments that vary in age, height, style and building materials. In this context, Fairfield Street is considered a dynamic and emerging contemporary streetscape.</p> <p>The upper floor street setbacks of the proposed development are non-compliant with the acceptable development criteria of SADC 5 Street Setbacks as outlined in the above Assessment Table. However, it is considered the proposed street setbacks are compliant with the Performance Criteria for this standard, in that the contemporary façade is staggered, comprises a select range of attractive external wall surface treatments that will provide articulation and interest to Fairfield Street, and that the setback of the balcony will assist in the passive surveillance of the street.</p>		
<b>Building Setbacks:</b>		
-North		
Ground Floor	1.5 metres	1.46 metres – 4.8 metres
Upper Floor	2.1 metres	1.55 metres – 1.73 metres
<b>Officer Comments:</b>		
Supported – This is not considered to have an undue impact on the neighbouring property as the northern wall provides interest and articulation in the elevation, which softens the impact of the reduced setbacks.		
<b>Vehicular Access:</b>	Vehicular access, carports and garages shall be provided from the right of way, where one exists.	Provided from Fairfield Street, where a 3 metre wide right of way exists.
<b>Officer Comments:</b>		
Supported – Refer to 'Comments' section.		
<b>Roof Forms:</b>	The roof form shall be compatible with the existing streetscape.	Concealed roof proposed.
<b>Officer Comments:</b>		
<p>Supported – The Residential Design Elements Policy states that: '<i>the Town recognises that in some residential areas there may be more opportunity for innovative design and architectural styles and, in these instances, the Town may consider alternative roof forms to a pitch roof style</i>'. In this instance, the proposal illustrates an innovative and contemporary design that is appropriate for the evolving Fairfield Street streetscape.</p> <p>The application proposes variations to the Acceptable Development standards of the Residential Design Elements Policy; however, the proposal clearly satisfies the Performance Criteria for each of these variations. The development is not considered to compromise the streetscape, but rather contribute to its emerging range of styles and built form.</p>		
<b>Privacy Setbacks:</b>		
-Windows to Bedroom 3 on the western elevation	4.5 metres to the northern neighbouring property.	3.2 metres to the northern neighbouring property.
<b>Officer Comments:</b>		
Not supported – This is considered to have an undue impact on the neighbouring property.		

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 (10)	<ul style="list-style-type: none"> <li>• <i>“I think the proposed development is extremely classy and will only improve the image and value of the area, without impacting on existing residents’ lifestyles. TOV should welcome such forward thinking proposals to help move them into the 21<sup>st</sup> Century.”</i></li> <li>• <i>“We do not object to this proposed development as we believe these types of development can only enhance the streetscape for our community. It is great to see new ideas are both modern and attractive. We believe these developments are needed to settle within our community – they add value to our community.”</i></li> <li>• <i>“We support the new contemporary private residence that uses a variety of materials and natural light.”</i></li> </ul>	<ul style="list-style-type: none"> <li>• Noted.</li> <li>• Noted.</li> <li>• Noted.</li> </ul>
	<ul style="list-style-type: none"> <li>• <i>“I understand that TOV may have concerns regarding impacts on streetscape given the modern design and its relationship to existing housing stock of a bygone era. Good architecture like what is proposed, is modern and individual and reflects how we live now and will compliment the existing housing stock and streetscape. Architecture of this quality should be supported to prevent the Town becoming a ‘Tuscan Village’ of Faux Federation backwater.”</i></li> </ul>	<ul style="list-style-type: none"> <li>• Noted.</li> </ul>
	<ul style="list-style-type: none"> <li>• <i>“I have viewed the proposed design and feel that it is in keeping with the modern building approach in Mt Hawthorn, and will add value and charm to the area.”</i></li> </ul>	<ul style="list-style-type: none"> <li>• Noted.</li> </ul>
	<ul style="list-style-type: none"> <li>• <i>“The Town of Vincent is increasingly a vibrant, exciting and highly desirable inner city location in which to live. The proposed development adds considerably to these values and is the kind of contemporary, well designed home that the Council should be encouraging over the kind of dull, uninspiring, mass produced development seen elsewhere.”</i></li> <li>• <i>“The proposed design is a good example of contemporary Australian architecture that should be proudly encouraged and supported.”</i></li> <li>• <i>“The proposed design is cool, sharp, practical, energy-efficient and highly commendable.”</i></li> </ul>	<ul style="list-style-type: none"> <li>• Noted.</li> <li>• Noted.</li> <li>• Noted.</li> </ul>

Consultation Submissions		
Item	Comments Received	Officer Comments
Objection (3)	<ul style="list-style-type: none"> <li>• <i>“The flat concealed roof form is particularly harsh and inconsistent with the balance of the street.”</i></li> <li>• <i>“While the proposed design is objectively quite attractive it is a very strong style which fails to acknowledge the character of this part of Fairfield Street. I do accept that the street is not wholly consistent in its architecture, however this does not mean that the Council should allow its continued disintegration.”</i></li> <li>• Front setbacks.</li> <li>• Privacy setbacks.</li> </ul>	<ul style="list-style-type: none"> <li>• Not supported – Refer to ‘Comments’ above.</li> <li>• Noted.</li> <li>• Not supported – Refer to ‘Comments’ above.</li> <li>• Supported – A condition has been applied to comply with this requirement.</li> </ul>
<b>Advertising</b>	Advertising for a period of 14 days was carried out as per the Town’s Policy No. 4.1.5 – relating to Community Consultation.	

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

**COMMENTS:**

**Demolition**

The subject brick and tile dwelling at No. 17 Fairfield Street, Mount Hawthorn is an example of the Interwar Bungalow style of architecture constructed circa 1929. The house has a main gabled tiled roof, with a secondary gable roof addressing Fairfield Street, which features decorative finials and timber battens.

The WA Post Office Directories first listed the subject dwelling in 1930, with F Watts as the resident. Since then, the subject dwelling has been transferred several times to new owners and occupiers.

A full Heritage Assessment was undertaken for No. 17 Fairfield Street, Mount Hawthorn, based on the plan dated 16 July 2010, which indicates that the place has little aesthetic, historic, scientific or social heritage significance. In accordance with the Town's Policy relating to Heritage Management – Assessment, the place does not meet the threshold for entry on the Town’s Municipal Heritage Inventory.

**Vehicular Access**

The dwelling proposes a garage that fronts Fairfield Street and is located in line with the porch and 5.89 metres in front of the main entry. There is a 3 metre wide right of way behind the property, which the applicants do not wish to utilise. The Town’s Technical Services Officers have advised that the right of way is not subject to any future upgrading as this has recently been conducted. The WAPC applied a condition to subdivision approval that requires a right of way widening of only 0.485 metre, which would increase the right of way at this portion to 3.485 metres. Furthermore, the Town has received a number of complaints from surrounding residents regarding anti-social behaviour in the right of way, from what is assumed as patrons from the Paddington Ale House.

### **Residential Design Elements Policy**

The Town's Residential Design Elements Policy, states that a minimum of 50 percent of dwellings on the same side of the street, is required prior to either a carport or garage accessed from the street, as opposed to the right of way, in any new development application.

### **Location of Garages and Carports in Fairfield Street**

A site visit of the subject site and surrounding properties of Fairfield Street was conducted, and an analysis carried out of the street in terms of the number of garages and carports that currently exist.

#### Western Side

On the western side of the street (as per the proposed development), 8 out of 18 dwellings (44%) have garages or carports, with an extra 4 dwellings having vehicular access from the street with a paved car parking area in the front setback. A total of 66.67% have either a garage, carport or paved parking area that is accessed from the street.

#### Eastern Side

On the eastern side of street, 7 out of 18 dwellings (39%) have garages or carports, with an extra 6 dwellings having vehicular access from the street. A total of 72.22% have either a garage, carport or paved parking area that is accessed from the street.

As a total for this section of the street from Scarborough Beach Road to Anzac Road, 15 out of 36 dwellings (42%) have either a garage or carport and 25 out of 36 dwellings (69.44%) have either a garage, carport or paved parking area that is accessed from the street.

In light of the current existing streetscape, it is considered reasonable and logical to allow a garage that is accessed from Fairfield Street as opposed to the right of way, especially as the right of way behind the dwelling is only 3 metres wide, which would mean that a garage would need to be setback 3 metres from the rear boundary, which in turn would significantly impose on and compromise the outdoor living area for the dwelling.

In view of the above, the Town's Officers recommend that the application be approved subject to standard and appropriate conditions to address the above matters.

**9.1.4 No. 30 (Lot 161 D/P: 99357) Summers Street, East Perth - Proposed Construction of Three-Storey Office Building and Associated Car Parking**

<b>Ward:</b>	South	<b>Date:</b>	6 September 2010
<b>Precinct:</b>	Banks; P15	<b>File Ref:</b>	PRO2507; 5.2010.147.3
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer:</b>	T Cappellucci, Statutory Planning Officer		
<b>Responsible Officer:</b>	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 Olk & Associates Pty Ltd on behalf of the owner Pinnington Investment Trust for proposed Construction of a Three-Storey Office Building and Associated Car Parking, at No. 30 (Lot 161; D/P 99357) Summers Street, East Perth, and as shown on plans stamp-dated 10 August 2010, 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 Summers Street;*
- (b) *first obtaining the consent of the owners of Nos. 28 and 32 Summers 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. 28 and 32 Summers Street in a good and clean condition;*
- (c) *doors, windows and adjacent floor areas of the office fronting Summers Street shall maintain an active and interactive relationship with this street; and*
- (d) *the maximum gross floor area for the office component shall be limited to 718.5 square metres. Any increase in gross floor areas or change of use for the subject land shall require Planning Approval to be applied to and obtained from the Town;*

(ii) **Car Parking and Accessways**

- (a) *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;*
- (b) *all pedestrian access and vehicle driveway/crossover levels shall match into existing verge/footpath levels;*

- (c) *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 to the Town's specification. A refundable footpath upgrading bond and/or bank guarantee of \$3,000 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 Division. An application to the Town for the refund of the upgrading bond must be made in writing;*
  - (d) *all car-parking bays shall be dimensioned on the Building Licence application working drawings and all car parking facilities shall comply with the minimum specifications and dimensions specified in the Town's Parking and Access Policy and Australian Standards AS2890.1 – "Off Street Parking";*
  - (e) *the car parking area shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;*
  - (f) *the car parking bay for disabled persons shall comply with AS2890.6 with the dimensions to be 4.8 metres (wide) x 5.4 metres (length); and*
  - (g) *a minimum of 6 car bays shall be provided on- site;*
- (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 \$14,000 (Option 2), for the equivalent value of one per cent (1%) of the estimated total cost of the development (\$1,400,000); 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 No. 3.5.2 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 Summers Street setback area, including along the side boundaries within this street setback area, shall comply with the Town's Policy provisions relating to Street Walls and Fences;*

(vi) **WITHIN TWENTY-EIGHT (28) DAYS OF THE ISSUE DATE OF THIS 'APPROVAL TO COMMENCE DEVELOPMENT', the owner(s) or the applicant on behalf of the owner(s) shall comply with the following requirements:**

(a) *pay a cash-in-lieu contribution of \$10,560 for the equivalent value of 3.52 car parking spaces, based on the cost of \$3,000 per bay as set out in the Town's 2009/2010 Budget; OR*

(b) *lodge an appropriate assurance bond/bank guarantee of a value of \$10,560 to the satisfaction of the Town. This assurance bond/bank guarantee will only be released in the following circumstances:*

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

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

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

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

(a) **Construction Management Plan**

*A Construction Management Plan, 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 verge shall be submitted to the Town's Parks and Property Services for assessment and approval.*

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

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

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

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

(c) **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. The recommended measures of the acoustic report shall be implemented and certification from an acoustic consultant that the measures have been undertaken, prior to the first occupation of the development, and the applicant/owners shall submit a further report from an acoustic consultant 6 months from first occupation of the development certifying that the development is continuing to comply with the measures of the subject acoustic report;*

(d) **Refuse and Recycling Management**

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

(e) **Schedule of External Finishes**

*A detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted; and*

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

(a) **Entry Gates**

*Any new vehicular entry gate off the Right of Way adjacent to the car parking area and in front of the building on the Summers Street frontage, shall have a minimum 50 per cent visually permeability and shall be either open at all times or suitable management measures shall be implemented to ensure access is available for visitors for the non-residential and residential tenancies at all times. Details of the management measures shall be submitted to and approved by the Town, prior to the first occupation of the development; and*

(b) **Underground Power and Lighting**

*The applicant shall undertake undergrounding of the powerlines along Summers Street for the subject development site, at the applicant's/owner's cost.*

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**COUNCIL DECISION ITEM 9.1.4**

**Moved Cr Topelberg, Seconded Cr Farrell**

*That the recommendation be adopted.*

Debate ensued.

**MOTION PUT AND CARRIED (9-0)**

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<b>Landowner:</b>	D J & T R Pinnington
<b>Applicant:</b>	Olk & Associates Pty Ltd
<b>Zoning:</b>	Commercial
<b>Existing Land Use:</b>	Vacant Site
<b>Use Class:</b>	Office Building
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	476 square metres
<b>Right of Way</b>	North side, 4 metres wide, sealed and Town owned

**PURPOSE OF REPORT:**

The proposal requires referral to the Council for determination.

**BACKGROUND:**

13 April 2004            The Council at its Ordinary Meeting resolved to refuse the application for the proposed three-storey mixed use development comprising two (2) multiple dwellings, offices and associated car parking.

30 April 2004            The applicant lodged an appeal with the Town Planning Appeal Tribunal against Council's refusal.

- 21 May 2004 Directions Hearing at the Town Planning Appeal Tribunal.
- 27 May 2004 The Town lodged the Respondent Statement with the Town Planning Appeal Tribunal.
- 25 June 2004 The appeal hearing was held at the Town Planning Appeal Tribunal.
- 25 August 2004 The Town Planning Appeal Tribunal (TPAT) upheld the appeal, and requested the Town to formulate standard approval conditions.
- 14 September 2004 The Council at its Ordinary Meeting considered and resolved to apply conditions to the application for the proposed three-storey mixed use development comprising two (2) multiple dwellings, offices and associated car parking.
- 26 October 2004 The Council at its Ordinary Meeting resolved to approve the reconsideration of condition (xxvi) of the resolution of Council at its Meeting held on 14 September 2004, as outlined above.
- 22 November 2005 The Council at its Ordinary Meeting considered and resolved to grant conditional approval for a stair access addition to existing three-storey mixed use development.

**DETAILS:**

The proposal is for a three-storey commercial development comprising of offices on the ground, first and second floors. The last application approved for the subject site was on appeal to the TPAT with conditions imposed by the Council at its Ordinary Meeting held on 14 September 2004 for a three-storey mixed use development comprising two (2) multiple dwellings, offices and associated car parking.

When this new application was originally submitted on 9 April 2010, it was for a three-storey mixed use development comprising one (1) multiple dwelling, two (2) offices and associated car parking. At that time however, given the subject site is located within the Banks Precinct, the proposal was not accepted as multiple dwellings were not permitted in this Precinct.

As a result of the above, the new landowner's preference is to make the development fully commercial, with the layout of the building remaining the same as that approved for the three-storey mixed use development comprising two (2) multiple dwellings, offices and associated car parking.

The applicant's submission, justification along with a consent letter from an adjoining neighbour is "*Laid on the Table*".

**COMPLIANCE:**

<b>NON-COMPLIANT REQUIREMENTS</b>		
<b>REQUIREMENTS</b>	<b>REQUIRED</b>	<b>PROPOSED</b>
<b>Non- Residential/ Residential Development Interface:</b>	The distance between non-residential and residential buildings or parts of buildings, both are to be treated as though they are residential buildings and setback in accordance with the Residential Design Codes.	One boundary wall proposed, on the western boundary (a residential property), ranges in height from 11.3 metres high to 11.8 metres with a nil setback.

<b>NON-COMPLIANT REQUIREMENTS</b>		
<b>REQUIREMENTS</b>	<b>REQUIRED</b>	<b>PROPOSED</b>
<i>Officer Comments:</i>		
Supported: While the western property at No. 32 Summers Street is zoned Commercial, there is currently an existing residential dwelling on-site. Notwithstanding the presence of a number of remaining dwellings in the locality, the predominant trend of development in the area is commercial in character.		
In addition, the owners of the subject site have signed a letter supporting the proposal in relation to this three-storey parapet wall (see the attached letter as “ <i>Laid on Table</i> ”) as they are in full support of this proposed development. Given the Officer comments below regarding the three storey height for the development, the parapet wall height to the existing residential dwelling is supported.		
<b>Town’s Policy No. 3.1.15 relating to Banks Precinct</b>	Car parks should not visually detract from the public environment or character of the area and preferably, should not be visible from streets and public spaces.	Two car parking bays in street setback area (Summers Street).
<i>Officer Comments:</i>		
Supported: In consultation with the Town’s Officers, the applicant revised the plans to incorporate landscaping into the front setback, which reduces the impact of the proposal on the streetscape of Summers Street.		
	Third storey can be considered, provided that the amenity of the adjacent residential area is protected in terms of privacy, scale and bulk.	Three storey proposed adjacent to a single-storey dwelling, two-storey dwelling and two-storey light industrial building.
<i>Officer Comments:</i>		
Supported: The Town’s Officers consider that a three-storey parapet wall is supportable on the eastern property boundary where it abuts an existing two-storey parapet wall of a light industrial use, as there are no undue amenity impacts. With the sites north-south orientation, the proposed building will not have any impact on the solar access of the neighbouring properties as the overshadowing will only occur over the front setback of the building.		
In relation to the western boundary, approximately 7 metres of the proposed three storey wall on the boundary, adjacent to the single storey dwelling, is setback between 1 metre to 1.3 metres from the boundary. The remaining 9 metres of the parapet wall abuts the rear yards of each dwelling to the western boundary, rather than the dwellings.		
Given the mixed use nature of the uses in the area, the orientation of the lot, and that a supporting letter from the affected adjacent property owner of the western boundary has been received in regard to this issue, this variation is supportable.		
<b>Car Parking – Offices:</b>	9.52 car bays	6 car bays
<i>Officer Comments:</i>		
Supported: Refer to Comments and Parking Assessment Table.		

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

<b>Consultation Submissions</b>		
<b>Item</b>	<b>Comments Received Supporting (1)</b>	<b>Officer Comments</b>
<u>Western Power</u>	Have no objections. All work must comply with Worksafe Regulation 3.64 - Guidelines for Work in the Vicinity of Overhead Power Lines. If any work is to breach the minimum safe working distances, a Request to Work near Underground, and Overhead Power Lines form must be submitted.	Noted. A condition regarding undergrounding of power lines has been included in the Officer Recommendation.
	<b>Comments Received Objecting (Nil)</b>	<b>Officer Comments</b>
	No comments.	Noted.
<b>Advertising</b>	Advertising for a period of 14 days was carried out as per the Town's Policy No 4.1.5 – relating to Community Consultation.	

<b>Car Parking</b>	
Car parking requirement (nearest whole number) Office = 1 space per 50 square metres of gross floor area	= 14 car bays (nearest whole number)
<ul style="list-style-type: none"> <li>Office – Gross Floor Area = 718.5 square metres (requires 14.37 cars bays)</li> </ul> Total car bays required = 14.37 car bays	
Apply the adjustment factors.	(0.68)
<ul style="list-style-type: none"> <li>0.85 (within 400 metres of a bus stop)</li> <li>0.80 (within 400 metres of a rail station)</li> </ul>	= 9.52 car bays
Minus the car parking provided on-site	6 car bays
Minus the most recently approved on-site car parking shortfall.	Nil
Resultant Shortfall	3.52 car bays

<b>Bicycle Parking</b>
Office
<ul style="list-style-type: none"> <li>1 space per 200 square metres of gross floor area for employees (class 1 or 2) = 3.5925 spaces</li> <li>1 space per 750 square metres over 1000 square metres for visitors (class 3) = Nil</li> </ul>
Total class one or two bicycle spaces required = 3.5925 spaces = 4 spaces
Total class three bicycle spaces required = Nil
Total class one or two bicycle spaces proposed = 4 spaces
Total class three bicycle spaces proposed = Nil

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

**COMMENTS:**

The subject site is zoned commercial and is surrounded by a range of uses. The proposed use of the site as a three-storey office building is considered appropriate and supportable. The structure of the building, although three storeys high, is generally considered to be compatible with the surrounding area and sympathetic to the adjacent residential properties.

The subject application has a total shortfall of 3.52 car bays. The Town's Policy No. 3.7.1 relating to Parking and Access suggests that the Council may determine to accept a cash-in-lieu payment where the shortfall is greater than 0.5 car bays to provide and/or upgrade parking in other car parking areas.

The property is located in the Banks Precinct. A range of commercial uses are to be permitted within this area, as well as local shopping in the areas west of the railway line. The shortfall in parking for this particular site is supported given the access to public transport in the form of Transperth buses and the East Perth Rail Station, as well as adequate pedestrian and cyclist infrastructure within close proximity along East Parade.

Given the above, the shortfall of parking is supported. In this instance, the resultant car parking shortfall of 3.52 car bays would equate to a payment of \$10,560.

In light of the above, it is considered that the proposed use is consistent with the intended direction and use for properties in the Commercial Area of the Banks Precinct and accordingly, it is recommended that the Council approve the application, subject to standard and appropriate conditions to address the above matters.

**9.1.7 Nos. 67-69 (Lot 35; D/P 67625) Scarborough Beach Road, North Perth- Proposed Signage Addition (Billboard) to Existing Shop and Associated Ancillary Office and Warehouse**

<b>Ward:</b>	North	<b>Date:</b>	6 September 2010
<b>Precinct:</b>	Smith's Lake; P06	<b>File Ref:</b>	PRO1073; 5.2010.314.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer:</b>	R Narroo, Senior Planning Officer (Statutory)		
<b>Responsible Officer:</b>	R Boardman, Director Development Services		

**OFFICER RECOMMENDATION:**

*That the Council;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, REFUSES the application submitted by L Di Florio on behalf of the owner Espresso Italia Pty Ltd for proposed Signage Addition (Billboard) to Existing Shop and Associated Ancillary Office and Warehouse, at Nos. 67-69 (Lot 35; D/P 67625) Scarborough Beach Road, North Perth, and as shown on plans stamp-dated 6 July 2010, for the following reasons:*

- (i) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) *the non-compliance with the requirements of the Town's Policy No. 3.5.2 relating to Signs and Advertising; and*
- (iii) *consideration of the objection received.*

**Moved Cr Farrell, Seconded Cr Maier**

*That the recommendation be adopted.*

Debate ensued.

**MOTION PUT AND CARRIED (5-4)**

**SUBSEQUENT MOTION:**

**Moved Cr McGrath, Seconded Cr Buckels**

*That the Town review its Policy No. 3.5.2 relating to Signs and Advertising regarding the criteria for where site selection for billboards might be appropriate.*

Debate ensued.

The Mover, Cr McGrath advised that he wished to change his Subsequent Motion and as follows:

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

Cr Farrell departed the Chamber at 7.23pm.

**SUBSEQUENT MOTION PUT AND CARRIED (7-1)**

**For:** Mayor Catania, Cr Buckels, Cr Burns, Cr Harvey, Cr Maier, Cr McGrath, Cr Topelberg

**Against:** Cr Lake

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

**ADDITIONAL INFORMATION:**

The Town has considered the following applications for billboards:

- No.32 Edward Street, Perth - Refused by the Council at its Ordinary Meeting held on 13 July 2010.
- No.267 Scarborough Beach Road, Mount Hawthorn - Refused by the Council at its Ordinary Meetings held on 30 November 1998 and 24 May 1999. The applicant appealed the decision.

The Town Planning Appeal Tribunal in a letter dated 12 May 2000 advised the Town that the appeal had been dismissed. Excerpts of the Transcript of Proceedings dated 4 May 2000 notes the following regarding this matter:

*“The existing sign does not relate to the host building and therefore appears to be a distinct structure. Due to this juxtaposition the sign is particularly obtrusive.*

*The proposal for an increase in size from 6 metres to 12 metres, while perhaps more appropriate from the view of the sign industry, exacerbates the impact of such a sign at a major intersection.*

*The sign proposed is also not integrated with the host building and will protrude above the height of that building in a manner that would make it unattractive and a blight on the landscape.*

*The host building is a large and dominating feature of the intersection and the Tribunal is not satisfied that moving the sign back from the forward façade of the building will lessen its presence in the immediate area.*

*Accordingly, the Tribunal finds that the proposal would not conserve the amenities of the area and would in fact have a detrimental impact on the amenity.”*

- No. 596 Newcastle Street (corner Loftus Street), West Perth - Approved by the Council at its Ordinary Meeting held on 9 March 2004.

After numerous refusals, 2 billboards and associated landscaping and retaining walls were approved by the Council due to development constraints such as road widening and vehicular access to the site. The signage was approved for a period of 3 years and further renewed by the Council at its Ordinary Meeting held on 8 August 2006 for a further 3 years. The Council at its Ordinary Meeting held on 23 February 2010 approved a further extension of 5 years.

- No.372 Newcastle Street, Perth - Refused by the Council at its Ordinary Meeting held on 27 February 2001. The applicant appealed the decision.

The Town Planning Appeal Tribunal in a letter dated 8 May 2001 advised the Town that the appeal had been dismissed. Excerpts of the Transcript of Proceedings dated 3 May 2001 notes the following regarding this matter:

*“It is not possible to say that the sign proposed would preserve the amenity of the locality area and it the conclusion of the Tribunal that it is of a scale that would be clearly a landmark, but one that is unattractive and intrusive. The sentiments expressed in the various sign policies are that there must be congruence between a sign and its environment. To this extent, the proposal fails and is out of character even with the degraded nature of the locality.”*

- Nos. 67-69 (Lot 35; D/P 67625) Scarborough Beach Road, North Perth - In respect of the subject application, the main reasons for refusal are as follows:
  - (a) The signage does not relate to the use of the site;
  - (b) Given the dimensions of the proposed signage, 12.66 metres in length and 3.35 metres in height, there will be an impact on the skyline in terms of bulk and scale;
  - (c) The signage will have a visual impact on the surrounding residential areas; and
  - (d) The signage would have a detrimental impact on the amenity of the locality, by virtue of its obtrusive appearance as an unattractive landmark and blight on the landscape.

**COUNCIL DECISION ITEM 9.1.7**

*That the Council;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, REFUSES the application submitted by L Di Florio on behalf of the owner Espresso Italia Pty Ltd for proposed Signage Addition (Billboard) to Existing Shop and Associated Ancillary Office and Warehouse, at Nos. 67-69 (Lot 35; D/P 67625) Scarborough Beach Road, North Perth, and as shown on plans stamp-dated 6 July 2010, for the following reasons:*

- (i) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) *the non-compliance with the requirements of the Town's Policy No. 3.5.2 relating to Signs and Advertising; and*
- (iii) *consideration of the objection received.*

**SUBSEQUENT MOTION:**

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

<b>Landowner:</b>	Espresso Italia Pty Ltd
<b>Applicant:</b>	L Di Florio
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Other Regional Road (Loftus Street) Town Planning Scheme No. 1 (TPS 1): Local Centre
<b>Existing Land Use:</b>	Shop and Associated Ancillary Office and Warehouse
<b>Use Class:</b>	Shop
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	862 square metres
<b>Access to Right of Way</b>	Eastern side, 5 metres wide, sealed, Town owned

**PURPOSE OF REPORT:**

The proposal requires referral to the Council for determination as it relates to significant signage.

**BACKGROUND:**

21 November 2000 Council at its Ordinary Meeting refused a change of use from shop and offices to a place of public worship and outreach centre and offices.

9 July 2002 Council at its Ordinary Meeting approved alterations and additions to shop and associated ancillary office and storage warehouse.

**DETAILS:**

The proposal involves a signage addition to the wall of the existing building and extends 1.8 metres to 2.7 metres above the building. The sign is 12.66 metres wide and 3.35 metres in height and will be located at the south-east corner of the junction between Scarborough Beach Road and Loftus Street/London Street, North Perth.

The applicant has provided the following details:

*“The purpose: To advertise third party advertising*

*i.e: [www.bloo.com.au](http://www.bloo.com.au)*

- Telstra*
- BMW*
- Mercedes Benz*
- Insurance Companies*
- Tourism*
- Mobile phone companies*
- ETC.*

*We state that we will **NOT** advertise any immoral or offensive advertising- whatsoever.*

*We will not advertise any tobacco related products whatsoever- (pro tobacco).*

*We will not advertise any pro alcohol products.*

*We will never advertise anything of a sexual or pornographic imagery.*

*Time frame:*

*Advertising will be displayed for a minimum of 30 days.*

*Illumination of sign will commence at sunset and be turned off around midnight.”*

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

**COMPLIANCE:**

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
Signage	Billboard signs are not permitted.	Billboard sign.
<b>Officer Comments:</b>		
Not supported-As per the Town’s Signs and Advertising Policy No 3.5.2, billboards are not permitted within the Town.		
Signage	Signage describes the business carried out on the site.	Signage is not related to the business on site.
<b>Officer Comments:</b>		
Not supported- Clause 2(c) of the signage policy specifies the following: <i>“if they advertise services or products other than those available on the lot, require the submission of a sign strategy acceptable to the Town of Vincent for the whole site.”</i> The applicant submitted a sign strategy; however, it is not supported as it is considered that the signage will have a visual impact on the surrounding area.		

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.
Objection (1)	To erect the proposed signage on the existing building, a cherry picker will be required which will block the traffic in front of the adjacent residential dwellings.  Loftus Street/Scarborough Beach is a very busy intersection and therefore the proposed signage will impact on the road safety.	Not supported- The applicant is not permitted to block any entrance/egress to adjacent residential dwellings without the permission from the Town.  Not supported- There are traffic lights at this junction which minimise the impact on road safety.
Department of Planning (DOP) - The application was referred to DOP as Loftus Street is classified as an Other Regional Road under the Metropolitan Region Scheme.	The Department of Planning did not have any objection to the proposal on regional transport planning grounds.	Noted.
<b>Advertising</b>	The proposal was advertised for 14 days as per the Town's Policy No. 4.1.5 relating to Community Consultation.	

The applicant provided the following response to the above submissions, and to discussion with the Town's Officer:

*"a. Erecting this billboard will require cherry pickers which will block entrance and exits to adjoining residential houses.*

*Response: We have examined the area in which we will park the cherry picker, and it will in no way obstruct any entrances or exits to adjoining residents, whatsoever.*

*b. How this billboard will change.*

*Response: The vinyl banner material used on the sign will be changed by our installers, by way of sliding the banner through the sail track attached at the top, bottom and both ends.*

*c. This signage will be located at a very busy intersection which will create road safety issues.*

*Response: We strongly disagree that this signage will create road safety issues, there is no evidence to support this claim. For example there is two large billboards approved by Council in the Town of Vincent, installed on the corner of Loftus and Newcastle Street, which is a very busy intersection and there is no evidence that shows that there is any increased safety issues at this intersection.*

*The proposed illuminated sign will not have any moving parts whatsoever, there will not be any flashing or pulsating lights of any kind."*

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

**COMMENTS:**

The applicant considers the signage as an illuminated wall sign. The Town, however, considers the proposed signage as a billboard, and any display on the signage would not relate to the use of the site. As per the Town's Policy No. 3.5.2 relating to Signs and Advertising, billboards are not permitted within the Town of Vincent.

The building to which the sign is proposed to be affixed is located at a prominent junction on the corner of Scarborough Beach Road and Loftus Street. The signage would be clearly visible from the streets and adjacent residential/commercial properties (the subject site is mostly surrounded by residential properties). Such a sign, 12.66 metres in length and 3.35 metres in height, would create a disjointed and aesthetically displeasing image of the area. Moreover, this area is generally zoned residential and, as such, the signage is not considered appropriate in this location as it will have a visual impact on the surrounding area. Moreover, the signage is considered to impact on the skyline in terms of bulk and scale and does not enhance and reinforce the character of the locality or the Town of Vincent overall, and any approval, limited or otherwise, would be inconsistent with the orderly and proper planning of the area.

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

**9.1.8 Nos. 173-179 (Lot 802; D/P: 301679) Stirling Street, and Nos.208-212 (Lot 123; D/P: 9320) Beaufort Street, Perth - Proposed Demolition of Existing Car Park and Construction of a Six (6) Storey Building Comprising Forty (40) Single Bedroom Multiple Dwellings and Twenty-Five (25) Multiple Dwellings and Associated Car Park**

<b>Ward:</b>	South	<b>Date:</b>	6 September 2010
<b>Precinct:</b>	Beaufort; P13	<b>File Ref:</b>	PRO0331; 5.2010.215.2
<b>Attachments:</b>	<a href="#">001</a> ; <a href="#">002</a> ; <a href="#">003</a>		
<b>Reporting Officer:</b>	R Narroo, Senior Planning Officer (Statutory)		
<b>Responsible Officer:</b>	R Boardman, Director Development Services		

**OFFICER RECOMMENDATION:**

*That the Council;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, REFUSES the application submitted by TPG Town Planning and Urban Design on behalf of the owners, Sunswept Corporation Pty Ltd & McDonalds Australia Ltd, for proposed Demolition of Existing Car Park and Construction of Six (6) Storey Building Comprising Forty (40) Single Bedroom Multiple Dwellings and Twenty-Five (25) Multiple Dwellings and Associated Car Park at Nos. 173-179 (Lot 802; D/P: 301679) Stirling Street, and Nos. 208-212 (Lot 123; D/P:9320) and as shown on plans stamp-dated 30 August 2010 , for the following reasons:*

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) the significant non-compliance with the density, plot ratio and building height requirements of the Residential Design Codes and the Town's Policy No. 3.1.13 relating to the Beaufort Precinct;*
- (iii) the development creates an undesirable precedent for developments of a similar scale and nature on other potential development sites within the Beaufort Precinct; and*
- (iv) consideration of the objections received.*

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The Presiding Member, Mayor Nick Catania read at a letter from TPG requesting deferral of the Item dated 13 September 2010 (as shown in attachment 003).

**COUNCIL DECISION ITEM 9.1.8**

**Moved Cr Topelberg, Seconded Cr Harvey**

*That the recommendation be adopted.*

Debate ensued.

Cr Farrell returned to the Chamber at 7.25pm.

Debate ensued.

**PROCEDURAL MOTION**

**Moved Cr Topelberg, Seconded Cr Harvey**

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

**PROCEDURAL MOTION PUT AND CARRIED (9-0)**

<b>Landowner:</b>	Sunswept Corporation Pty Ltd & McDonalds Australia Ltd
<b>Applicant:</b>	TPG Town Planning and Urban Design
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Commercial/ Residential/Commercial R80
<b>Existing Land Use:</b>	Car Park
<b>Use Class:</b>	Multiple Dwellings
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	2288 square metres
<b>Access to Right of Way</b>	Not applicable

**PURPOSE OF REPORT:**

The proposal requires referral to the Council for determination as the Town's Officers do not have delegation to determine such significant development.

**BACKGROUND:**

- 2 April 1998            The Town under Delegated Authority conditionally approved a fee paying car park on the subject site.
  
- 9 February 2010      The Western Australian Planning Commission conditionally approved the subdivision of Nos.208-212 Beaufort Street and Nos.173-179 Stirling Street, Perth.

**DETAILS:**

The proposal involves demolition of the existing car park and construction of a six storey building comprising forty (40) single bedroom multiple dwellings and twenty-five (25) multiple dwellings including car parking.

The landowner's planning consultant has submitted a comprehensive report (001) in relation to justification for the proposed development and to the concerns raised in the advertising submissions; a summary of this report is as follows:

“Justification for Proposed Variations

The proposed development comprises 65 residential dwellings, 40 of which are Single Bedroom Dwellings (Units 2-7, 12-15, 22-32, 37-44, 46-48, 52-55, 57-59 & 64). Whilst the Beaufort Precinct Policy advocates a 3 storey development at a density of R80, this only permits up to 18 multiple dwellings and a maximum plot ratio of 0.75:1. This is considered to represent a significant underdevelopment of the site and a missed opportunity given the surrounding land uses, the inner-city locality, the proximity of Weld Square, located directly opposite, and the opportunity provided by these factors to contribute to the growing vitality of the area via the provision of a range of dwelling sizes on the site and additional resident population.

65 dwellings are proposed, but taking into account the density bonus available to the 40 Single Bedroom Dwellings proposed under the Single Bedroom Dwellings Policy and the Residential Design Codes, the proposed development represents a density coding of only R226, a plot ratio of 2.08:1 and whilst is 6 storeys in height, is only four storeys to the street which is entirely consistent with other buildings fronting Weld Square.

The proposed development is considered to be very well located for a slightly larger building with extra density and plot ratio given the following:

- The site is located directly opposite Weld Square reserve where at it's July 2010 meeting the Council supported in principle the redevelopment of the reserve with a considerable level of investment including garden beds, pathways, lighting, artworks, gazebo etc. Providing additional density will not only increase the patronage and community ownership of the Square, but also provide passive surveillance to help increase security within the Square.
- The site is also in a prominent corner location where additional storeys reinforce the street and assist in framing Weld Square in a manner similar to surrounding new developments;
- The proposal indicates only a minor variation with respect to height with the two upper levels being set back so that they do not play a role in the streetscape. The Town's Multiple Dwelling Policy 3.4.8 already advocated 5 storeys within this site given it had frontage to Beaufort Street and the additional storey proposed is considered acceptable given it is setback and that it is located opposite a reserve where there are no overshadowing or adverse amenity impacts;
- The development helps to achieve the objectives of the Town's Beaufort Precinct Policy by establishing a renewed residential character in the area at an intensity that helps strengthen the Brisbane and William Street shopping areas and facilitate a wider range of community facilities;
- The development helps to achieve the objectives of the Town's Beaufort Precinct Policy by providing a gradual reduction form high-rise development in the Perth City Centre;
- The inclusion of 40 single bedroom dwellings will allow for an increase in diversity of the Town's resident base; and
- The Town has previously granted density and plot ratio variations for residential development in the area surrounding the subject site.

Based on the above, it is thought that the 4 storeys to the street, with an additional 2 storeys set back above, represents the optimal development for the subject site. It is therefore respectfully requested that the Town support the proposed development".

**COMPLIANCE:**

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
<b>Density:</b>	R80- 18 Multiple Dwellings or 27 Single Bedroom Multiple Dwellings	R226- 25 Multiple Dwellings and 40 Single Bedroom Multiple Dwellings  Density bonus= 182 per cent= 4169 square metres
<i>Officer Comments:</i>		
Not supported- The increased density in this instance has resulted in unacceptable bulk and scale issues, as a result of the additional number of storeys proposed.		

<b>NON-COMPLIANT REQUIREMENTS</b>		
<b>REQUIREMENTS</b>	<b>REQUIRED</b>	<b>PROPOSED</b>
<b>Plot Ratio:</b>	1 = 2288 square metres	2.08= 4759 square metres
<b><i>Officer Comments:</i></b>		
Not supported- As above.		
<b>Building Front Setbacks:</b>		
East-Front- Street	Stirling	Setback to be generally consistent with building setback on adjacent land
South-Parry Street		Setback to be generally consistent with building setback on adjacent land.
		Ground, First, Second, Third and Fourth Floors= Nil Fifth Floor= 4.077 metres
		Ground, First, Second, Third and Fourth Floors= Nil Fifth Floor= 4.077 metres
<b><i>Officer Comments:</i></b>		
Supported - The existing and proposed buildings have nil setbacks along Stirling and Parry Streets, the fourth floor will have terraces facing the street and, the sixth floor is setback 4.077 metres which will not have an undue impact on the streetscape.		
<b>Building Side Setbacks:</b>		
North		
Ground Floor	1.5 metres	Nil
First Floor	3 metres	Nil
Second Floor	4 metres	Nil
Third Floor	9.5 metres	Nil
Fourth Floor	11 metres	2.994 metres
Fifth Floor	11.4 metres	2.994 metres
<b><i>Officer Comments:</i></b>		
Supported - The existing building on the adjoining property is used for commercial uses and therefore the variations to the setbacks will not have an undue impact on the adjoining property. No objection was received from the adjoining northern neighbour, and in this instance, the variations are supported.		
<b>Boundary Walls: North</b>	Average Height= 3 metres	Average Height= 8.9 metres
	Maximum Height= 3.5 metres	Maximum Height= 13.2 metres
	Length= 33.5 metres	Length= 50.2 metres
<b><i>Officer Comments:</i></b>		
Supported- The existing building on the adjoining property is used for commercial uses and, therefore, the variations to the setbacks will not have an undue impact on the adjoining property. No objection was received from the adjoining northern neighbour, and in this instance, the variation is supported.		

<b>NON-COMPLIANT REQUIREMENTS</b>		
<b>REQUIREMENTS</b>	<b>REQUIRED</b>	<b>PROPOSED</b>
<b>Communal Open Space</b>	1,040 square metres	213 square metres
<i>Officer Comments:</i>		
Supported- Each dwelling is provided with a balcony/terrace and the building is located opposite Weld Square. Accordingly, it is considered that the shortfall in communal open space will not have a detrimental impact on the occupants of the dwellings given the site's close access to local and regional open space.		
<b>Number of Storeys</b>	2 storeys (3 storeys can be considered)	6 storeys
<i>Officer Comments:</i>		
Not supported- The height and overall design of the proposal creates an unacceptable bulk and scale issue, and is considered to have an undue visual impact in the area which is generally 2 to 4 storeys in height.		
<b>Height</b>	7 metres	19.7 metres
<i>Officer Comments:</i>		
Not supported- As above.		
<b>Privacy</b>	Balcony/Roof Terrace= 7.5 metres  Bedroom= 4.5 metres  Kitchen= 6 metres	Unit 21-balcony  1.3 metres to western boundary  Unit 30-balcony  0.5 metre to northern boundary on the western elevation.  Nil to northern boundary on the northern elevation  Unit 36-balcony  Nil to western boundary  Unit 37-balcony  1.3 metres to western boundary  Unit 45-balcony  0.5 metre to northern boundary on the western elevation.  Nil to northern boundary on the northern elevation  Unit 51-kitchen

<b>NON-COMPLIANT REQUIREMENTS</b>		
<b>REQUIREMENTS</b>	<b>REQUIRED</b>	<b>PROPOSED</b>
		2.986 metres to western boundary  Unit 51-roof terrace  2.986 metres to western boundary  Unit 56- roof terrace  2.994 metres to northern boundary  Unit 56- bedroom 2  2.994 metres to northern boundary  Unit 65- roof terrace  2.994 metres to northern boundary  Unit 65-balcony  6.2 metres to northern boundary
<i>Officer Comments:</i>		
Not supported- In the event of approval, the bedrooms, balconies/roof terraces and kitchen would require screening in accordance with the R Codes.		
<b>Car Parking</b>	83 car parking spaces	76 car parking
<i>Officer Comments:</i>		
Supported- As per the R-Codes, the development complies with the car parking requirements and will have an excess of 3 car parking bays. However, when taking 1 car bay per single bedroom dwelling, the car parking does not comply. In the event of a mixed use development, it is likely that a development application would satisfy the parking requirements. Given the location of the site adjacent to Beaufort Street, and within an 800 metres radius from the Claisebrook Station, the variation to the parking can be supported.		
<b>Landscaping</b>	Landscaping required	No landscaping provided. Applicant submitted amended plans showing landscaping.
<i>Officer Comments:</i>		
Noted.		

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

<b>Consultation Submissions</b>		
<b>Item</b>	<b>Comments Received</b>	<b>Officer Comments</b>
Support	Nil	Noted.
Objections (3) (one of the objector represents 13 strata owners)	<p><i>Density</i></p> <p>The development must comply with the required density as per R80 Coding. There should be no density bonus.</p> <p><i>Plot Ratio</i></p> <p>Object to variation to the plot ratio</p> <p><i>Setbacks</i></p> <p>Object to variation to setbacks</p> <p><i>Oversized Building</i></p> <p>The proposal will result in an oversized building. It will be totally out of character with surrounding buildings and will create a ghetto effect.</p> <p><i>Appearance</i></p> <p>The general appearance of the building gives the appearance of a cheap block of flats.</p> <p><i>Traffic</i></p> <p>The proposal will add far more people to this area which will contribute to excessive traffic congestion on Stirling and Parry Streets.</p>	<p>Supported- As per comments in the Compliance Table.</p> <p>Supported- As per comments in the Compliance Table.</p> <p>Not supported- No undue impact on the amenity of the adjoining neighbours in terms of overshadowing and ventilation.</p> <p>Supported in part- As per comments in the Compliance Table. The development will not create a ghetto as it will provide diversity in housing choice in the Town.</p> <p>Not supported- The applicant submitted a perspective drawing showing the proposed finishes which will positively contribute to the aesthetics of the area.</p> <p>Not supported- The proposed development will replace a car park which is already generating a lot of traffic each day. Moreover, the applicant submitted a traffic report showing that the proposed development will not have an impact on Stirling and Parry Streets. Moreover, Department of Planning supports the application which confirms that there will be no traffic impact on Beaufort Street.</p>

Consultation Submissions		
Item	Comments Received	Officer Comments
	<p><i>Height and Number of Storeys</i></p> <p>Object to variation to height and number of storeys. It will be super imposing on other surrounding buildings.</p> <p><i>Parking and Landscaping</i></p> <p>The proposal is required to comply with the required parking and landscaping.</p>	<p>Supported- Refer to comments in Compliance Table.</p> <p>Not supported- With regard to parking, refer to comments in the Compliance Table. In relation to landscaping, the applicant submitted amended plan to show landscaping.</p>
Department of Planning (DOP) - The application was referred to DOP for comments as Beaufort Street is classified as an Other Regional Road.	DOP provided the following comments: <p><i>“The Department has assessed the submitted Transport Assessment and has no objection to the proposed development on the regional transport planning grounds.”</i></p>	Noted.
<b>Advertising</b>	Advertising for a period of 21 days was carried out in the form of advertising letters sent by the Town to landowners, a sign on-site and newspaper notice as per the Town's Policy No 4.1.5 relating to Community Consultation.	

Other Implications	
<b>Legal/Policy</b>	TPS 1 and associated Policies, and Residential Design Codes (R Codes).
<b>Strategic</b>	The Town's Local Planning Strategy has identified the subject site to be within the <i>Members Equity (now nib Stadium) Stadium Precinct</i> and within an 800 metres radius from the Claisebrook Railway Station.
<b>Sustainability</b>	Nil.
<b>Financial/Budget</b>	Nil.

**COMMENTS:**

**Local Planning Strategy**

The subject property is within an 800 metres radius of the Claisebrook Railway Station and Members Equity (now, nib Stadium) Stadium Precinct. The following excerpts from the Local Planning Strategy-April 2009 provide the following direction in respect of land and built form within those Precincts as follows:

*“Members Equity Stadium Precinct*

...

*Stadium masterplanning places a great deal of importance on the fundamental role of excellence in the design of buildings and spaces and that high quality design can enable higher densities to function as the basis of a sustainable environment, particularly in areas of high public transport accessibility.*

...

- *Promote the key principles of Transport Orientated Development (TOD);*

- *Activates a currently underutilised area by enhancing the amenity of current and future residents;*
- *Enable the stadium to co-exist harmoniously with a range of new landuses, including a broad range of recreational, cultural and entertainment uses to attract local residents and visitors;*
- *Maintains and enhances public recreational open space;*
- *Creates an area with high quality pedestrian amenity including infrastructure and trees;*
- *Improve connectivity between the Stadium and surrounding transport nodes and networks, including McIver Station by establishing and maintaining a high level of amenity, safety and legibility in the urban form;*
- *Preserve the presence of the Stadium itself whilst successfully integrating it with existing adjacent landuses, including residential and commercial in order to create a seamless transition between the two;*
- *Create strong linkages between the Stadium and the proposed designation of Beaufort Street as an Activity Corridor and the Mount Lawley/Highgate Town Centre; and*
- *Create a pedestrian focused environment whilst accommodating easy circulation for cars, public transport and cyclists.”*

*“Claisebrook Station*

...

*The built form within an 800 metre radius of Claisebrook Station is indicative of the development patterns experienced in East Perth from the 1890s to the present day. Much of the original housing stock is still intact comprising single and semi-detached dwellings constructed in the Georgian and Federation style. The purpose built commercial properties comprise contemporary flush walled single and two storey office blocks and workshops/warehouses, and earlier simple industrial brick warehouses with concealed or gabled roof forms.*

*Transit Oriented Development (TOD) Recommendations*

- *Scale of development to range from one (1) to four (4) storey buildings. Five (5) storeys may be considered on strategic corner sites.*
- *New development is to represent and respond to the traditional character of the inner city housing styles and original fine grain industrial forms prevalent in the area, through the use of appropriate building materials, bulk, form and massing.*
- *Encourage new larger scale projects on corner strategic sites to be designed as clusters with smaller urban forms to break down the perceived scale and to reinforce the relatively intimate inner city character of the area.*
- *New development to provide articulation to activate street frontages and provide visual interest at pedestrian level.”*

Accordingly, the Town’s Officers are of the view that whilst the proposal is consistent with the principles of transit oriented development espoused in the Local Planning Strategy with respect to a proposed high density residential building, the significant number of non-compliances and, the scale and bulk of the proposed building, far exceeds the current Town Planning current coding and other requirements.

In light of the above, it is considered that the increased density, plot ratio and height will result in unacceptable bulk and scale issues, and in this instance the proposal is recommended for refusal.

The Chief Executive Officer advised that Cr Topelberg had declared a Proximity interest in Item 9.1.2. Cr Topelberg departed the Chamber at 7.28pm and did not speak or vote on this matter.

**9.1.2 No. 5 (Lot 10; D/P 3192) Leake Street, North Perth – Proposed Alterations and Additions and Ancillary Accommodation Addition to Existing Single House**

<b>Ward:</b>	South	<b>Date:</b>	7 September 2010
<b>Precinct:</b>	Smith's Lake; P06	<b>File Ref:</b>	PRO3850; 5.2010.288.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer:</b>	D Pirone, Statutory Planning Officer		
<b>Responsible Officer:</b>	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 Australian Renovation Group (ARG) on behalf of the owner P W Bottecchia for proposed Alterations and Additions and Ancillary Accommodation Addition to Existing Single House, at No. 5 (Lot 10; D/P 3192) Leake Street, North Perth, and as shown on plans stamp-dated 17 June 2010, subject to the following conditions:*

- (i) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Leake Street;*
- (ii) *any new street/front wall, fence and gate within the Leake Street setback area, including along the side boundaries within this street setback area, shall comply with the Town's Policy provisions relating to Street Walls and Fences;*
- (iii) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
- (iv) *first obtaining the consent of the owners of Nos. 3 and 7 Leake 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. 3 and 7 Leake Street in a good and clean condition; and*
- (v) *PRIOR TO THE ISSUE OF A BUILDING LICENCE, a Section 70A Transfer of Land Act 1893 Notification shall be registered against the Certificate of Title for the land advising proprietors or prospective proprietors of the existence of the following conditions which affect the use or enjoyment of the ancillary accommodation structure on the land:*
  - (a) *the ancillary accommodation structure shall not be occupied by any more than two (2) occupiers; and*

**(b) the Town of Vincent will note issue a residential car parking permit to any owner or occupier of the ancillary accommodation.**

*This notification shall be prepared and registered by the Town's Solicitors or other Solicitors agreed upon by the Town at the cost of the applicant/owner.*

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

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**COUNCIL DECISION ITEM 9.1.2**

**Moved Cr Farrell, Seconded Cr Buckels**

*That the recommendation be adopted.*

**MOTION PUT AND CARRIED (8-0)**

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

Cr Topelberg returned to the Chamber at 7.29pm. The Presiding Member, Mayor Nick Catania advised that the item was carried.

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<b>Landowner:</b>	P W Bottecchia
<b>Applicant:</b>	Australian Renovation Group (ARG)
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R40
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Single House
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	352 square metres
<b>Access to Right of Way</b>	West side, 5 metres wide, sealed, Town owned

**PURPOSE OF REPORT:**

The proposal requires referral to the Council for determination as the Town's Officers do not have the delegation to support variations to the Ancillary Accommodation requirements.

**BACKGROUND:**

23 April 2007 The Town under delegated authority from the Council approved an application for partial demolition of and alterations and additions to existing single house subject to several conditions, including the following:

*“(iii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the upper floor southern wall of new bedroom 2 being setback a minimum of 2.0 metres from the southern side boundary. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies.”*

24 May 2007 The applicant lodged an appeal with the State Administrative Tribunal (SAT) to delete condition (iii) of the Planning Approval issued on 23 April 2007.

27 November 2007 The SAT resolved to dismiss the application and affirm the approval issued by the Town on 23 April 2007, subject to condition (iii).

- 20 December 2007 The applicant lodged a Presidential Review application with the SAT.
- 4 February 2008 The SAT resolved to dismiss the Presidential Review application and affirm its decision made on 27 November 2007.

A Building Licence application was never submitted for the above Planning Approval and has now expired.

**DETAILS:**

The previous planning application that was approved by the Town was to alter the upper floor, for one of the three bedrooms to become an activity room/study and for the addition of two bedrooms, which would result in a total of four bedrooms. The condition placed on the approval to setback the wall 2 metres from the northern boundary, in lieu of 1.5 metres which was proposed, would result in the width of the bedroom being decreased to 1.8 metres. This was not considered as a viable option for the owners. In light of the above, the owners did not proceed with their planning approval and have submitted the subject application for an ancillary accommodation in order to create the fourth bedroom that their family may require.

The proposal involves an alfresco and ancillary accommodation addition to the existing single house. The proposed ancillary accommodation is to be built within an existing outbuilding, with some minor external and internal amendments.

**COMPLIANCE:**

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
<b>Building Setbacks:</b> Alfresco -South	1.5 metres	Nil
<i>Officer Comments:</i>		
Supported – Not considered to have an undue impact on the neighbouring property and no objections received from the affected land owner.		
<b>Buildings on Boundary:</b>	Walls not higher than 3.5 metres with average of 3 metres for 2/3 (26.83 metres) of the length of the balance of the boundary behind the front setback, to one side boundary.	-South Wall Height = 3 metres; Wall Length (alfresco and store) = 7.6 metres.
<i>Officer Comments:</i>		
Supported – The proposed height and length of the parapet wall on the southern boundary is compliant with the requirements of the R Codes and no objections received from the affected land owner.		
<b>Ancillary Accommodation:</b>	The site area of the lot being not less than 450 square metres.  No form of access between the garage and the ancillary accommodation structure.  The external wall height being a maximum of 5 metres above the natural ground level.	The site area of the subject lot is 352 square metres.  Access to the ancillary accommodation structure is from the existing garage.  Maximum height of the external wall is 5.5 metres.
<i>Officer Comments:</i>		
Supported – The proposed ancillary accommodation is built within an existing loft above a garage and will therefore not create any further bulk on the site or further impacts on the neighbouring properties.		

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

<b>Consultation Submissions</b>		
<b>Item</b>	<b>Comments Received</b>	<b>Officer Comments</b>
Support	Nil.	Noted.
Objection (1)	<ul style="list-style-type: none"> <li>This development is not consistent with the character and preservation of the locality.</li> <li>The bulk and scale and visual impact of additions is non-compliant.</li> </ul>	<ul style="list-style-type: none"> <li>Not supported – The proposed ancillary accommodation is built within an existing garage and loft and the alfresco is compliant with the setback and outdoor living area requirements of the R Codes.</li> <li>Not supported – The proposed ancillary accommodation is built within an existing garage and loft; the alfresco is compliant with the setback and outdoor living area and open space requirements of the R Codes.</li> </ul>
	<ul style="list-style-type: none"> <li>The height of the alfresco.</li> <li>Overshadowing and air flow to neighbouring property.</li> <li>The alterations and additions would diminish the value of the neighbouring properties.</li> </ul>	<ul style="list-style-type: none"> <li>Not supported – The proposed eaves height of the alfresco is 2.8 metres above the finished ground level and 4 metres to the top of the pitch. This is compliant with the requirements of the R Codes for a single storey development.</li> <li>Not supported – The proposed overshadowing is compliant with the requirements of the R Codes and an air flow assessment is not a planning related consideration.</li> <li>Not supported – This is not a planning related consideration.</li> </ul>
<b>Advertising</b>	Advertising for a period of 14 days was carried out as per the Town's Policy No 4.1.5 – relating to Community Consultation.	

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

**COMMENTS:**

The Local Planning Strategy identifies significant opportunities in North Perth to encourage the provision of non-familial ancillary housing. The Town's Draft Affordable Housing Strategy broadly defines ancillary housing as an additional dwelling or independent accommodation associated with a single house and on the same lot. Ancillary or secondary housing provides affordable rental accommodation within the Town, and given the low intensity and scale of residential development in North Perth, it also creates the least impact on the streetscape and the existing built form.

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

**9.1.9 Use of Forrest Park as Overflow Parking Area**

<b>Ward:</b>	South	<b>Date:</b>	8 September 2010
<b>Precinct:</b>	Forrest, P14	<b>File Ref:</b>	RES0003/RES0022/ RES0102
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	J Maclean, Manager Ranger and Community Safety Services		
<b>Responsible Officer:</b>	R Boardman, Director Development Services		

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the report on the survey results, for the use of Forrest Park as an overflow parking area;*
- (ii) *APPROVES the continued use of Forrest Park as an overflow parking area, when events are being held at nib Stadium, subject to the need to do so being identified by the Chief Executive Officer; and*
- (iii) *APPROVES BY AN ABSOLUTE MAJORITY a flat rate fee of \$10.00 per vehicle for vehicles that park in Forrest Park, during events at nib Stadium.*

**COUNCIL DECISION ITEM 9.1.9**

**Moved Cr Farrell, Seconded Cr Maier**

*That the recommendation be adopted.*

Debate ensued.

**PROCEDURAL MOTION**

**Moved Cr Topelberg, Seconded Cr McGrath**

*That the item be DEFERRED for further information.*

**PROCEDURAL MOTION PUT AND CARRIED (9-0)**

**PURPOSE OF REPORT:**

The purpose of this report is to inform the Council of the results of the survey as required by the Council at its Ordinary Meeting held on 1 December 2009 and to ratify the continued use of Forrest Park for temporary overflow parking for major events at nib Stadium, in order to ensure that inconvenience to residents, caused by patrons parking in the residential streets, is minimised.

**BACKGROUND:**

The Council at its Ordinary Meeting held on 1 December 2009 resolved to undertake a trial period for Forrest Park to be used to accommodate patrons and spectators of nib Stadium (formerly Members Equity Bank Stadium), on event days. The Council resolution was as follows:

**“COUNCIL DECISION ITEM 9.1.20**

*That the Council:*

- (i) *APPROVES a trial period, until 30 April 2010, for the use of Forrest Park for temporary overflow parking when events (games and major concerts) with an expected number of patrons greater than 20,000, are being held at ME Bank Stadium;*

- (ii) *AUTHORISES the Chief Executive Officer to approve of the use of Forrest Park for temporary overflow parking purposes and to impose appropriate conditions for use including, but not limited to:*
- (a) *parking fees being charged as per clause (iii) below;*
  - (b) *Rugby WA carrying out appropriate pre-game advertising (print media, radio and game booklet) to the satisfaction of the Town;*
  - (c) *a shuttle bus service is to be provided between Forrest Park and the Stadium for 2 hours before the start of the game and at least 1 hour after the conclusion of the game;*
  - (d) *the Town being responsible for supervision of all parking; and*
  - (e) *the Chief Executive Officer to discontinue use of the Park for temporary parking, at his discretion if, damage to the park is caused or significant non-compliance of conditions occurs;*
- (iii) *subject to clauses (i) and (ii) above being approved, APPROVES BY AN ABSOLUTE MAJORITY the following fees for temporary overflow parking on Forrest Park:*
- *Vehicle with 1 person = \$20*
  - *Vehicle with 2 persons = \$19*
  - *Vehicle with 3 persons = \$17*
  - *Vehicle with 4 persons = \$16*
  - *Vehicle with more than 4 persons = \$15;*
- (iv) *REQUESTS the Chief Executive Officer to undertake a public survey of residents in the area bounded by Stirling, Harold, Curtis, Walcott, Lord and Bulwer Streets, at the end of the trial period shown at (i) above, to identify if any problems that were experienced and to include the results of this survey in a further report to the Council;*
- (v) *REQUESTS the Chief Executive Officer to provide a report to Council prior to 30 June 2010 on:*
- (a) *details of any complaints received from local residents;*
  - (b) *the impact that the trial has had on the playing surface of Forrest Park;*
  - (c) *use of public transport ; and*
  - (d) *any other matters deemed appropriate; and*
- (vi) *REQUIRES the Event Organisers and/or Stadium Managers, as part of their Management Plan, to monitor the streets around Members Equity Bank Stadium, primarily the area, bounded by Stirling, Harold, Curtis, Walcott, Lord and Bulwer Streets, as well as Forrest Park, when an event is being held at the Stadium ( and Forrest Park is used for temporary parking) and, if there is an identified litter problem, to make immediate arrangements for its removal."*

**DETAILS:**

Clause (v) of the Council resolution at its Ordinary Meeting held on 1 December 2009, required a report to be submitted to the Council, prior to 30 June 2010, relating to a number of issues, including number of complaints received, impact on playing surface of Forrest Park, use of public transport and any other matters deemed appropriate. However, since there were no complaints received and no apparent impact on the playing surface of Forrest Park, it was

decided that it was appropriate to await the results of the public survey, before reporting back to the Council. From information obtained from the Public Transport Authority, the use of public transport appears to have been constant for the past few years and the use of Forrest Park as an overflow parking facility did not change this usage rate.

In July 2010, when the Town delivered parking permits to the residences in the nib exclusion zone, a survey form was included, seeking public comment on the use of Forrest Park, as an overflow parking area. Forrest Park has been used to accommodate overflow parking, for events held at nib Stadium, on eight (8) occasions, since the Council approved this at the Ordinary Meeting held on 1 December 2009.

A total of fifty three (53) survey responses were received, with twenty seven (27) agreeing that the parking problems had improved as a result of Forrest Park being used, eighteen (18) suggesting that there had been no change and no respondents suggested that parking problems had worsened. Thirty seven (37) recommended that the overflow facility be retained, while thirteen (13) recommended that the facility not be retained, with two (2) people being unsure about retention.

In the survey responses, a number of people made reference to the perceived over-use of Forrest Park Reserve, by Perth Soccer Club, but while the comments will be given due consideration in another forum, these comments are not considered relevant to the purpose of this report. The following comments are considered to be relevant:

<b>Street</b>	<b>Comment</b>
Smith Street	<i>Keep it Please</i>
Smith Street	<i>Didn't know option existed</i>
Harold Street	<i>Do not agree with overflow on Forrest - further limits walking dogs &amp; dangerous Birdwood?</i>
Not Provided	<i>Provided Residential parking is retained, excellent solution for minimal impact</i>
Stirling Street	<i>Forrest park has taken pressure off street parking and has made it easier for visitors</i>
Not Provided	<i>Waste of staff - promote public transport</i>
Stirling Street	<i>Live northern end of Stirling - more problems from Queens Hotel</i>
Wade Street	<i>Until dedicated parking is available at nib, Forrest Pk is a commendable option.</i>
West Parade	<i>ToV should be promoting sustainable transport <u>NOT</u> car culture. Against use of Forrest Pk</i>
Cantle Street	<i>Don't believe in parking on Forrest Pk - Plenty of public transport available</i>
Summer Street	<i>No Problems for me</i>
Parry Street	<i>Close Forrest Pk and use Birdwood to bring people closer to Northbridge - Not fair that people who have purchased homes in area have had this forced upon them.</i>
Not Provided	<i>Please retain overflow facility</i>
Not Provided	<i>I have noticed less congestion since Forrest was available</i>
Harold Street	<i>Do not believe local amenity (i.e. Forrest Pk) should facilitate parking. Since this will be retained regardless of this survey a charge should be levied to offset remediation</i>
Not Provided	<i>Parking for events at stadium has never been a problem, personally</i>

As a result, it is recommended that the overflow facility be retained for use on large event days, with the Chief Executive Officer, in consultation with the Manager Parks and Property Services and the Manager Ranger and Community Safety Services, making the decision about the need to open the park for vehicle parking.

Staff who have manned the Forrest Park overflow parking facility have reported that, on every event night, a substantial number of vehicles approach the facility, but when they realise the parking fee being charged, they drive off. On a number of occasions, drivers have approached staff and have indicated that, while a \$20.00 fee may be accepted by some in Loton Park, because it is immediately adjacent to the nib Stadium, Forrest Park is almost 1 kilometre from the venue, so the fee should be substantially less.

If the fee reduction is done in conjunction with some advertising, it is likely that more spectators will utilise the overflow parking facility. It is believed that, as soon as drivers become aware that the parking is available, they are likely to make use of the park, especially if the fee charged is appropriate. It is therefore recommended that an advertisement be placed in *The West Australian* newspaper on the Saturday prior to the next two Perth Glory games, so that patrons are made aware where parking is being provided.

**CONSULTATION/ADVERTISING:**

It is suggested that two advertisements are placed in a newspaper, on the Saturdays prior to the next two Perth Glory games, to publicise the availability of Forrest Park as an overflow parking facility.

**LEGAL/POLICY:**

There are no legal implications, if the above is approved.

**STRATEGIC IMPLICATIONS:**

The above is in keeping with the Town's Strategic Plan 2009 - 2014, at:

Part 2.1.4(b) - *"Implement the Town's Car Parking Strategy"*.

Part 3.1.3(a) - *"Determine the requirements of the community and ensure that the services provided meet those needs"*.

**SUSTAINABILITY IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

The current usage rate for Forrest Park, of around 20 vehicles per event, barely covers the cost of the staff that manage the facility. This is partly due to the fees being charged and partly due to the fact that the reserve has only been used for parking for a short time. If appropriate advertising is undertaken and the fees charged are set at a level which the public accepts, it is likely that more revenue will be generated than the facility costs to operate.

It should be noted that the purpose of such an approval is not to generate money, but to provide an overflow parking facility, so that local parking congestion will be reduced. However, it is believed that an approval may generate around \$2,500 per annum in net revenue.

**COMMENTS:**

A survey of local residents, undertaken in July 2010, suggests that there is general support for the use of Forrest Park as an overflow parking facility, when events are held at nib Stadium. The park is large enough to accommodate up to 750 vehicles, without encroaching on the areas of the reserve used by Perth Soccer Club. Also, there is usually a two-week break between games, so any wear and tear on the ground will have adequate time to recover, before being used again.

It is thought that the current parking fee to use the reserve is too high, given the distance from nib Stadium; therefore it is recommended that the fee be reduced to a flat rate of \$10.00 per vehicle. Further, if the availability of Forrest Park is advertised, on two occasions, immediately prior to Perth Glory games, this should result in a higher usage of the reserve.

**9.1.10 Scarborough Beach Road Activity Corridor - Progress Report No. 3**

<b>Ward:</b>	-	<b>Date:</b>	8 September 2010
<b>Precinct:</b>	COS16	<b>File Ref:</b>	PLA0205
<b>Attachments:</b>	-		
<b>Reporting Officer:</b>	T Woodhouse, Co-ordinator Strategic Planning		
<b>Responsible Officer:</b>	R Boardman, Director Development Services		

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the report relating to the Scarborough Beach Road Activity Corridor – Progress Report No. 3;*
- (ii) *NOTES that the Town’s Officers have liaised with the City of Stirling and the Department of Planning with regard to preparing design options as required by Clauses (ii) (a) and (b) of the Council resolution made at the Ordinary Meeting held on 27 July 2010, relating to Item 9.1.7 Scarborough Beach Road Activity Corridor - Progress Report No. 1; and*
- (iii) *APPROVES BY AN ABSOLUTE MAJORITY the engagement of consultants, Sinclair Knight Mertz (SKM), to prepare additional cross-sections for the Scarborough Beach Road Activity Corridor Project, at an estimated total cost of \$3,000, to be funded from the 2010/2011 Budget, account, entitled 'Town Planning Scheme Amendments and Policies'.*

**COUNCIL DECISION ITEM 9.1.10**

**Moved Cr Maier, Seconded Cr Buckels**

*That the recommendation be adopted.*

Debate ensued.

**AMENDMENT**

**Moved Cr Maier, Seconded Cr Lake**

*That clause (iii) be deleted.*

Debate ensued.

**AMENDMENT PUT AND LOST (2-7)**

**For:** Cr Lake, Cr Maier

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

**MOTION PUT AND CARRIED  
BY AN ABSOLUTE MAJORITY (7-2)**

**For:** Mayor Catania, Cr Burns, Cr Buckels, Cr Farrell, Cr Harvey, Cr McGrath, Cr Topelberg

**Against:** Cr Lake, Cr Maier

**PURPOSE OF REPORT:**

The purpose of this report is to seek Council support to engage consultants Sinclair Knight Metz (SKM) to prepare additional cross-sections for the road reservation between Main Street and Glendalough Station as part of the Scarborough Beach Road Activity Corridor Project.

**BACKGROUND:**

At its Ordinary Meeting held on 27 July 2010, the Council considered a report on the Scarborough Beach Road Activity Corridor Project, which outlined to the Council the Town's involvement in the Scarborough Beach Road Activity Corridor Project since 2008.

At this Meeting, the Council resolved to receive the report; to request additional information from the City of Stirling on certain matters; and to advise the Department of Planning and the City of Stirling that it has concerns regarding a 42 metre road reserve for the portion of Scarborough Beach Road from Glendalough Station to Main Street.

At its Ordinary Meeting held on 24 August 2010, the Council considered Progress Report No. 2 on the Scarborough Beach Road Activity Corridor Project, and resolved as follows:

*"That the Council;*

- (i) RECEIVES the report relating to the Scarborough Beach Road Activity Corridor – Progress Report No. 2;*
- (ii) ACKNOWLEDGES that the Town's Officers are liaising with the City of Stirling and the Department of Planning to prepare design options as required by Clauses (ii) (a) and (b) of the Council resolution made at the Ordinary Meeting held on 27 July 2010, relating to Item 9.1.7 Scarborough Beach Road Activity Corridor - Progress Report No. 1; and*
- (iii) FURTHER NEGOTIATE with the City of Stirling and/or the Department of Planning to have joint funding with respect to the area involved in the Town of Vincent."*

**DETAILS:**

In response to clause (iii) of the above resolution of the Council at its Ordinary Meeting held on 24 August 2010, the Town's Manager Asset and Design Services, Manager Planning, Building and Heritage Services and the Coordinator Strategic Planning, attended a meeting at the Stirling Alliance Office on 2 September 2010 with representatives from the City of Stirling, Department of Planning, Department of Transport and transport consultants Sinclair Knight Mertz (SKM).

At this meeting, the road reservation proposed between Main Street and Glendalough Station, as part of the Scarborough Beach Road Activity Corridor, was discussed in detail. During the meeting, it was decided that the best step forward would be to engage consultants to prepare 3 cross - section options based on the following:

- 1. As per Scarborough Beach Road Activity Corridor draft Transport Report (42 metre reserve);
- 2. Removal of parking on the southern portion of road; and
- 3. Move the centre line of the cross-section to the north.

At this meeting, SKM indicated that the preparation of the above cross-sections would cost approximately \$3,000 in total.

At the meeting held on 2 September 2010, the City of Stirling and the Department of Planning advised that they could not provide any further financial contribution to this project, in the 2010 - 2011 financial year. It is noted that both the City of Stirling and the Department of Planning have contributed financially to this project since its inception, namely the preparation of Population Study and a Transport Study; whilst the Town is only a minor party, it has still benefited from the preparation of these documents and has provided in-kind support only to-date.

It is considered that the preparation of the above cross-sections will greatly assist in progressing the Scarborough Beach Road Activity Corridor Project, and more specifically provide greater certainty to the owners of the large land holding between Main and Jugan Streets, who are dependent on an agreement being made, so as to progress with the requirements that are detailed in Scheme Amendment 423 of the City of Stirling District Planning Scheme No. 2.

**CONSULTATION/ADVERTISING:**

Nil.

**STRATEGIC IMPLICATIONS:**

Strategic Plan 2009-2014 – Strategic Objectives: Natural and Built Environment:

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

**FINANCIAL/BUDGET IMPLICATIONS:**

To-date, the Scarborough Beach Road Activity Corridor Project has been jointly funded by the City of Stirling and the Department of Planning, with the Town providing in-kind support only.

A total of \$3,000 is required for the engagement of the consultants, SKM. It is recommended that the Town Planning Scheme Amendments and Policies account is used, of which there is \$58,200 in the 2010/2011 Budget.

**LEGAL/POLICY:**

- City of Stirling District Planning Scheme No. 2; and
- City of Stirling District Planning Scheme Amendment 423 (Schedule 14).

An absolute majority decision is required as this matter was not listed in the Budget 2010/2011 and funds are required to be allocated to enable the consultancy to be carried out.

**COMMENTS:**

Funds are required to assist in the preparation of the road designs for the Scarborough Beach Road Activity Corridor Project, as required by clauses (ii) (a) and (b) of the Council resolution made at the Ordinary Meeting held on 27 July 2010, relating to Item 9.1.7 Scarborough Beach Road Activity Corridor - Progress Report No. 1.

The Town's Officers considered the relatively nominal amount provided by the consultants at the meeting held on 2 September 2010 and recommend that the costs can be readily accommodated by the Town Planning Scheme Amendments and Policy account, of which \$58,200 has been allocated in the 2010/2011 Budget.

It is therefore recommended that the Council endorse the Officer Recommendation, to enable the Town's Officers to engage the consultants SKM to prepare the additional cross - sections to ensure the progression of the Scarborough Beach Road Activity Corridor Project, and more specifically provide greater certainty to the owners of the large land holding between Main and Jugan Streets, who are dependent on an agreement being made between the Department of Planning, the Town of Vincent and the City of Stirling, so as to progress with the requirements that are detailed in Scheme Amendment 423 of the City of Stirling District Planning Scheme No. 2, so as to develop this important strategic site.

The Chief Executive Officer advised that Cr McGrath had declared a Proximity interest in Item 9.2.3. Cr McGrath departed the Chamber at 7.42pm and did not speak or vote on this matter.

**9.2.3 Traffic Management Matter – Randell Street, Perth – Further Report**

<b>Ward:</b>	South	<b>Date:</b>	6 September 2010
<b>Precinct:</b>	Hyde Park P12	<b>File Ref:</b>	TES0066/TES0334
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer:</b>	C Wilson, Manager Asset & Design Services		
<b>Responsible Officer:</b>	R Lotznicker, Director Technical Services		

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) **CONSIDERS** the comments received from the respondents from Randell Street, Randell Lane and Randell Place regarding the implementation of proposed Traffic Management measures in Randell Street;
- (ii) **APPROVES** the implementation of the proposal for Randell Street as outlined on attached plan No. 2724-CP-01; and
- (iii) **ADVISES** the respondents of its decision.

**COUNCIL DECISION ITEM 9.2.3**

**Moved Cr Farrell, Seconded Cr Buckels**

*That the recommendation be adopted.*

**MOTION PUT AND CARRIED (8-0)**

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

Cr McGrath returned to the Chamber at 7.43pm. The Presiding Member, Mayor Nick Catania advised that the item was carried.

**PURPOSE OF REPORT:**

The purpose of this report is to advise Council of the outcome of community consultation regarding proposed entry statements and traffic management improvements in Randell Street and to seek Council's approval to implement the proposal.

**BACKGROUND:**

As the Council is aware, Randell Street was discussed at the Local Area Traffic Management (LATM) Advisory Group meeting held on 17 June 2010 and a report on the matter was presented to the Ordinary Meeting of Council held on 13 July 2010, where the following decision was made.

*“That the Council;*

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

**DETAILS:**

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

**LATM Advisory Group meeting 17 June 2010:**

Randell Street was considered at the LATM Advisory Group at its meeting of 17 June 2010.

Discussion initially revolved around the need to deter rat runners and reduce vehicle speeds. However, the two (2) community representatives present at the meeting also raised concerns about the safe movement of vehicles through the intersection of Randell and Fitzgerald Streets, the concern being that motorists were turning across on-coming traffic in Fitzgerald Street at speed, so as not to have to wait, and as a result often ended up on the wrong side of the road.

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

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

**Community Consultation:**

In accordance with the Council's decision in August 2010, 36 letters were distributed to residents in Randell Street, Randell Place and Randell Lane. At the close of consultation, ten (10) responses were received, representing a response rate of 27.8%.

Of the ten (10) responses, eight (8) or 80% were in favour of the proposal, one (1) or 10% was partially in favour and 1 or 10% was against.

Of those in favour, some saw the proposal as an overdue 'first stage' and suggested that additional traffic calming measures should be considered in the future.

The two (2) respondents partially in favour and against the proposal had similar concerns that the proposed 'speed humps' at either end would obstruct their respective crossovers. This is somewhat understandable as the scale of the drawing provided, by necessity, makes it difficult to accurately depict the location and size of the speed humps.

In respect of the western, or Fitzgerald Street end, the owner of the commercial premises on the corner was primarily concerned that the entrance to the warehouse off Randell Street would be obstructed by both the island and speed hump. However, a typical island and speed hump can be accommodated in accordance with the standards without obstructing access. Similarly at the Palmerston Street end, the speed hump would be located astride the existing island and therefore not obstruct the resident's crossover.

**Comments/Conclusions:**

As previously reported to Council, traffic data collected in Randell Street in September 2009 indicated that the average weekday traffic was 1,130 vehicles per day, while the 85% speed was 53.6 kph.

As a majority of the respondents are in favour of the proposal, and given that the proposed works are relatively minor in nature, it is recommended that the project should proceed as shown on attached Plan No. 2724-CP-01.

It is further recommended that the street be monitored over the course of twelve (12) months and, in the event that there is no significant improvement in driver behaviour, additional traffic calming be considered.

**CONSULTATION/ADVERTISING:**

The respondents be advised of the Council's decision.

**LEGAL/POLICY:**

N/A

**STRATEGIC IMPLICATIONS:**

In accordance with the objective of the Plan for the Future - Strategic Plan 2009-2014 – Key Result Area One: 1.1.6 “(d) *Implement Local Area Traffic Management matters referred to the Local Area Traffic Management Advisory Group by Council*”.

**SUSTAINABILITY IMPLICATIONS:**

The Council ensures its road infrastructure is maintained to an acceptable level of service with funds allocated annually to various improvement programs.

**FINANCIAL/BUDGET IMPLICATIONS:**

The 2010/2011 budget includes \$20,000 for traffic management improvements in Randell Street.

**COMMENTS:**

The Town receives many requests for Traffic Management, most of which are addressed by the officers as vehicle classifier results usually indicate that there is a perceived problem rather than an actual problem. In other instances, such as complaints of speeding in school zones, the matter is referred to the Police Services for enforcement of the legal speed limit.

While the traffic data indicates that the speeding issue is at the lower end of the scale, when considered in conjunction with the traffic volume and convenience of using Randell Street as a ‘rat run’, there is justification in implementing traffic calming measures. The proposed low profile speed hump/entry statements will not only force drivers to slow down when entering Randell Street, but also reinforce both the give-way control and residential nature of the street.

The Chief Executive Officer advised that Mayor Catania had declared a proximity interest in Item 9.2.4. Mayor Catania departed the Chamber at 7.44pm and did not speak or vote on this matter.

Deputy Mayor, Cr Sally Lake assumed the Chair at 7.44pm.

**9.2.4 Traffic Safety Improvements in the Vicinity of the Intersection of Fitzgerald and Forrest Streets, North Perth – Further Report**

<b>Ward:</b>	North	<b>Date:</b>	6 September
<b>Precinct:</b>	Leederville P3	<b>File Ref:</b>	TES0021
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officers:</b>	R Lotznicker, Director Technical Services C Wilson, Manager Asset & Design		
<b>Responsible Officer:</b>	R Lotznicker, Director Technical Services		

**Disclosure of Proximity Interest:**

Mayor Nick Catania discloses a proximity interest in this matter. The extent of his interest being that he is a Director of a company which owns a property on Forrest Street, North Perth – which is in the area of Forrest Street which is the subject of this report.

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *APPROVES extending the existing IP parking restrictions in Forrest Street, from the Wasley Street Car Park to Norfolk Street, with the restrictions to apply Monday to Friday from 8.00 am to 5.30 pm and Saturday 8.00 am to 12 noon and, once implemented, places a moratorium on issuing infringement notices for a period of two (2) weeks; and*
- (ii) *ADVISES all residents in Forrest Street between the Wasley Street Car Park and Norfolk Street of its decision.*

**COUNCIL DECISION ITEM 9.2.4**

**Moved Cr Maier, Seconded Cr McGrath**

*That the recommendation be adopted.*

Debate ensued.

**MOTION PUT AND CARRIED (8-0)**

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

The Chief Executive Officer suggested that Item 9.3.1 should be considered next, as the Mayor Catania was out of the Chamber and Cr Burns had declared a financial interest in the matter.

The Presiding Member, Deputy Mayor, Cr Sally Lake advised that whilst Mayor Catania was absent from the Chamber (due to his financial interest), Item 9.3.1 would be brought forward and considered.

Cr Burns departed the Chamber at 7.47pm (due to her financial interest in the matter).

### **PURPOSE OF REPORT:**

The purpose of this report is to update the Council on the outcome of the community consultation regarding Forrest Street and traffic classifier results.

### **BACKGROUND:**

At its Ordinary Meeting held on 13 July 2010, the Council considered an item on possible traffic safety improvement at the intersection of Fitzgerald and Forrest Streets, North Perth, where the following decision was made, in part:

*"That the Council;*

*...(iii) REDEPLOY vehicle Classifiers in Forrest Street to determine whether there is a requirement for additional traffic calming in the street;*

*(iv) CONSULTS with the residents of Forrest Street with a view to extending the existing 1P parking restrictions in Forrest Street, from the Wasley Street Car Park to Norfolk Street, to discourage all day commuter parking to improve the safety and amenity of residents, with the restrictions to apply Monday to Friday from 8.00 am to 5.30 pm and Saturday 8.00 am to 12 noon; and*

*(v) RECEIVES a further report with a proposed 'way forward' should the traffic data indicate a speed problem as an outcome of clause (iii) and with the results of the public consultation as per clause (iv)."*

### **DETAILS:**

#### **Improvements to the existing Fitzgerald Street actuated pedestrian crossing:**

Main Roads WA electrical contractor Downer EDI has provided a quotation to upgrade the actuated pedestrian crossing to full Ø200 LED lanterns. The indicative cost is in the order of \$25,000 but is subject to detailed design and estimate.

Once the above has been received, an order number will be issued and the works will be implemented in either late 2010 or the first quarter of 2011.

#### **Construct a 'slightly raised' red asphalt crossing at actuated pedestrian crossing:**

This work has been programmed to be implemented in four (4) to six (6) weeks time.

#### **Install fencing at the intersection of Forrest Street with Fitzgerald Street:**

Over the course of the past five (5) years, fencing has been installed at various locations within the Fitzgerald Street commercial strip in order to guide pedestrians to the correct crossing points.

Where it has been used on corners, it has frequently been damaged, either accidentally or deliberately, very rarely reported and requiring regular replacement. The replacement costs, which are unbudgeted for and non-insurable, have been considerable.

As a consequence, officers are currently investigating a more robust alternative fencing profile. Once these investigations have been completed the fencing will be installed.

**Install two red asphalt entry statement raised ‘red speed humps’ at either side of the existing pedestrian refuge island in Forrest Street:**

This work has been programmed to be implemented in four (4) to six (6) weeks time.

**Redeploy vehicle Classifiers in Forrest Street:**

Classifiers were redeployed in the section of Forrest Street between Fitzgerald and Norfolk Streets, from 25 August 2010 to 1 September 2010.

The results indicate the following:

- Average daily Traffic (ADT) Volume: 1,628 vehicles per day (vpd)
- 85% speed: 51.8 kph
- Average Speed: 43.4kph
- Commercial Vehicles: 1.3%

The street is classified as an access road with a desirable maximum traffic volume of 3,000vpd and with a posted speed of 50kph.

The results of the classifiers indicate that the road functions within the classification criteria.

The historical traffic data for this section of Forrest Street is as follows:

<b>START</b>	<b>FINISH</b>	<b>ADT</b>	<b>AVE (kph)</b>	<b>85% (kph)</b>	<b>% Commercial</b>
25 Aug 2010	1 Sep 2010	1,628	43.4	51.8	1.3
23 Jun 2010	30 Jun 2010	1,603	42.8	52.2	1.4
3 May 2005	10 May 2005	1,723	45.1	55	1.35
15 Dec 2004	21 Dec 2004	1,926	48.2	57	1.26
10 Apr 2003	14 Apr 2003	1,932	49.2	60	0.70
16 Jul 2001	23 Jul 2001	1,748	51.5	61	2.35

As can be seen from the above table, there has been a significant decrease in the 85% speed since 2001 and the traffic volumes have decreased overall.

**Consults with the residents of Forrest Street with a view to extending the existing 1P parking restrictions in Forrest Street, from the Wasley Street Car Park to Norfolk Street:**

In accordance with the Council’s decision, 41 letters were distributed to residents in this section of Forrest Street.

At the close of consultation on 27 August 2010, only ten (10) responses were received (24% response) with six (6) in favour, two (2) partially in favour and two (2) against the proposal.

The comments in favour and partially in favour mainly related to parking permits and speed and volume of traffic using the street.

Those against considered there is currently no major problem in the street.

Note: As indicated above, given its geographic location in the road network, both the speeds and volumes of traffic in Forrest Street are within the acceptable criteria for its ‘current’ classification, noting that it was previously classified as a ‘local distributor’.

With regard to parking permits, should the Council approve the suggested parking restrictions, residents in the street will be provided with an application form for residential parking permits and if they comply with the criteria, they will be provided with the appropriate permits.

### Residential Parking Permit(s)

In accordance with Policy 3.9.8, Residential Parking Permit(s) shall only be issued to the occupier of a single house where:

- Parking for one (1) vehicle only can be provided on the land where a single house is situated, only one (1) Residential Parking Permit will be issued.
- Parking for two (2) or more vehicles can be provided on the land where a single house is situated, no Residential Parking Permits will be issued.

An assessment of the properties in the street indicated that only a handful of properties would qualify for a permit as most have off road parking available.

### **CONSULTATION/ADVERTISING:**

Respondents will be advised of the Council decision.

### **LEGAL/POLICY:**

N/A

### **STRATEGIC IMPLICATIONS:**

In accordance with the objective of the Plan for the Future - Strategic Plan 2009-2014 – Key Result Area One: 1.1.6 “(d) *Implement Local Area Traffic Management matters referred to the Local Area Traffic Management Advisory Group by Council*”.

### **SUSTAINABILITY IMPLICATIONS:**

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

### **FINANCIAL/BUDGET IMPLICATIONS:**

Funds totalling \$100,000 have been allocated in the 2010/2011 for Traffic Management Budget for improvements in this section of Fitzgerald Street. The Council previously approved that these funds be expended on improvements to the existing actuated pedestrian crossing and pedestrian safety improvement along the Fitzgerald Street commercial strip.

### **COMMENTS:**

As outlined in the report, the majority of respondents were in favour of extending the existing 1P parking restrictions from the Wasley Street Car Park to Norfolk Street and the results of the vehicle Classifiers deployed in Forrest Street in August/September 2010 show that there has been a significant decrease in the 85% speed since 2001 and the traffic volumes have also generally decreased over this period.

It is recommended that the existing 1P parking restrictions in Forrest Street be extended from the Wasley Street Car Park to Norfolk Street and that no additional traffic calming in the street can be justified at present.

**9.3.1 Investment Report as at 31 August 2010**

<b>Ward:</b>	Both	<b>Date:</b>	1 September 2010
<b>Precinct:</b>	All	<b>File Ref:</b>	FIN0033
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officers:</b>	B Tan, Manager Financial Services; B Wong, Accountant		
<b>Responsible Officer:</b>	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 RECEIVES the Investment Report for the month ended 31 August 2010 as detailed in Appendix 9.3.1.*

**COUNCIL DECISION ITEM 9.3.1**

**Moved Cr Topelberg, Seconded Cr Maier**

*That the recommendation be adopted.*

**MOTION PUT AND CARRIED (7-0)**

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

**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 August 2010 were \$22,184,829 compared with \$11,109,646 at 31 July 2010. At 31 August 2009, \$21,773,889 was invested.

Investment comparison table:

	<b>2009-2010</b>	<b>2010-2011</b>
July	\$12,782,999	\$11,109,646
August	\$21,773,889	\$22,184,829

Total accrued interest earned on Investments as at 31 August 2010:

	<b>Annual Budget</b>	<b>Budget Year to Date</b>	<b>Actual Year to Date</b>	<b>%</b>
Municipal	\$454,000	\$59,020	\$48,246	10.63
Reserve	\$403,000	\$67,166	\$63,410	15.73

**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.

Rates revenue has been received during this month as a result of the earlier distribution of the rate notices this year. This has resulted in surplus monies be available for investment.

The report comprises of:

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

**9.2.6 Proposed 2011 Smoke Free Perth Criterium's Cycling Series -  
Leederville Race**

<b>Ward:</b>	South	<b>Date:</b>	7 September 2010
<b>Precinct:</b>	Oxford Centre P4	<b>File Ref:</b>	TES0172 & CMS0033
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer:</b>	C Wilson, Manager Asset & Design Services		
<b>Responsible Officer:</b>	R Lotznicker, Director Technical Services		

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *APPROVES the Town hosting the final event in the 2011 Perth Criterium Series, proposed to be held on Monday evening, 14 February 2011, subject to additional detailed information regarding the series being received by the Town from the organisers "Trievents"; and*
- (iii) *AUTHORISES the Chief Executive Officer to negotiate the terms and conditions of approval including possibly waiving event fees and making a contribution of an amount to be determined (estimated at \$5,500 to be funded from the Parades & Festivals budget allocation) for implementing traffic management (refer attached proposed possible road closure Plan 2602-CP-02 should the event proceed);*

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**COUNCIL DECISION ITEM 9.2.6**

**Moved Cr Harvey, Seconded Cr McGrath**

*That the recommendation be adopted.*

Debate ensued.

Mayor Catania and Cr Burns returned to the Chamber at 7.50pm. The Presiding Member, Deputy Mayor Cr Sally Lake advised that the items 9.2.4 and 9.3.1 were carried.

Mayor Catania, assumed the Chair.

Debate ensued.

**PROCEDURAL MOTION**

**Moved Cr McGrath, Seconded Cr Buckels**

*That the item be DEFERRED for further information including consultation with local business proprietors as to whether they support the event.*

**PROCEDURAL MOTION PUT AND CARRIED (9-0)**

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### **PURPOSE OF REPORT:**

The purpose of this report is to seek the Council's approval for the Town hosting the final race of the proposed 2011 Smoke Free Perth Criteriums (Cycling Series) in Leederville on Monday evening, 14 February 2011.

### **BACKGROUND:**

Criterium racing is considered the most exciting version of road racing in cycling competition. It involves high speeds around a tight and intimate circuit, ensuring that the spectators are very close to the action.

The Town has hosted a leg of the Perth Criterium Cycling Series in every year in which the series has been held, some 12 races over 15 years. Further, the Leederville race is the only race that has featured in all 12 series to date.

### **DETAILS:**

#### **2011 proposal**

In July 2010 Trievents (the criterium event organisers) wrote to the Town advising that they had commenced preliminary planning for the proposed 2011 series. Further, they advised that 'Healthways' had again agreed to sponsor the series and that it will be marketed under the banner 'Smoke Free Perth Criteriums'.

Trievents has tentatively selected the dates of Friday 11, Saturday 12, Sunday 13 and Monday 14 February 2011 for the series, with the Leederville race being on the Monday evening under lights. It should be noted that Monday 14 February 2011 is not a public holiday nor in the school holiday period, it is however Valentines Day.

The tentative criterium series calendar is as follows:

- Friday 11 February – City of Joondalup, city centre, start time 6.00pm.
- Saturday 12 February - City of Perth, Northbridge, start time 2.00pm.
- Sunday 13 February – Town of Victoria Park, Albany Highway town centre, start time 5.00pm.
- Monday 14 February – Town of Vincent, Oxford Centre Precinct, start time 6.45pm (main race 8.00pm).

In respect of the impact upon local businesses, mid February is traditionally a quiet period for the Oxford Centre Precinct and the event will attract a far larger crowd to Leederville than could normally be expected on a Monday night.

It should be noted that the 2010 Leederville Race was held on a Monday night (8 February 2010) with very few complaints.

Note: As for the 2010 event, there will be implications for traffic, particularly in Vincent Street, and therefore the event will have be scheduled in the evening, after the peak period has finished, with the support races commencing at 6.45pm.

The Leederville race, the virtual final of the series, would commence at 8.00pm and last approximately 1.0 hour. Given that it will be mid summer, the late start will assist in lessening the impact upon the traffic while improving the comfort of the riders. However, it will necessitate the use of mobile light towers to light up the course to the required level of illumination.

The proposed circuit, as shown on attached Plan No. 2602-CP-02, is the same as in previous years, with one significant difference. Because of the recent changes at the intersection of Vincent and Oxford Streets (the State Black Spot Improvement Project) the organisers propose to reverse the circulation from anti-clock wise to clock-wise. This is primarily because the road has been narrowed in front of the Luna Cinema and Bankwest buildings where the finish line is located and the crowd most concentrated. It is felt that it would be safer in the event of a "pack or bunched" finish. Currently the dash to the finish is down hill from north to south where the speed can exceed 50 kph. By reversing the direction the finish is on the flat and given that the cyclists have just come out of a 90° bend at Oxford Street they will be going considerably slower.

The circuit requires the closure of Oxford Street, between Richmond Street and Leederville Parade, Vincent Street, between Leederville Parade and Loftus Street and Newcastle Street between Oxford and Loftus Streets.

**CONSULTATION/ADVERTISING:**

The applicant would be required to:

- (a) make application for an Order for a Road Closure in accordance with the Road Traffic Act 1974;
- (b) place a notice of road closure in "The West Australian" on Saturday 12 February 2011;
- (c) advertise the event, including the road closures, in the local newspapers in the edition prior to the race, and
- (d) letter drop all the affected residents and businesses within the circuit route and adjoining streets affected by the road closures at least one (1) week prior to the event, advising of the road closures and parking restrictions and providing the event coordinators and the Town's after hours contact details.

**LEGAL/POLICY:**

The Town is responsible to ensure that road closures for events on roads undertaken within its boundaries are in accordance with the relevant Australian Standards and Main Roads WA Code of Practice for Events on Roads.

The organisers of the 2011 Perth Criterium Cycling Series "Trievents" will be advised that should the event proceed, they would, as a minimum, be required to:

- (a) make application for an Order for a Road Closure in accordance with the Road Traffic Act 1974;
- (b) place a notice of road closure in "The West Australian" Saturday 12 February 2011;
- (c) advertise the event, including the road closures, in the local newspapers in the edition prior to the race, and
- (d) letter drop all the affected residents and businesses within the circuit route and adjoining streets affected by the road closures at least one (1) week prior to the event, advising of the road closures and parking restrictions and providing the event coordinators with the Town's after hours contact details.

**STRATEGIC IMPLICATIONS:**

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

**SUSTAINABILITY IMPLICATIONS:**

The Leederville event, by showcasing elite cycling, promotes the benefits of exercise, healthy choices and alternative transport.

**FINANCIAL/BUDGET IMPLICATIONS:**

No specific funding has been allocated in the 2010/2011 budget for this event.

In the past the Town's primary sponsorship has been by way of waiving event fees and the provision of traffic management. Based upon recent public events, it would be expected that the supply and installation of all signage and traffic control devices for the various road closures, provision of sufficient staff (accredited traffic controllers) for a period of six (6) hours (including mobilisation and demobilisation, set up and dismantling), would cost in the order of \$6,500. If approved, there are sufficient funds remaining in the Parades and Festivals budget.

**COMMENTS:**

The series has been a great success in previous years and it is recommended that the Council approve the proposal and authorises the Chief Executive Officer to negotiate the appropriate Terms and Conditions on behalf of the Town.

**9.4.2 Leederville Oval (Medibank Stadium) Ground Management Committee - Receiving of Unconfirmed Minutes - 18 August 2010**

<b>Ward:</b>	South	<b>Date:</b>	24 August 2010
<b>Precinct:</b>	Oxford Centre, P4	<b>File Ref:</b>	RES0078
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer:</b>	M McKahey, Personal Assistant		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) **RECEIVES** the Unconfirmed Minutes of the Leederville Oval (Medibank Stadium) Ground Management Committee Meeting held on 18 August 2010, as shown in Appendix 9.4.2.; and
- (ii) **APPROVES BY AN ABSOLUTE MAJORITY;**
- (a) *the upgrade of the Sponsor Boxes and Seating ("Viva Gravity Tilt Seat"), at an estimated cost of \$43,124, subject to the cost being shared as follows;*
- *WAFC* *\$10,000;*
  - *Clubs (SFC, EPFC)* *\$11,041 each;*
  - *Town of Vincent* *\$11,041;*
- and for this to be funded from the Leederville Oval Reserve Fund;*
- (b) *the Grandstand Seating ("Phoenix fold down Stadium seat"), at an estimated cost of \$36,878 and for this to be funded from the Leederville Oval Reserve Fund;*
- with the colours to be determined by the Town, in consultation with the Clubs; and*
- (c) *the construction of a Dugout for Umpires Support Staff, Interchange Stewart and other staff (up to eight (8) persons), at an estimated cost of \$14,800 and this be funded from the Town's Leederville Oval Reserve Fund.*

**\*Note:** *The above Officer Recommendation was corrected during consideration of the Item as indicated by underlining.*

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**COUNCIL DECISION ITEM 9.4.2**

**Moved** Cr Farrell, **Seconded** Cr Maier

*That the recommendation be adopted.*

Debate ensued.

**MOTION PUT AND CARRIED**  
**BY AN ABSOLUTE MAJORITY (9-0)**

## **PURPOSE OF REPORT:**

The purpose of the report is for the Council to receive the Unconfirmed Minutes of the Leederville Oval (Medibank Stadium) Ground Management Committee meeting held on 18 August 2010 and approve of the various Stadium Seating requirements and construction of a Dugout.

## **BACKGROUND:**

### **Reporting of Committee Meeting Minutes**

At the Ordinary Meeting of Council held on 26 October 2004, the Council considered the establishment of a Committee for the management of Leederville Oval (now known as "Medibank Stadium") and resolved inter alia as follows;

*"That the Council APPROVES BY AN ABSOLUTE MAJORITY;*

- (i) pursuant to Section 5.9(2)(c) of the Division 2, Part No. 5 of the Local Government Act 1995, to establish a Committee for the management of Leederville Oval ("Ground Management Committee");*
- (ii) in accordance with the lease between the Town and East Perth Football Club (EPFC) and Subiaco Football Club (SFC), to APPOINT the Chief Executive Officer to the Committee and invites EPFC and SFC to also nominate a representative;*
- (iii) to delegate the following functions to the Committee;*
  - (a) to determine the Clubs' rights (day-to-day) to use the facilities;*
  - (b) to consider and make representation to the Town for alternative training grounds;*
  - (c) to determine day-to-day operational issues, (including catering, advertising, sponsorship, turf maintenance, cleaning, security, ticketing, use of car park);*
  - (d) to establish and review Key Performance Indicators (KPIs);*
  - (e) to establish and review Risk Management Plans;*
  - (f) to consider any request for temporary structures;*
  - (g) to make recommendations for the maintenance of the common area;*
  - (h) to make recommendations on Capital Improvements;*
  - (i) to make recommendations on catering and formalise a catering policy; and*
  - (j) to do other such things with respect to management of Leederville Oval; and*
- (iv) the KPIs be referred back to Council for adoption."*

### **Grandstand Seating and New Sponsor Boxes**

The upgrade of the Grandstand seating is one of the remaining items in the Leederville Oval redevelopment into a "Football Centre of Excellence".

A grant of \$10,000 from the Western Australian Football Commission (WAFC), towards the upgrade, together with a contribution from both Clubs has been proposed.

A combination of 4-seat, 3-seat and 2-seat configurations, is to be installed in the existing box area of the grandstand. The remaining bench seats will be replaced with fold down types as shown in Appendix 2 of the Ground Management Committee Minutes.

The colours are to be determined in liaison with the Clubs.

It is considered that the upgrade of the Grandstand seating will provide a significant improvement to the spectators and it is recommended for approval.

**Dugout for Umpires Support Staff, Interchange Steward, Ground Manager and Ground Security**

The Clubs advised that they have been approached by the Umpires Association about the need to improve ground facilities for Umpires' Support Staff, Interchange Steward and the like. At present the metal shed (*refer Appendix 3 of the Ground Management Committee Minutes*) is totally inadequate in size and does not provide any protection from the elements - sun or rain.

A dugout similar to that shown in Appendix 4 (*of the Ground Management Committee Minutes*) has been requested and would meet the needs.

This request has been supported as it will remove an Occupational Health and Safety hazard, whilst at the same time improve the amenity for the Officials.

As it is a significant ground improvement, it is recommended that it be funded from the Leederville Oval Reserve Fund.

**CONSULTATION/ADVERTISING:**

N/A.

**LEGAL/POLICY:**

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

As the request for expenditure arose after the adoption of the Budget 2010/2011, an Absolute Majority decision of the Council is required.

**STRATEGIC IMPLICATIONS:**

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

**SUSTAINABILITY IMPLICATIONS:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

As at 30 August 2010, the Leederville Oval Reserve Fund contained an amount of \$263,564.

**COMMENTS:**

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

It is requested that the Council approve of the Officer recommendation.

**9.4.3 Motion to Change Part of the Council Decision relating to the Town of Vincent 2010 Garden Competition**

<b>Ward:</b>	Both	<b>Date:</b>	8 September 2010
<b>Precinct:</b>	All	<b>File Ref:</b>	CVC0007
<b>Attachments:</b>	-		
<b>Reporting Officer:</b>	John Giorgi, Chief Executive Officer		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

*That;*

- (i) *the Council NOTES that at the Ordinary Meeting of Council held on 13 July 2010 (Item 9.2.7) in Clause (i) it resolved (in part);*

*"That the Council;*

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

...

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

- (ii) *in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to in Section 5.25(1)(e) of the Local Government Act 1995, three Elected Members, namely Councillors Maier, Lake and McGrath, being one third of the number of offices of members of the Council, SUPPORT this motion to change the Council decision;*

- (iii) *Councillor Sally Lake MOVES a motion to CHANGE part of the decision by amending clause (i)(d) (as above); and*

- (iv) *in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to in Section 5.25(1)(e) of the Local Government Act 1995 the Council APPROVES BY AN ABSOLUTE MAJORITY that Clause (i)(d) be CHANGED to read as follows:*

*"(d) the final judging panel to comprise Councillors Buckels, Farrell and Topelberg, Manager Parks and Property Services, Ian Smith (2009 winner - Best Residential Front Garden) and the Water Corporation's Waterwise Programs Manager (or representative); ..."*

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**COUNCIL DECISION ITEM 9.4.3**

**Moved Cr Lake, Seconded Cr Topelberg**

*That the recommendation be adopted.*

Debate ensued.

**MOTION PUT AND CARRIED**  
**BY AN ABSOLUTE MAJORITY (9-0)**

**PURPOSE OF REPORT:**

The purpose of this report is to change part of the previous Council decision relating to the Town of Vincent 2010 Garden Competition Judging Panel.

**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:**

**Judging**

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

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

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

- Cr Matt Buckels
- Cr Steed Farrell
- Cr Josh Topelberg
- Manager Parks & Property Services
- Ian Smith (*Winner- 2009 Best Residential Front Garden category*)
- Water Corporation's Waterwise Programs Manager (or representative)

Due to an administrative oversight, the Water Corporation's representative was omitted from the Panel. As the Water Corporation is major sponsor, a Water Corporation representative should be included on the Judging Panel.

**CONSULTATION/ADVERTISING:**

Not applicable.

**LEGAL/POLICY:**

The Local Government Act 1995, Section 5.25(e) and Town of Vincent Local Law Relating to Standing Orders PART 10.

**STRATEGIC IMPLICATIONS:**

Nil.

**SUSTAINABILITY IMPLICATIONS:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

Not applicable.

**COMMENTS:**

The Council's approval of the Motion to change part of a Council decision is in accordance with the requirements of the Local Government Act 1995, Section 5.25(e) and Town of Vincent Local Law Relating to Standing Orders PART 10.

**9.4.4 Information Bulletin**

<b>Ward:</b>	-	<b>Date:</b>	8 September 2010
<b>Precinct:</b>	-	<b>File Ref:</b>	-
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer:</b>	A Radici, Executive Assistant		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

*That the Council RECEIVES the Information Bulletin dated 14 September 2010, as distributed with the Agenda.*

**COUNCIL DECISION ITEM 9.4.4**

**Moved Cr Maier, Seconded Cr Buckels**

*That the recommendation be adopted.*

**Debate ensued concerning IB06.**

**MOTION PUT AND CARRIED (9-0)**

**DETAILS:**

The items included in the Information Bulletin dated 14 September 2010 are as follows:

<b>ITEM</b>	<b>DESCRIPTION</b>
IB01	Letter from the Department of Local Government regarding Electronic Formats/Version of Official Council Minutes
IB02	Letter from the Department of Infrastructure, Transport, Regional Development and Local Government regarding Beatty Park Leisure Centre Redevelopment
IB03	Letter from the Minister for Planning; Culture & the Arts regarding Proposed Amendment to the Metropolitan Region Scheme – Road Widening and Lot 1 Cheriton Street, Perth
IB04	Letter of Appreciation from North Perth School regarding Allocation of \$5,000 Grant
IB05	State Administrative Tribunal Order DR 187/2010: McDonald’s Australia Limited v Town of Vincent
IB06	Minutes of the Tamala Park Regional Council Meeting held on 19 August 2010
IB07	Minutes of the Mindarie Regional Council Meeting held on 26 August 2010
IB08	Register of Petitions - Progress Report - September 2010
IB09	Register of Notices of Motion - Progress Report - September 2010
IB10	Register of Reports to be Actioned - Progress Report – September 2010
IB11	Register of Legal Action (Confidential – Council Members Only) - Progress Report - September 2010
IB12	Register of State Administrative Tribunal Appeals - Progress Report - September 2010
IB13	Forum Notes - 17 August 2010
IB14	Special Forum Notes - 6 September 2010
IB15	Notice of Forum - 21 September 2010

**10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil.

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

Nil.

**12. REPRESENTATION ON COMMITTEES AND PUBLIC BODIES**

**12.1 WALGA Nominations - Library Board of Western Australia; Regional Development Council; Traffic Management for Works on Roads Advisory Group; Urban Development Advisory Committee; Landgate Customer Service Council**

<b>Ward:</b>	-	<b>Date:</b>	1 September 2010
<b>Precinct:</b>	-	<b>File Ref:</b>	ORG0045
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer:</b>	M McKahey, Personal Assistant		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

*That;*

- (i) \_\_\_\_\_ *be nominated as WALGA Metropolitan Member - Library Board of Western Australia (Panel of 3 names for each position - Ministerial Approval);*
- (ii) \_\_\_\_\_ *be nominated as WALGA Member - Regional Development Council (Panel of 6 names - Ministerial Approval);*
- (iii) \_\_\_\_\_ *be nominated as WALGA Member - Traffic Management for Works on Roads Advisory Group;*
- (iv) \_\_\_\_\_ *be nominated as WALGA Member - Urban Development Advisory Committee;*
- (v) \_\_\_\_\_ *be nominated as WALGA Deputy Member - Urban Development Advisory Committee; and*
- (vi) \_\_\_\_\_ *be nominated as WALGA Urban Member - Landgate Customer Service Council (Metro and Country Urban Local Governments).*

**COUNCIL DECISION ITEM 12.1**

The Presiding Member, Mayor Catania called for nominations:

Cr Taryn Harvey nominated for:

- (i) **WALGA Metropolitan Member - Library Board of Western Australia.**

Cr Matt Buckels nominated for:

- (iii) **WALGA Member - Traffic Management for Works on Roads Advisory Group.**

No further nominations were received.

**Moved Cr Buckels, Seconded Cr Farrell**

*That the following nominations be approved:*

*That;*

- (i) *Cr Taryn Harvey be nominated as WALGA Metropolitan Member - Library Board of Western Australia (Panel of 3 names for each position - Ministerial Approval);*
- (ii) *Nil nominations - WALGA Member - Regional Development Council (Panel of 6 names - Ministerial Approval);*
- (iii) *Cr Matt Buckels be nominated as WALGA Member - Traffic Management for Works on Roads Advisory Group;*
- (iv) *Nil nominations - WALGA Member - Urban Development Advisory Committee;*
- (v) *Nil nominations - WALGA Deputy Member - Urban Development Advisory Committee; and*
- (vi) *Nil nominations - WALGA Urban Member - Landgate Customer Service Council (Metro and Country Urban Local Governments).*

**MOTION PUT AND CARRIED (9-0)**

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**DETAILS:**

Please see Appendix 12.1 for further details.

**NB:**

**NOMINATIONS CLOSE 5PM THURSDAY 23 SEPTEMBER 2010**

**13. URGENT BUSINESS**

Nil.

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

Nil.

**15. CLOSURE**

**The Presiding Member, Mayor Nick Catania, declared the meeting closed at 8.00pm with the following persons present:**

Mayor Nick Catania, JP	Presiding Member
Cr Matt Buckels	North Ward
Cr Anka Burns	South Ward
Cr Steed Farrell	North Ward
Cr Taryn Harvey	North Ward
Cr Sally Lake ( <i>Deputy Mayor</i> )	South Ward
Cr Warren McGrath	South Ward
Cr Dudley Maier	North Ward
Cr Joshua Topelberg	South Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Development Services
Rick Lotznicker	Director Technical Services
David Bell	Journalist – “ <i>The Perth Voice</i> ”

1 member of the Public was present.

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 14 September 2010.

Signed: .....Presiding Member  
Mayor Nick Catania

Dated this ..... day of ..... 2010