



## TOWN OF VINCENT

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*"Enhancing and celebrating our diverse community"*

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# MINUTES

8 JUNE 2010

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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 8 June 2010, commencing at 6.00pm.

**The Chief Executive Officer announced that Mayor Nick Catania was at an Official Function and would be arriving to the meeting late. He requested the Deputy Mayor, Cr Sally Lake assume the Chair.**

**Deputy Mayor, Cr Lake assumed the Chair at 6.03pm.**

**1. DECLARATION OF OPENING**

The Presiding Member, Deputy Mayor Sally Lake, declared the meeting open at 6.03pm.

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

**(a) Apologies:**

Mayor Catania – apology – arriving late due to Official Council commitments.  
Director Development Services, Rob Boardman – apology due to annual leave.

**(b) Present:**

Mayor Nick Catania, JP	Presiding Member (from 6.17pm)
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
Helen Smith	A/Director Development Services
Rick Lotznicker	Director Technical Services
Mike Rootsey	Director Corporate Services
Anita Radici	Executive Assistant (Minutes Secretary)
Ross McRae	Journalist – “ <i>The Guardian Express</i> ” (until approximately 8.27pm)
David Bell	Journalist – “ <i>The Perth Voice</i> ” (until approximately 8.27pm)

Approximately 17 Members of the Public

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

Nil.

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

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

1. Ian Merker of 106 Broom Street, Highgate – Item 9.1.3. Stated that there is a lot of confusion regarding parking, particularly in Broome Street. Thought that the initial documentation showed very clearly that there were going to be parking meters all the way along Broome Street between Beaufort and Stirling Streets however, he is now slightly assured that this is not going to be the case. Asked the Council to clarify where parking meters will and will not be? Requested clarification on where they will not be and what will happen to parking there, is it going to be resident parking only or mixed resident and outsider parking? Stated that as residents they need to be assured that they can park outside their house or relatively close to their house so as not to have to walk very long distances. Advised that there has been almost panic in the area with people saying if there is not going to be parking available outside, what is going to happen? Stated that there are houses that have been built over 100 years ago (long before cars were thought of) where there is no off-street parking or garages therefore, what will happen and how many residents parking will they have? Advised that he would like to see most houses having at least a couple residential parking permits available – perhaps an area can be allocated purely for residents not commuters either way, asked that it be made clear in the Strategy. Asked for clarity and whether they be assured that the Town will stop the “*scare mongering*” of drastic parking measures. Hoped a fair balance could be achieved.
2. Catherine McNeilly of 4/101 Palmerston Street, Perth – Item 9.1.2. Stated they she and her neighbours continue to be very concerned about this proposal as it still is not in line with the guidelines for the adjacent body eye sight, nor the applicable Hyde Park Precinct Group guidelines. Believed that there had been a change of an average of about 1.4m in the height which is still in excess of the proposed 2-storey and potentially a loft. Thanked the Councillors for their support in the intermediate period and would be grateful for that continued support this evening to ensure that the development does go ahead, as failure to do so could set an unwelcomed precedent in the area.
3. John Tuttle of 3/121 Alma Road, North Perth – Petition 5.1. Stated that Woodville Reserve is a dog park that gets used regularly by many dog owners and is a very well behaved and friendly environment. Advised that on occasions when he has attended the Park, which he has only being doing for the last 5 months with his new dog, there have been at least 5 dogs that he is aware of that have escaped from the Park and have become frightened, confused or startled and have run across Fitzgerald Street. Stated that at the moment there is a low cyclone fence that runs along Fitzgerald Street and there is no fencing along Namur or Farmer Streets therefore, the dogs run and go across Fitzgerald Street which is a busy dual carriage way with no central reservation and, if someone wants to take evasive action there is very little margin for error. With the Petition, they are suggesting that there be a consideration of upgraded fencing along Namur and Farmer Streets. Advised that he in his letter he may have over stated the distance however, he imagines 100-150m up on either side will keep the dogs in the Park and provide a safer environment for animals, children and motorists. Urged the Council to support this.
4. Maria Englebrat of Daly International, 18 Harvest Terrace, West Perth – Item 9.1.7. Submitted documentation – which was issued to Council Members. Stated this site is required so that Optus can improve their on street mobile coverage as well as inbuilt voice and data coverage for the Mt Hawthorn surrounding commercial and residential area (quite a limited area which is being targeted for coverage, as shown in her submission). Advised that Optus Select looked at a few sites in the area and then basically selected a site that will be classified as a low impact facility site which, is governed under Federal Legislation and therefore does not require Council

approval however, they have to go through a process where they obtain comments from the Council and certain stakeholders and residents. Advised that they commenced with a notification process in April, sending a letter to the Council with a consultation map stating who they were going to notify and then they commenced their second phase, where they requested community input as well as Councillors, Federal Members etc. Stated that they received individual letters as well as a petition and reviewed the proposal and now propose an alternative site (refer to submission) which, is located on the Scarborough Beach Road frontage of the Shopping Centre although it is slightly lower than the one initially proposed however, Optus RF Objectives can still pursue the location even though it is not the full coverage. Advised that the Paddington having a "shroud" system which can also be done with the either proposal if that is what the Council prefer. Stated that regarding the health concerns, Optus needs to comply with Australia Standards and, in this instances are complying with 1.45%.

**The Presiding Member, Deputy Mayor Cr Sally Lake asked whether the shroud has only an aesthetic affect?**

The Speaker confirmed that it only aesthetic.

5. Angie Lionetto-Civa of Fairfield Street, Mt Hawthorn – Item 9.1.7. Read out the following:

*"Together with my close neighbours from Fairfield Street, I again address the Council on the proposal by Optus to install a Mobile Base Station at the Mezz Shopping Centre. On behalf of our 770 community petitioners, we strongly state that neither the Mezz, nor our local precinct, is an acceptable location for Optus' proposed mobile base station. It is far too close to nearby homes, many of which have very young children, who are particularly susceptible to the negative health impacts of radiation. We would NOT be satisfied with relocation elsewhere on the Mezz, OR elsewhere within the local precinct. We do not want more EMR emissions adding to the existing output from the cluster of base stations already present on Scarborough Beach Road. We are also most alarmed that there was no community consultation at the time these were installed, which directly contravenes the 2004 ACIF Code. Our community should be protected rather than exposed to still more continual EMR emissions at close range.*

*The only acceptable response from Optus would be to either rescind the proposal entirely, or to find a site with far greater clearance from residences, schools, or other "sensitive uses" and not adding to a cluster. We are also well aware that alternative locations may not be as cost-effective to Optus however, we wish to highlight the growing awareness around the world, of the risks to humans, of continual EMR exposure. For example, last year the European Parliament, passed a resolution NOT to locate base stations close to homes or schools, and advised caution in the use of mobile phones. Also, just this year, the "WHO" reported that mobile phone usage of 30 minutes per day or more, is now shown to increase the risk of lethal brain cancers and, remember, mobile phone use is an individual's choice, exposure to radiation from base stations, while lower, is not, it affects everyone nearby, including children, and it is CONTINUAL.*

*Evidence and awareness is building around the world that EMR exposure is NOT SAFE. In Australia the 2004 ACIF code states:*

*" lack of full scientific certainty shall not be used as a reason for postponing cost effective measures."*

*The ACIF code encourages participants to comply but decision makers are more concerned with profits and cost effectiveness than people. We insist that our community concerns are heard and responded to in line with both growing scientific evidence and public awareness of risk as things could be different this time.*

*The current consultation process COULD lead to a satisfactory outcome for all. This COULD be an affirmation of Optus' stated commitment to communities, if Optus chooses to respond positively to the valid concerns of communities."*

**The Presiding Member, Mayor Nick Catania entered the Chamber at 6.17pm and assumed the Chair.**

6. Jennifer Robertson of Fairfield Street, Mt Hawthorn – Item 9.1.7. Read out the following:

*“To the Town of Vincent Officers who responded to the very strong objections of many hundreds of our residents, business people and other community members, by recommending rejection of the proposal by Optus to locate a mobile base station at the Mezz, I say: Thank you. To Optus, I say: WILL YOU PLEASE LISTEN TO US. How many more hundreds of community members do you need to hear from, telling you that we DON’T WANT A BASE STATION ON THE MEZZ. Not two steps to the left or two steps to the right on the Mezz. Not disguised in cylindrical columns or “colour- matched” to their surrounds! WE DON’T WANT A BASE STATION ON THE MEZZ! There is already a cluster of base stations in our local precinct. We were NOT consulted about these. We DO NOT want another one. Even in the face of the overwhelming objections of hundreds of residents and business owners in our community, Optus is stating that it is acceptable to put a base station on the Mezz. They are even adding that it will probably be followed by another one on the same site by their joint venture partners Optus/Vodafone. The Radiofrequency National Site Archive shows a vast majority of Perth suburbs, including those with far higher densities of commercial activities and far larger shopping precincts, such as:*

- *Morley (with the Galleria);*
- *Victoria Park;*
- *Mosman Park, Cottesloe and Peppermint Grove (with the Grove Plaza) along Stirling Highway;*
- *Booragoon (with Garden City);*
- *Karrinyup; and*
- *Leederville*

*are all serviced by only ONE Optus mobile base station EACH.*

*Mount Hawthorn already has an Optus mobile base station in Lynton Street. There is another Optus base station close by in Oxford Street, Leederville, and another close by in Joondanna Surely we do not experience higher mobile usage than the above mentioned far denser commercial and road traffic precincts.*

*The Town of Vincent policy requires 300 metres separation between Telecommunications Facilities and residential buildings. Optus is proposing to put their base station at 40–60 metres from people’s homes, and they have the audacity and contempt of our community to talk about the suitability of this site for an additional base station with their joint venture partner Vodafone. Optus, this is entirely unacceptable in today’s climate of growing community awareness of the unknown long-term health effects of Electromagnetic Radiation. Optus, we are insisting, please don’t add to the cluster we already have here, emitting continual microwave radiation to the young and vulnerable, who have no way of exercising any choices about this type of exposure.*

*It may cost Optus considerably more to relocate to a setting with better separation and no existing cluster. We say it would be money well spent.*

*On behalf of my own eight year old twins, and all the other children and young people living in the immediate vicinity of this proposed base station, I say: “OPTUS find another location. We deserve to be able to protect our children”.”*

7. Peter Simpson of TPG, 182 St George’s Terrace, Perth, representing McDonalds – Item 9.1.1. Stated he is opposed to the Officer Recommendation. Believed that they have addressed the issues identified in the Council’s deferral decision in relation to built form, traffic assessment and social impact through revised plans submitted, additional information and their presentation at the Forum. Stated that McDonalds is highly respected family restaurant and an excellent corporate member of the community. Advised that they will utilise the site which has been vacant for an extended period of time and will provide interest and activity to the area. Urged the Council to support the application.

8. Lisa Kelly of Optus – Item 9.1.7. Appreciated the residents concerns and they are currently going through an ACIF process which handles consultation for low impact facilities. Stated that mobile phones are now an essential part of modern life and are more and more vital to operations of business and family safety. Advised that her daughter has a mobile which she gives to her for safety reasons. Believed mobiles contribute positively towards safety and community business. Stated that 60% of mobile emergency calls are made from mobiles and that is growing. Advised that the government is launching a national emergency alert scheme which will be linked to mobile phones so that people can be contacted in emergency situations via mobiles. Stated that Optus has to comply with Australia Standards and there are standards in relations to all aspects of life i.e. chemicals, explosives etc. and Australia is one of the most stringently monitored countries in terms of standards. Advised that they comply with standards adopted by ICNIRP which has 163 countries that are members and is the basis of their Australia EME Standards. Stated that they have listened to community concerns with the site and have proposed an alternative location whereby antennae will be placed on more on the Scarborough Beach Road frontage of the building and, they believe this to be a compromise as it is more on the road frontage and away from the residents directly concerned about the proposal. Advised that this will be a more costly option for them and will take more time for details to be worked out however, they believe that it is an expression of them taking on an expression of their concerns in the area.

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**

Nil.

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

- 5.1 A petition was received from Mr J. Tuttle and Ms A. Humphrey of Alma Road, North Perth, along with 17 signatures, requesting that the Town upgrade and makes improvements to the Perimeter Fencing to Woodville Reserve in North Perth.

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

- 5.2 A petition was received from Ms A. and Mr M. Baraiolo of Loftus Street, Leederville, along with 17 signatures, supporting the upgrade of the Loftus-Shakespeare-Franklin Street Right-of-Way, which is listed for consideration in the Town's Draft Budget 2010/2011.

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

**Moved Cr Farrell, Seconded Cr Harvey**

*That the petitions be received as recommended.*

**CARRIED (9-0)**

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

Minutes of the Ordinary Meeting of Council held on 25 May 2010.

**Moved Cr Lake, Seconded Cr McGrath**

*That the Minutes of the Ordinary Meeting of Council held 25 May 2010 be confirmed as a true and correct record.*

**CARRIED (9-0)**

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

**7.1 Employee of the Month Award for the Town of Vincent for June 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 JUNE 2010, the award is presented to Elena Currie, Senior Rates Officer in the Town's Financial Services Section. Elena was nominated by the Manager Financial Services, Bee Choo Tan, for the following reasons;

*"I nominate Elena for this Award for the dedication to her work and continuous innovative approach to debt collection and processes. Elena and her team have reduced the outstanding rates debtors to only 2.08% as at 31 March 2010 compared to 31 March 2009 at 3.83% and 31 March 2008 at 4.72%. This was achieved without any legal costs incurred to date.*

*Previous Rates Teams have always relied on a Debt Collection Agency for debt collection. This has resulted in high legal and debt collection costs. With the set up of an "in-house" debt collection process, regular and persistent follow ups and payment options, the outstanding rates ratio has decreased and legal costs have reduced.*

*The legal costs as at 31 March 2007 were \$37,586, 31 March 2008 - \$32,454 and last March 2009 - \$24,680. The current legal cost is nil. This is a huge cost saving and has been achieved without any additional resources.*

*Monies collected are invested and this results in a higher investment and return.*

*Elena has also ensured that all the interim rates are processed promptly. The increase in revenue means more interest earnings and better cash flow.*

*The outstanding rates debtors as at 30 June have also improved from 0.89% in 2007, 0.76% in 2008 to 0.44% in 2009, which is a record low. The industry average and benchmark is 5% and the Town's rate revenue for 2009/10 was \$18.6 million.*

*Early in the year, one of the Rates Officers was on sick leave for two months. Elena took on more responsibilities and a larger workload, as experienced Rates Officers are difficult to find. Her dedication must be commended.*

*The Town has never received any negative customer feedback or customer complaints relating to Elena from any of the many customers that she deals with as part of her role (many of them "difficult customers")."*

These comments were also endorsed by the Director Corporate Services, Mr Mike Rootsey.

Congratulations Elena and well done!

**Received with Acclamation!**

7.2 Urgent Business

I have approved of an Urgent Business matter – Item 13.1 – relating to the Supreme Court decision concerning the City of Stirling’s legal action for an interlocutory injunction against the Mindarie Regional Council and Member Councils.

This matter will have legal and financial implications for the Town. The report formally advises the Council of the Chief Executive Officer’s email to the Mayor and Councillors issued on Friday 4 June 2010 concerning this matter.

**8. DECLARATIONS OF INTERESTS**

8.1 Cr Topelberg declared an interest affecting Impartiality in Item 9.1.2 – Further Report- No. 99 (Lot: 2 D/P: 4270) Palmerston Street Perth - Proposed Additional Three (3), Three-Storey Grouped Dwellings to Existing Single House. The extent of his interest being that the architect of the project is a former tenant of a building owned by his family and is also a personal acquaintance of his. He stated that in light of other related matters currently under consideration, at which he is not a liberty to discuss, he believes that his impartiality in this matter is compromised and therefore has indicated that he will be departing the Chamber and will not participate in the debate or vote on this Item.

8.2 Chief Executive Officer and all Directors declared an interest affecting Impartiality in Item 9.1.7 – Nos. 148-158 (Lot 600) Scarborough Beach Road, Corner Fairfield Street and Flinders Road, Mount Hawthorn - Proposed Low Impact Telecommunication Facility to Existing Shopping Centre (The Mezz). The extent of their interest being that Optus is the current telecommunications provider for the Town and they all use mobile phones as part of their course of business.

The Directors, apart from the A/Director Development Services, stated that as a consequence there may be a perception that their impartiality in the matter may be affected however, they advise that they have not had any input in the report. The Chief Executive Officer advised that the extent of his input into the report was to amend the Officer Recommendation as follows:

- (a) Clause (i) delete the words “*does not support*” and insert “*strongly objects*”;
- (b) Clause (ii) delete the word “*Notifies*” and insert “*Strongly objects*”;
- (c) Clause (iii) delete the word “*Recommends*” and insert “*Strongly recommends*”; and
- (d) inserting a new clause (iv) “*Advises the Objectors of the Council’s decision and also the fact that it has limited powers concerning the control of telecommunications facilities*”.

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

Nil.

**10. REPORTS**

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

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

Items 9.1.3, 9.1.2, 9.1.7 and 9.1.1.

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

Items 9.1.3, 9.2.4, 9.3.3 and 9.4.4.

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

Nil.

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

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

Cr Farrell	Nil.
Cr Topelberg	Item 9.2.1.
Cr Buckels	Item 9.1.8.
Cr McGrath	Nil.
Cr Harvey	Nil.
Cr Lake	Nil.
Cr Burns	Nil.
Cr Maier	Item 9.4.5.
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 9.1.4, 9.1.5, 9.1.6, 9.2.2, 9.2.3, 9.2.5, 9.3.1, 9.3.2, 9.4.1, 9.4.2 and 9.4.3.

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

Item 14.1.

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

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

Items 9.1.4, 9.1.5, 9.1.6, 9.2.2, 9.2.3, 9.2.5, 9.3.1, 9.3.2, 9.4.1, 9.4.2 and 9.4.3.

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

Items 9.1.3, 9.1.2, 9.1.7 and 9.1.1.

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

**Moved Cr Buckels, Seconded Cr Maier**

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

*Items 9.1.4, 9.1.5, 9.1.6, 9.2.2, 9.2.3, 9.2.5, 9.3.1, 9.3.2, 9.4.1, 9.4.2 and 9.4.3.*

**CARRIED (9-0)**

**9.1.4 No. 396 (Lot 300; D/P 302634) Charles Street, North Perth - Proposed Replacement of Roof of Existing Shop (Beauty Salon) – Application for Retrospective Approval**

<b>Ward:</b>	North	<b>Date:</b>	1 June 2010
<b>Precinct:</b>	North Perth; P08	<b>File Ref:</b>	PRO2811; 5.2010.123.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer:</b>	D Pirone, Statutory Planning Officer		
<b>Responsible Officer:</b>	H Smith, Acting 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 D Willis on behalf of the owner D Kellett & Estate of Late D R Kellett for proposed Replacement of Roof of Existing Shop (Beauty Salon) – Application for Retrospective Approval, at No. 396 (Lot 300; D/P 302634) Charles Street, North Perth, and as shown on plans stamp-dated 18 March 2010.*

**COUNCIL DECISION ITEM 9.1.4**

**Moved Cr Buckels, Seconded Cr Maier**

*That the recommendation be adopted.*

**CARRIED “EN BLOC” (9-0)**

<b>Landowner:</b>	D Kellett & Estate of Late D R Kellett
<b>Applicant:</b>	D Willis
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R60
<b>Existing Land Use:</b>	Non-Medical Consulting Rooms
<b>Use Class:</b>	Non-Medical Consulting Rooms
<b>Use Classification:</b>	"SA"
<b>Lot Area:</b>	392 square metres
<b>Access to Right of Way</b>	Not Applicable

**BACKGROUND:**

14 September 2004 The Council at its Ordinary Meeting conditionally approved an application for retrospective approval for proposed change of use from shop, office and showroom to shop (beauty salon) and associated signage.

13 September 2005 The Council at its Ordinary Meeting resolved to constructively refuse an application for the proposed demolition of existing outbuilding and alterations and additions to existing shop (beauty salon).

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

26 February 2010 A site inspection revealed that when the roof was replaced, it was replaced from a pitch roof to a flat roof which raised the wall height from 2.914 metres to 4.543 metres. A retrospective planning application was requested in a letter dated 9 March 2010.

18 March 2010 The applicant submitted a retrospective application for the replacement of the roof to the existing shop (beauty salon).

**DETAILS:**

The proposal involves retrospective consideration of the replacement roof from a pitch roof to a flat roof which increases the wall height from 2.914 metres to 4.543 metres.

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Plot Ratio:	N/A	N/A	Noted.
Building Setbacks: -South	1.6 metres	1.034 metres	Supported – This is not considered to have an undue impact on the neighbouring property, and no objections received.
<b>Consultation Submissions</b>			
Support (2)	No comments provided.		Noted.
Objection	Nil.		Noted.
<b>Other Implications</b>			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil
Sustainability Implications			Nil

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

**COMMENTS:**

The application is recommended for approval as the additional wall height from 2.914 metres to 4.543 metres is not considered as a variation, as the zoning allows for a two-storey height limit for the subject property. A two-storey building with a concealed roof can go to a maximum height of 7 metres and the proposed height is 4.543 metres and therefore is compliant with the requirements of the R Codes and the Town's Policies.

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

**9.1.5 No. 23 (Lot 36; D/P 48647) Woodstock Street, Mount Hawthorn - Proposed Two-Storey Single House**

<b>Ward:</b>	North	<b>Date:</b>	1 June 2010
<b>Precinct:</b>	Mount Hawthorn; P01	<b>File Ref:</b>	PRO5041; 5.2010.122.1
<b>Attachments:</b>	<a href="#">001</a> ; <a href="#">002</a>		
<b>Reporting Officer:</b>	A Reynolds, 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 D D Andreoli on behalf of the owner D D & M A Andreoli for proposed Two-Storey Single House, at No. 23 (Lot 36; D/P 48647) Woodstock Street, Mount Hawthorn, and as shown on plans stamp-dated 18 March 2010 and 26 May 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 Woodstock Street;*
- (ii) *first obtaining the consent of the owners of No. 98 Flinders Street and No. 21 Woodstock 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. 98 Flinders Street and No. 21 Woodstock Street in a good and clean condition;*
- (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); and*
- (iv) **PRIOR TO THE ISSUE OF A BUILDING LICENCE, the following shall be submitted to and approved by the Town:**

(a) **Fencing**

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

(h) **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. *stormwater and sediment control;*
8. *soil excavation method and de-watering (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;*

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**COUNCIL DECISION ITEM 9.1.5**

**Moved Cr Buckels, Seconded Cr Maier**

*That the recommendation be adopted.*

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

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<b>Landowner:</b>	D D & M A Andreoli
<b>Applicant:</b>	D D Andreoli
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R30
<b>Existing Land Use:</b>	Vacant Land
<b>Use Class:</b>	Single House
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	271 square metres

**BACKGROUND:**

27 November 2002      The Western Australian Planning Commission conditionally approved a subdivision of the lot previously known as lot 50 into 9 lots (now known as lots 31-39).

1 December 2004      The Town under delegated authority from the Council conditionally approved the demolition of the existing place of public worship and single house and the construction of 1 single house and 5 two-storey single houses.

The place of public worship and single house were demolished, however the dwellings were never constructed and the vacant lots were sold separately.

**DETAILS:**

The proposal involves the construction of a two-storey single house on land that is currently vacant.

The proposed development is one of nine newly created lots on the corner of Woodstock Street and Flinders Street and is adjacent to the Department of Health's Hawthorn House at Nos. 14-16 Woodstock Street, formerly known as Mount Hawthorn Hospital.

The subject lot fronting Woodstock Street, is one of the few vacant lots left of the nine lot subdivision. Much of Woodstock Street presents as a secondary street with dwellings fronting the perpendicular streets. Woodstock Street is approximately 730 metres long and only consists of 14 dwellings that front Woodstock Street. This compares to 25 dwellings that consider Woodstock Street to be their secondary street.

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

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Street Setbacks: Walls on Upper Floor	A minimum of two (2) metres behind each portion of the ground floor setback.	Bed 1 setback 0.8 metre behind garage portion below.  Robe projecting 1.8 metres into street setback area.  Staircase flushes with ground floor staircase portion below.	Supported – See “Comments”.
Balconies on Upper Floor	A minimum of one (1) metre behind the ground floor setback.	Projecting one (1) metre into the street setback area.	Supported – See “Comments”.
Buildings Setback from the Boundary: Ground Floor - East	1.5 metres	Nil – 1.0 metre	Supported – As not considered to have an unreasonable impact on adjoining property and amenity of street.
-West	1.5 metres	1.67 – nil – 1.5 metres	Supported – As not considered to have an unreasonable impact on adjoining property and amenity of street.
Upper Floor - East	2.4 metres	1.5 – 2.1 – 1.5 metres	Supported – As not considered to have an unreasonable impact on adjoining property and amenity of street.
-West	2.4 metres	1.62 – nil – 1.5 metres	Supported – As not considered to have an unreasonable impact on adjoining property and amenity of street.
Alfresco - East	1.5 metres	1.0 metre	Supported – As not considered to have an unreasonable impact on adjoining property and amenity of street.

Setback of Garages and Carports:	To be setback a minimum of 500 millimetres behind the main building line.	Protrudes 800 millimetres into the street setback area.	Supported – See “Comments”.
Buildings on Boundary:	Walls not higher than 3.5 metres with an average of 3 metres for two-thirds the length of the balance of the boundary behind the front setback, to one side boundary only.	Buildings on boundaries to two side boundaries:  - East Maximum and average of 3.7 metres for 7.2 metres (less than two-thirds) the length of the boundary.  - West Maximum of 6.9 metres with an average of 5.1 metres for 10.5 metres (less than two-thirds) the length of the boundary.	Supported – See “Comments”.
Articulation: - East	Any portion of wall involving a setback variation and greater than 9 metres in length is required to incorporate horizontal or vertical articulation.	9.2 metres	Supported – See “Comments”.
Street Walls and Fences:	Maximum height of solid portion of wall to be 1.2 metres above adjacent footpath level and a minimum of fifty percent visually permeable above 1.2 metres.	Proposed gate solid to 1.8 metres.	Not supported – As considered to have an undue impact on adjoining property and amenity of street. It has been conditioned that the proposed solid gate comply with the Street Walls and Fences requirements of the Town’s Residential Design Elements Policy.

Driveways and Crossovers:	The total aggregate width of driveways are not to occupy more than 40 percent of the frontage of the lot or 6 metres, whichever is the lesser.	49.07 percent (5.0 metres).	Supported – The proposed driveway is constrained by the narrow width of the lot and is not inconsistent with driveway widths of adjoining properties. The proposed driveway is therefore not considered to have an undue impact on the streetscape.
Roof Forms:	The use of roof pitches between 30 degrees and 45 degrees (inclusive).	2 degree skillion roof.	Supported – See “Comments”.

**Consultation Submissions**

Support	Nil	Noted.
Objection (1)	<ul style="list-style-type: none"> <li>Little regard for Vincent Vision 2024 and residential design guidelines</li> <li>Consistent assessment of previously approved and currently proposed development applications</li> <li>Proposed street setbacks will not be harmonious with streetscape and out of alignment with adjoining houses</li> <li>The proposed upper floor balcony having an adverse impact on the streetscape and amenity of the adjoining properties. The proposed setback variation being out of context due to its bulk and scale.</li> <li>Eastern building setbacks from boundary having an impact on the streetscape and amenity of adjoining property in the way of reducing it’s level of visual amenity, solar access and acoustic privacy.</li> <li>Proposed garage setback being out of context and harmony with adjoining and adjacent properties.</li> <li>The proposed roof from not being harmonious with streetscape or assisting the maintenance of existing character of the area.</li> </ul>	<p>Not supported – The proposed development is not considered to be in contravention of the Town’s strategic or statutory documents guiding residential development in the Town.</p> <p>Noted – developments are assessed on their individual merits.</p> <p>Not supported - See “Comments”.</p>

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

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

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

### **COMMENTS:**

As stated above, much of Woodstock Street is considered as a secondary street to dwellings fronting the perpendicular streets. Woodstock Street is approximately 730 metres long and only consists of 14 dwellings that front Woodstock Street. This compares to 25 dwellings that consider Woodstock Street to be their secondary street. In light of this, it is considered that the character of the existing streetscape of Woodstock Street is very limited and the variations relating to street setbacks, and roof forms and contemporary design will not have an undue impact on the amenity of the area and streetscape.

### **Street Setbacks**

The proposed two-storey single house is representative of a contemporary design which is consistent with several existing contemporary dwellings within the Mount Hawthorn area.

The upper floor street setbacks, including the upper floor wall portions and balcony, 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 and openings that will provide articulation and interest to the Woodstock streetscape. The proposed upper floor setbacks are considered an integral feature of the contemporary design of the development.

Furthermore, it is not considered that the proposed garage below will visually dominate the site or streetscape as a consequence of its reduced setback. The proposed garage is to be built up to the boundary, abutting an existing garage setback 4.801 metres from the street property boundary. The proposed garage is to be setback 5.0 metres from the street property boundary. The proposed garage is therefore appropriately located on site and will not have an adverse affect on the amenity of the adjoining property. Additionally, the proposed upper floor setback, including the wall portions and balcony to Woodstock Street, protrudes into the street setback area, providing articulation and balance between the solid portions of the dwelling.

### **Buildings on Boundaries**

It is considered that the proposed unarticulated boundary walls will not have an undue impact on the affected neighbouring properties or the amenity of the Woodstock streetscape as the proposed boundary wall portions abut the neighbouring properties boundary walls for the majority of their length, satisfying the Performance Criteria of the Town's Residential Design Elements Policy.

### **Roof Forms and Design**

The Residential Design Elements Policy states that: *'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'*. In this instance, the proposal illustrates an innovative and contemporary design.

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 proposed concealed roof does not unduly increase the bulk of the dwelling nor does it cause undue overshadowing on the adjacent properties and open space. The development is therefore not considered to compromise the streetscape, but rather contribute to its emerging range of styles and built form.

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

**9.1.6 Nos. 103-105 (Lot 100, D/P 75367) Oxford Street, Leederville - Continued Use of Temporary Car Park Addition on Existing Vacant Land (Retrospective Application)**

<b>Ward:</b>	South	<b>Date:</b>	1 June 2010
<b>Precinct:</b>	Oxford Centre; P04	<b>File Ref:</b>	PRO0452; 5.2010.113.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer:</b>	T Cappellucci, Statutory Planning Officer		
<b>Responsible Officer:</b>	H Smith, Acting Director Development Services		

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *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 T M Kailis on behalf of the owner GNTM Pty Ltd for proposed Continued Use of Temporary Car Park Addition on Existing Vacant Land (Retrospective Application), at Nos. 103-105 (Lot 100, D/P 75367) Oxford Street, Leederville, and as shown on plans stamp-dated 17 March 2010, subject to the following conditions:*
- (a) *all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;*
  - (b) *the temporary car park use shall only be used by employees directly associated with the existing shop, eating house and commercial hall at Nos. 99 – 101 Oxford Street, Leederville;*
  - (c) *this approval for a temporary car park is for a period of 12 months only;*
  - (d) *any new street/front wall, fence and gate within the Oxford 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;*
  - (e) *within 28 days of being notified by the Town:*
    - 1. *All side boundary fencing shall be repaired/or replaced where required on the subject property, with consent and agreement with the affected adjoining landowners. All such works shall be undertaken at the owners cost and maintained thereafter by the owner(s)/occupier(s);*
    - 2. *A Refuse and Recycling Management Plan shall be submitted and approved by the Town prior to commencement of any works. The Plan shall include details of refuse bin location, number of rubbish and recycling receptacles, vehicle access and manoeuvring; and*
    - 3. *An Operations Management Plan shall be submitted and approved by the Town. The plan shall include addressing car park security, staff ~~and visitors~~ car parking, and the control of noise, traffic, litter, lighting, shall still be applicable, and thereafter maintained by the owner(s)/occupier(s) for the entire duration of this use; and*

- (f) ***WITHIN 60 DAYS OF THE CAR PARK USE CEASING ON-SITE, the car park area shall be reinstated with landscaping and the following shall be submitted to and approved by the Town:***

**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 plans;***
- 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) to the satisfaction of the Town; and***

- (ii) ***the Council ADVISES the owners of the subject site that the Council is unlikely to favourably consider a further planning application at the expiry of the subject planning approval in 2011, for the temporary car park to operate beyond 2011.***

***\*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 9.1.6**

**Moved Cr Buckels, Seconded Cr Maier**

***That the recommendation be adopted.***

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

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<b>Landowner:</b>	GNTM Pty Ltd
<b>Applicant:</b>	T M Kailis
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): District Centre
<b>Existing Land Use:</b>	Temporary Car Park
<b>Use Class:</b>	Carpark
<b>Use Classification:</b>	"AA"
<b>Lot Area:</b>	1776 square metres
<b>Access to Right of Way</b>	Not applicable

**BACKGROUND:**

- April 1982                      The Perth City Council considered 5 applications for the construction of a two/three storey commercial building accommodating office and retail uses on the subject land.
- 19 April 1982                  The Perth City Council approved a three storey commercial building on the subject land accommodating retail and office uses.
- 17 November 1986              The Perth City Council refused a three storey mixed retail and office building on the subject land.
- 15 August 1988                The Perth City Council approved a two storey commercial building accommodating retail/restaurant and office uses on the subject land.
- 18 March 1991                 The Perth City Council approved a two storey commercial building accommodating retail, restaurant and office uses on the subject land.
- 28 January 1995                The Commissioners of the Town of Vincent refused an application for 8 shops, 1 restaurant and 10 residential units due to non-compliance with car parking requirements. The applicant was advised that the Council will consider a mixed commercial/residential development on its merit, provided that the intensity of uses is decreased and adequate car parking is provided.
- 29 July 1996                  At its Ordinary Meeting, the Council refused a proposal for three shops, five offices and two caretaker's residences for the following reasons:
- “(i)    *the non-compliance with the plot ratio requirement of the Town of Vincent Town Planning Scheme; and*
- (ii)    *the non-compliance with the requirements concerning the orderly and proper planning of the locality and the preservation of amenities of the locality, with respect to the detrimental impact on the visual amenity of the locality by virtue of the scale, mass and bulk of the proposed three storey development.”*
- 20 January 1997                At its Ordinary Meeting, the Council refused an application for three shops, five offices, two caretaker's residences and one showroom office for the following reasons:
- “(a)    *the non-compliance with the plot ratio requirement of the Town of Vincent Town Planning Scheme;*
- (b)    *the non-compliance with the requirements concerning the orderly and proper planning of the locality and the preservation of amenities of the locality, with respect to the detrimental impact on the visual amenity of the locality by virtue of the scale, mass and bulk of the proposed three storey development;*

- (c) *the concept of an urban village type development accommodating a range of uses is supported however, a new development application will be required to be submitted depicting a reduction in the plot ratio and a maximum of two storeys in a form, scale and design sympathetic and complementary to the existing streetscape; and*
- (d) *detailed urban design guidelines be formulated for new and existing commercial developments with the Leederville Centre to complement the existing urban stock and a further report be presented to the Council."*

- 22 February 2000 At its Ordinary Meeting, the Council conditionally approved the partial demolition of the existing building and development of mixed use building (1 x showroom, 3 x offices, 3 x shops and 6 x grouped dwellings).
- 28 March 2000 Appeal against condition of approval requiring partial retention of existing buildings submitted to Minister for Planning.
- 7 June 2000 Condition of approval requiring partial retention of existing building waived by the Council following Appeal mediation process.
- 15 September 2000 Application made to the Town for an amended proposal.
- 24 October 2000 At its Ordinary Meeting, the Council conditionally approved amended proposal for mixed use development containing 1 x showroom, 3 x offices, 1 x restaurant, 7 x grouped dwellings and 1 x multiple dwelling.
- 12 February 2002 At its Ordinary Meeting, the Council conditionally approved the demolition of the existing building and development of mixed use building (1 x showroom, 3 x offices, 1 x eating house, 7 x multiple dwellings and 1 x grouped dwelling).
- 13 August 2002 At its Ordinary Meeting, the Council conditionally approved alterations and additions to the eating house within the approved Mixed Use Development.
- 8 October 2002 At its Ordinary Meeting, the Council supported the applicant's request to withdraw an application for alterations and loft additions to approved mixed use development (1 x showroom, 3 x offices, 1 x restaurant, 7 x multiple dwellings and 1 x grouped dwelling).
- 11 March 2003 At its Ordinary Meeting, the Council conditionally approved a three storey with basement, mixed use development including fifteen (15) multiple dwellings, shops and eating house.
- 21 December 2004 At its Ordinary Meeting, the Council conditionally approved the demolition of existing building and construction of two-storey mixed use development comprising offices, shops, associated undercroft car parking and visual feature.
- 9 April 2008 The Town under delegated authority approved the temporary staff car park associated with existing shop, eating house and commercial hall at Nos. 99-101 (Lot 101, D/P: 99074) Oxford Street, Leederville.

- 26 May 2009 At its Ordinary Meeting, the Council approved the demolition of the existing temporary car park and construction of a seven (7) storey commercial development comprising four (4) shops, three (3) offices and associated car parking.
- 22 September 2009 At its Ordinary Meeting, the Council noted that the appeal lodged to the State Administrative Tribunal (SAT) by GNTM Pty Ltd, SAT Review Matter No. DR 251 of 2009, against the decision of the Council at its Ordinary Meeting held on 26 May 2009, has been withdrawn by the owners.

**DETAILS:**

The retrospective application involves the continued use of the temporary car park of 30 car bays on the existing vacant land at Nos. 103-105 Oxford Street, Leederville.

The applicant’s justification in support of the proposed development is as follows:

*“I confirm that our application for renewal of our temporary private car park at 103-105 Oxford Street is based on the original approval being granted to provide limited parking to our staff given the critical shortfall in the area. This in turn has allowed more public parking bays to be available for shoppers in the area. It also provides some activity on the site rather than remaining vacant. Secondly and now most importantly we are still finalizing development options on the site. The significant down turn in the tenancy development marketplace has led to a re assessment of our intentions with the site and in the meantime we seek Councils approval for the continuation of the site in its current capacity as a temporary private car park.”*

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
<b>Parking and Access:</b>	Private on-site parking should generally be located at the rear of developments.	Fronting Oxford Street	Supported – The proposal is for a temporary period and the formalisation of car parking will increase the presentation of the vacant block.
	Contain shade trees at a rate of one tree per four spaces.	No trees proposed.	Supported – The proposal is for a temporary period and the trees would not have the opportunity to get established prior to their removal.
<b>Land Use:</b>	Council granting Planning Approval as a Car Park is an “AA” use in a District Centre.	Car Park in a District Centre which is an “AA” use meaning that the use is not permitted unless the Council has exercised its discretion by granting planning approval.	Supported – Site is currently being used as a Temporary Staff Car Park associated with existing shop, eating house and commercial hall at Nos. 99-101 Oxford Street, so proposal is continuing an existing use.

Consultation Submissions		
Support (2)	<ul style="list-style-type: none"> <li>No comment</li> </ul>	<ul style="list-style-type: none"> <li>Noted.</li> </ul>
	<ul style="list-style-type: none"> <li>No comment</li> </ul>	<ul style="list-style-type: none"> <li>Noted.</li> </ul>
Objection (0)	<ul style="list-style-type: none"> <li>Nil</li> </ul>	<ul style="list-style-type: none"> <li>Noted.</li> </ul>
Other Implications		
Legal/Policy		TPS 1 and associated Policies.
Strategic Implications		Nil
Financial/Budget Implications		Nil
Sustainability Implications		Nil

**COMMENTS:**

**Technical Services**

Technical Services have advised that should there be continued use of the temporary carpark over a further period of two (2) years from the date of this approval, all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services. No further consideration will be given to the disposal of stormwater without the submission of a geotechnical report from a qualified consultant.

**Strategic Planning**

The retrospective application has been assessed against the Leederville Masterplan Built Form Guidelines, particularly in relation to *Precinct No. 4 - Oxford Markets Precinct*, of which the subject property is located, together with the broader objectives of the Leederville Masterplan.

As detailed in *Precinct No. 4 - Oxford Markets Precinct*, it is encouraged that along this portion of Oxford Street, the built form responds and activates at a pedestrian level to the street and that any car parking be located to the rear. More specifically, the proposed indicative built form illustrates a pedestrian laneway shown in the vicinity of the subject property. As outlined in the *Precinct No. 4 - Oxford Markets Precinct*, it is intended that in the long term, increased parking bays be accommodated through deck parking in the existing Avenue Car Park, in a building well set back from Oxford Street.

However, given that no specific timeframes have been determined in the proposed development of the deck parking in the existing Avenue Car Park to date, the proposed retrospective car park at the above site is supported on a temporary basis for a further period of 12 months till 8 June 2011.

**Car Park**

A car park use within a District Centre zone is considered an "AA", a discretionary use. However, a car park use located and designed as an integral part of the development for a site, which complements the surrounds and provides a convenient service, without causing undue disruption to surrounding uses, can be considered, subject to compliance with the Town's Parking and Access Policy 3.7.1, which allows the provision of car parking serving a particular use.

Therefore, the proposed continued use of the temporary staff car park at Nos. 103-105 Oxford Street, associated with the existing shop, eating house and commercial hall at Nos. 99-101 Oxford Street, Leederville, is deemed acceptable.

### **Reciprocal Car Parking**

The Town's Policy relating to Parking and Access states the following in relation to reciprocal parking:

"ii) *Reciprocal Parking*

*Reciprocal parking arrangements may be considered acceptable where the Town of Vincent is convinced that demand for parking by the uses proposed will not unreasonably coincide.*

*Where reciprocal parking is proposed, the Town of Vincent is to be satisfied that:*

- a) the parking facilities serving the proposed uses will be located on the one lot, or that parking arrangements are permanent (e.g. easement, amalgamation, legal agreement, restrictive covenant or any other formal arrangement the Town of Vincent may require);*
- b) parking demand both in the immediate and long term can be satisfied;*
- c) no substantial conflict will exist in the peak hours of operation of the uses for which the reciprocal parking arrangements are proposed;*
- d) the uses being served by the parking arrangements are compatible (i.e. no overlap demand for parking facilities);*
- e) the number of parking spaces which may be credited from one use to another use does not exceed the number of spaces reasonably anticipated to be in excess of the requirement of the first use during its peak hours of operation; and*
- f) a proposed change of use will comply with the reciprocal parking arrangements, or will satisfy the parking requirement by other means before approval is granted."*

The 30 car parking bays on the subject property are to be provided for use by employees directly associated with the existing shop, eating house and commercial hall at Nos. 99-101 Oxford Street, Leederville.

As such, the approach by the applicant to continue to provide a temporary car park for employees at Nos. 99-101 Oxford Street, by providing alternative parking in close proximity to the existing shop, eating house and commercial hall is considered appropriate as an alternative, interim solution only.

Given the site's location within *Precinct No. 4 – Oxford Markets Precinct*, of the Leederville Masterplan Built Form Guidelines, and the intention that in the long term, increased parking bays be accommodated through deck parking in the existing Avenue Car Park, the Council is unlikely to favourably consider a further planning application at the expiry of the subject planning approval, for the temporary car park, as this would further entrench the site being utilised for car parking only.

On this basis, no objection is raised to the continued use of the temporary car parking, subject to standard and appropriate conditions to address the above matters.

**9.2.2 Central Northern Corridor Transit System Investigations - Fitzgerald Street, North Perth**

<b>Ward:</b>	North	<b>Date:</b>	2 June 2010
<b>Precinct:</b>	North Perth P8	<b>File Ref:</b>	TES0178
<b>Attachments:</b>	-		
<b>Reporting Officer:</b>	R Lotznicker Director Technical Services		
<b>Responsible Officer:</b>	R Lotznicker Director Technical Services		

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *NOTES the;*
- (a) *information contained in the report regarding the Public Transport Authority's investigations into the development of a Central Northern Corridor Transit System;*
  - (b) *Public Transport Authority's Central Northern Corridor Transit System work, which follows on from a broad strategy developed in 2009 by the Parsons Brinckerhoff study (as laid on the table), is being developed into a "proof of concept" to refine the demand and scope, to further examine technology options and to assess the feasibility of the proposal in terms of technical, engineering and economic factors which will involve the critical element of achieving stakeholder support at community and local government level; and*
  - (c) *Public Transport Authority will be progressing the work mentioned in clause (i)(b) during 2010 and 2011, when affected Local Governments will be invited to join a working group; and*
- (ii) *RECEIVES further reports on this matter once further correspondence is received from the Public Transport Authority in relation to the establishment of a working group, including other relevant information.*

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**COUNCIL DECISION ITEM 9.2.2**

**Moved Cr Buckels, Seconded Cr Maier**

*That the recommendation be adopted.*

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

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**PURPOSE OF REPORT:**

To advise the Council of a long term proposal by the Public Transport Authority (PTA) to examine the feasibility of the development of a transit system for the Central Northern Corridor along Alexander Drive/Fitzgerald Street.

**BACKGROUND:**

The Council previously approved a PTA proposal for a Bus Queue Jump Facility on the north bound lane on Fitzgerald Street at the Walcott Street Intersection, North Perth, at its Ordinary Meeting held on 28 July 2009.

On 28 May 2010, a letter was received from the PTA Transport Development Section advising the Town of their proposal to examine the development of a transit system for the Central Northern Corridor along Alexander Drive/Fitzgerald Street.

**DETAILS:**

In December 2009, the Town's officers met with officers from the PTA where an overview of a proposal for a Central Northern Corridor Transit System was presented, including a plan and timeline for investigations, etc.

No formal correspondence was received nor were any further meetings held with PTA officers since December 2009.

A meeting initiated by Michael Sutherland MLA, member for Mount Lawley, to discuss the proposed Central Northern Corridor Transit System was held at the Town's Administration and Civic Centre in late May 2010. The Mayor, Chief Executive Officer, and the Director Technical Services attended the meeting.

At the meeting, Michael Sutherland expressed concerns that the proposed Central Northern Corridor Transit System proposal was progressing without due consideration of the affects on street/business amenity etc.

An extract from the letter received from the PTA on 28 May 2010 is outlined as follows:

*"I refer to our recent discussion about the work being undertaken by the Public Transport Authority (PTA) in further examining development of a transit system for the Central Northern Corridor (Fitzgerald Street), and your request for a formal update from the PTA for advice to Council.*

*By way of context and background, the quadrant of the metropolitan area between the Joondalup railway and the east-west Midland Line is the only urban corridor without some form of priority mass transit into the Perth central area. This corridor has a catchment of some 250,000 people.*

*Residents are clearly disadvantaged by the existing public transport network, as reflected in the far higher level of dissatisfaction expressed by passengers from this area in Transperth's yearly Passenger Satisfaction Monitor surveys conducted by independent market researchers.*

*A high quality of service, with fast, frequent and direct travel, is the key to a successful public transport operation. Indeed, these are the main reasons for the overwhelming success of Perth's train network. However this north-east quadrant is constrained by development and available road reserve and cannot accommodate a railway. A road based Rapid Transit system is therefore needed.*

*To achieve a quality level of service comparable to car travel in the corridor, priority for transit needs to be given on roads. Currently bus services operate into the City on all of the northern arterial roads (Wanneroo Road/Charles Street, Fitzgerald Street, William Street and Beaufort Street). However these services have little traffic priority, which has resulted in travel times for passengers growing markedly as the buses become caught up in increasing traffic congestion.*

*It is not realistic to provide priority for transit on all roads as the frequency of services needs to be high enough to ensure that motorists do not see empty transit lanes. The solution needs to be a concentration of services to fewer routes and provision of road space on other arterial roads for motorists and other road users.*

*This is the strategy being pursued by the PTA, focussing on the Fitzgerald Street-Alexander Drive route as it bisects the Joondalup and Midland train lines and has the largest growth potential. Buses would still operate on other arterial routes but they would essentially be second tier services catering for more "local" demand.*

*Our modelling has shown that by 2031 the demand for public transport along the corridor is likely to reach 5,000-6,000 passengers during the peak hour. This is the equivalent of some 4,400 car trips or about three lanes of 'in-bound' traffic. By way of contrast, the 4,400 car trips are the equivalent of 90 standard buses but the more likely transit option for the longer term would be larger articulated vehicles (either light rail or articulated buses) running at 3 -5 minute frequency and carrying 200-250 people.*

*The PTA's current work follows on from the Parsons Brinckerhoff study last year which focussed on demand modelling, analysis of service options and types of technology. We are now taking this broad strategy into a 'proof of concept' stage to refine the demand and scope, further examine the technology options and assess its feasibility in terms of technical, engineering and economic factors. This will, of course also involve the critical element of achieving stakeholder support at community and local government level.*

*The PTA will be progressing this work in 2010 and 2011 and I would like to directly involve the local authorities in a working group. I will further discuss this with you shortly and with your counterparts at the City of Stirling in relation to the Alexander Drive part of the route."*

**CONSULTATION/ADVERTISING:**

N/A

**LEGAL/POLICY:**

N/A

**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. "(e) Work with State Government to improve public transport within the Town."

**SUSTAINABILITY IMPLICATIONS:**

Implementing measures to streamline bus movements is supported from a long term sustainability viewpoint to reduce dependency on passenger vehicles.

**FINANCIAL/BUDGET IMPLICATIONS:**

N/A

**COMMENTS:**

The PTA proposal for a Central Northern Corridor Transit System is in the early feasibility analysis stage and there are obvious issues that will need to be carefully considered during the development of the proposal to determine whether the proposal has merit or whether the disadvantages far outweigh the advantages in terms of loss of amenity for Fitzgerald Street businesses/residents.

**9.2.3 Permanent Winter Sprinkler Ban – Between 1 June and 31 August**

<b>Ward:</b>	Both	<b>Date:</b>	26 May 2010
<b>Precinct:</b>	All	<b>File Ref:</b>	RES0039
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer:</b>	J van den Bok, Manager Parks & Property Services		
<b>Responsible Officer:</b>	R Lotznicker, Director Technical Services		

**OFFICER RECOMMENDATION:**

*That the Council;*

(i) *NOTES that;*

(a) *The winter sprinkler ban between 1 June and 31 August is now a permanent annual restriction and follows a successful trial undertaken in 2009; and*

(b) *Local Governments have been provided with various exemptions from the Winter Sprinkler Ban as outlined within the report; and*

(ii) *ADVERTISES the information (attached) in relation to the exemptions forwarded by the Western Australian Government Association (WALGA) on the Town's website and in the local papers.*

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**COUNCIL DECISION ITEM 9.2.3**

**Moved Cr Buckels, Seconded Cr Maier**

*That the recommendation be adopted.*

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

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**PURPOSE OF REPORT:**

The purpose of this report is to provide information to the Council on the permanent Winter Sprinkler Ban effective from 1 June to 31 August each year and to outline the exemptions available to Local Governments.

**BACKGROUND:**

Advice has recently been provided to all Local Governments from WALGA in relation to the Winter Sprinkler Ban, which is enforceable from 1 June to 31 August each year.

Included in the information provided was various advertising material to assist the Town in managing potential customer complaints during the ban.

The winter sprinkler ban is now a permanent annual restriction and follows a successful trial undertaken in 2009, during which WALGA worked closely with the Department of Water (DOW) to negotiate appropriate exemptions for Local Government.

**DETAILS:**

During the 2009 trial winter sprinkler ban, WALGA conducted a survey of Local Governments to identify any issues associated with the ban. The majority of issues identified have now been resolved with the DOW and a number of exceptions have been put in place for Local Governments or other major groundwater users affected by the ban.

Community education was another major issue identified, with many Local Governments, including the Town, receiving an inordinate amount of complaints last year because irrigation systems were in operation during the trial ban period between June and August.

Local Government and other major groundwater users undertake a number of activities which require the operation of irrigation systems at times during the winter period.

The new Water Agencies (Water Use) By-Law 2010 which legislates the winter sprinkler ban provide the following exemptions for licensed (Local Govt.) users throughout the year:

- Maintaining/Testing of Irrigation Systems

Regular testing of irrigation systems is recommended to ensure that the systems are working effectively and not wasting water. This also includes flushing of systems on a regular basis (usually weekly over winter) to prevent build up of minerals that may block up gear drive sprinklers and solenoid valves.

- Fire Fighting

Use of irrigation systems within the Town for this activity will be rarely, if ever, required during the winter months or outside of the 9.00am to 6.00pm curfew.

- Watering of New Lawns

Irrigation systems may be required to operate during any time of the year when/if new turf is being laid and established at a specific site. An establishment period of 28 days has been permitted where the turf can be watered as often as required.

- Undertaking various Turf Maintenance Practices (Fertilising)

Application of specific fertilisers and turf renovation works (verti-mowing) may require the irrigation systems to operate briefly over the winter period or out of the 9.00am to 6.00pm curfew period. Every effort is made to coordinate these activities with significant rain events, however, this is not always possible.

- Irrigating Specific Sporting Areas (Bowling Greens/Turf Cricket Wickets)

Some turf areas such as bowling/golf greens which are generally cool season grasses and very finely cut require far more water than an average suburban sports oval. Turf wickets (Charles Veryard Reserve) also require watering at various times during a week outside of the normal watering curfew of (9.00am to 6.00pm) as the wicket is prepared and rolled for weekend match play.

**CONSULTATION/ADVERTISING:**

Information in regard to Local Government exemptions will be provided on the Town's website and an article as provided by WALGA will be placed in the local newspaper accordingly. The information will also be included in the Administration and Civic Centre's "Messages-on-Hold" – phone system.

**LEGAL/POLICY:**

In accordance with the Water Agencies (Water Use) By-Law 2010, organisations or persons contravening the winter sprinkler ban will receive an infringement of \$100.00 after an initial warning.

**STRATEGIC IMPLICATIONS:**

In accordance with the objective of Strategic Plan 2009-2014 – Key Result Area One: 1.1.4 Minimise negative impacts on the community and environment "(b) *Implement the Water Campaign.*"

**SUSTAINABILITY IMPLICATIONS:**

The winter sprinkler ban was introduced to reduce unnecessary water use during the winter months, increase water availability in summer and to promote water conservation in the community.

It was estimated that over 2 gegalitres (2 million litres) of scheme water was saved during the 2009 trial and it is estimated that even further savings can be made over the forthcoming years as public awareness increases.

**FINANCIAL/BUDGET IMPLICATIONS:**

The introduction of the permanent winter sprinkler ban has no major budget implications in terms of cost or savings to the Town.

**COMMENTS:**

Up until last year the Town had received very few complaints in regard to the operation of its irrigation systems during normal summer operation or during the winter flushing cycle program that was run on all bore operated systems.

However, following the introduction of the trial winter sprinkler ban last year, numerous complaints were received during the winter period in regard to the sprinklers operating through testing or as part of the weekly flushing cycle.

The information provided by WALGA is being advertised to local communities and should result in a greater understanding and awareness of what Local Governments are undertaking and hopefully assist in the reduction of complaints received over the winter period.

**9.2.5 Proposed 2010/2011 Urban Green Thumb Educational Workshops**

<b>Ward:</b>	Both	<b>Date:</b>	2 June 2010
<b>Precinct:</b>	All	<b>File Ref:</b>	ORG0086
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer:</b>	C Chaudhry; Project Officer - Environment		
<b>Responsible Officer:</b>	R Lotznicker – Director Technical Services		

**OFFICER RECOMMENDATION:**

*That the Council APPROVES holding the 2010/2011 Urban Green Thumb Educational Workshops, estimated to cost \$2,000, to be funded from the 2010/2011 Environmental projects budget.*

**COUNCIL DECISION ITEM 9.2.5**

**Moved Cr Buckels, Seconded Cr Maier**

*That the recommendation be adopted.*

**CARRIED “EN BLOC” (9-0)**

**PURPOSE OF REPORT:**

The purpose of this report is to seek approval from Council for the Project Officer - Environment to conduct environmental educational workshops for the Town of Vincent community.

**BACKGROUND:**

The Projects Officer –Environment has received an overwhelming interest from local community groups and the North Metro Reference Group, to establish environmental educational workshops. The North Metro Reference Group interest was generated by word of mouth, as the Project Officer -Environment in his previous position at the Eastern Metropolitan Regional Council, ran a very successful suite of workshops under the banner of "Bush Skills for the Hills" through Eastern Hills Catchment Management Plan. These workshops could also cater for surrounding local government authorities, if they were to contribute to the running cost of workshops.

The Town’s Environmental Workshops are proposed to be called “Urban Green Thumb Workshops”.

**DETAILS:**

**Overview**

The Town of Vincent community would benefit from receiving environmental educational workshops four (4) times a year. These will be in part delivered by the Town’s Projects Officer - Environment and other environmental specialists. The workshops would be run every quarter on the first Saturday of the month and promote the environmental concepts of either:

- Biodiversity
- Indigenous Values
- Water Sensitive Urban Design
- Sustainable Living
- Waste Management

**The Objectives of the workshops:**

The objective of the workshops would be to:

- Empower the community to reduce their environmental impact, through the medium of education and training workshops.
- Increase the biodiversity of the Town's Natural Areas, through the medium of education and training workshops of local residents and friends of groups.
- Encourage environmental awareness and interest in the Town's environmental projects.

Officer's Comment

The above objectives are not fixed and may change, based on the Council's and community's changing needs.

**Proposed Structure:**

Environmental Workshops are ideally run on a two component structure. This structure would consist of a theory part and a practical application part.

Officer's Comment

Not all workshops will consist of a practical component. This will be reserved for field required workshops such as Seed Collection.

**Capacity Guidelines and Notifications:**

When running Environmental Workshops, it is ideal to follow a set of established guidelines.

The Guidelines used by the Eastern Metropolitan Regional Council, Eastern Hills Catchment Management Plan team for "Bush Skill for the Hills" were as follows:

- Registration for the Environmental Workshop is required (but not compulsory).

Officer's Comment

Registration should not be compulsory however a maximum of 5 greater than the registered number would be acceptable.

- A minimum of ten people need to register two weeks prior before running a workshop.

Officer's Comment

If the minimum number of people cannot be reached, the workshop may not proceed.

- A maximum of 30 people would be able to attend the workshop

Officer's Comment

One (1) officer for every 15 people, greater than 30 would require additional support staff.

- If weather conditions are not suitable, through forecasts, a week prior registered persons will be contacted to inform them of cancellation of field components of the workshop.

### **Determining Workshop Content**

The content of an Environmental workshop is extremely important to ensure its survivability for a Local Government Authority. The commonly used method to determine topics for Environmental Workshops are through community surveys. The specific stakeholders that would be targeted in the Council are:

- Town of Vincent Residents
- Town of Vincent Environmental Groups
- Other neighbouring Local Government Authorities Staff

#### Officer's Comment

The community survey would be distributed via email and mail to the relevant stakeholders. A period of two (2) months will be allowed to receive adequate feedback. The survey would be carried out each year to ensure that the workshops run each financial year are up-to-date with the community's environmental educational needs.

### **Review of Workshops**

It is important when conducting Environmental Workshops that feedback is derived from participants. These feedback surveys would ensure that any workshops are conducted to a high professional standard. This type of surveying also justifies from a cost benefit point of view, whether the workshop should be carried out in subsequent years.

#### Officer's Comment

It is proposed that at each Environmental Workshop (in the Town of Vincent) a survey be given to all participants to provide feedback. This can also help in determining how informed the participant's may be and the curriculum delivery method can be restructured for future workshops based on survey responses.

### **Suggested Workshops**

Below is a list of suggested workshops that the Town could deliver next financial year (2011).

#### Workshop One - "Wetland Warriors"

Attendees would learn about wetlands function and what they can do as a volunteer to protect and enhance these mystical places (Grab your boots).

#### Officer's Comment

Topics that will be covered are sedge and rush species selection and placement, water quality monitoring (physical, chemical and biological) restoring urban drains, funding applications, legislation and law for wetlands, fauna and flora management. This workshop will be split into two components - a theory component and a field trip to a local wetland to highlight examples.

Workshop Two - "Noongar Dream Walk"

Attendees would experience a day out with the Noongar Elders to enable them to open their mind to the knowledge of country. Be immersed in the urban bushland areas and hear the stories of the plants and animals.

Officer's Comment

Members from South West Sea and Land Council will give an interpretative cultural based talk on indigenous culture, in the form of an interpretive walk through the Town of Vincent key wetland areas. They will cover the areas of spiritual significance, bush medicine and their vision for interpretive signage along the Swan River.

Workshop Three - "Community Gardens Lets get Foodsical"

Attendees would learn about the increase in chemicals in store bought foods etc. and how to create their own food garden or community garden.

Officer's Comment

The workshop will cover the topics of creating a community garden in regard to: policing, food growth, animal husbandry, rules and regulations, composting, water conservation and other sustainable street concept ideas.

Workshop Four "Hot Rocks Around the Clock"

With forever increasing hot water bills!!!! With the current climate and electrical and gas prices soaring, geothermal technology is one of the newly appearing technologies across the South West to replace hot water systems. Attendees would learn how to bring those hot water bills down and low forever.

Officer's Comment

This workshop will cover all aspects of geothermal technology and other hot water saving technologies. The topic will cover domestic, commercial and business use.

**CONSULTATION/ADVERTISING:**

**Consultation:**

The predicted consultation that is to be conducted is as follows

- Community Surveys
- Council Surveys
- Feedback Surveys of Environmental Workshops

**Advertising:**

The Environmental Workshops will be advertised via:

- Town of Vincent Webpage (as an advertisement)
- In the Voice and Guardian newspapers (as an advertisement)
- Poster (placed around key points in the Town or displayed at other Town of Vincent Functions)
- Email
- Mail (Letter drop to key stakeholders)

**LEGAL/POLICY:**

N/A

**STRATEGIC IMPLICATIONS:**

In accordance with the objective of Strategic Plan 2009-2014 Key Result Area Two: 2.2 Provide and Develop a Range of Community Plans and community safety initiatives.

- “(f) Investigate and implement mechanisms to improve community participation;”*
- “(b) Undertake social research and a community needs survey and review existing projects in light of survey results;” and*
- “(j) Develop and implement a Local Government education program for schools and community.”*

**SUSTAINABILITY IMPLICATIONS:**

Environmental Education of the community is one of the key drivers being employed by Local Governments to reduce Environmental Impacts. A more informed community is one that can potentially improve the Council’s natural areas, reduce waste to landfill and reduce stress on already overburdened public and private utilities such as water, electricity and food supply.

Ultimately, Environmental Education Workshops empower the community to make the changes or become an active volunteer through education. The Environmental Workshop proposed to be run have the potential to create a sustainable Town.

**FINANCIAL/BUDGET IMPLICATIONS:**

The Financial cost of conducting the Environmental Workshops is estimated to cost \$2,000 as follows. This would be funded from the 2010/2011 Environmental Projects budget:

<b>Resource or Running Component</b>	<b>Cost</b>
2 x Environmental specialist speakers per year (\$600 per speaker)	\$1,200
Catering	\$400
Materials Costs (booklets, survey forms, posters, advertisements)	\$200
Resources for field components e.g. plants, seed stock or sprays etc.	\$200
<b>Total:</b>	<b>\$2,000</b>

**COMMENTS:**

Environmental Education Workshops are an integral part of ensuring that the community are Environmentally Aware. As mentioned they have the potential to assist in empowering the community to become sustainable and possibly increase the biodiversity of Natural Areas.

The Town’s Administration will extensively advertise the times, dates and venue, once the Council approves of the Officer Recommendation.

**9.3.1 Annual Plan – Capital Works Program 2009/2010 – Progress Report No. 3**

<b>Ward:</b>	Both	<b>Date:</b>	1 June 2010
<b>Precinct:</b>	All	<b>File Ref:</b>	FIN0025
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officers:</b>	M Rootsey, Director Corporate Services; R Lotznicker, Director Technical Services; and R Boardman, Director Development Services		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

*That the Council RECEIVES Progress Report No. 3 for the period 1 January 2010 – 30 April 2010, for the Annual Plan – Capital Works Program 2009/2010, as detailed in Appendix 9.3.1*

**COUNCIL DECISION ITEM 9.3.1**

**Moved Cr Buckels, Seconded Cr Maier**

*That the recommendation be adopted.*

**CARRIED “EN BLOC” (9-0)**

**PURPOSE OF REPORT:**

The purpose of this report is to provide a quarterly progress report of the Council’s Annual Plan – Capital Works Program 2010/2011 for the period 1 January 2010 to 30 April 2010.

**BACKGROUND:**

The Council adopted the Capital Works Program at the Ordinary Meeting of Council held on 28 July 2009. Quarterly reports will be presented to Council to advise of the schedule and progress of the Capital Works Program. This is the third Progress Report for this financial year, covering the period ending 30 April 2010.

**DETAILS:**

This report focuses on the work that was due to be completed up to the end of the second quarter. Comments on the report relate only to works scheduled to be carried out in the period up to 30 April 2010.

**CONSULTATION/ADVERTISING:**

N/A.

**LEGAL/POLICY:**

N/A.

**STRATEGIC IMPLICATIONS:**

Plan for the Future 2009-2014 Key Result Area One – Natural and Built Environment:

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

**SUSTAINABILITY IMPLICATIONS:**

N/A.

**FINANCIAL/BUDGET IMPLICATIONS:**

The process is currently proceeding according to funding in the Annual Budget 2009/10, although the recent storm damage has affected the timing of the capital works planned for the last quarter of the year.

**COMMENTS:**

The timing of projects may be the subject to change during the year. Progress for the third quarter is generally on schedule in accordance with the scheduled program, with the following major exceptions.

The Redevelopment of the Beatty Park Leisure Centre is unlikely to commence this financial year. The Town is waiting for both State and Federal Government funding assistance for this project and it is expected to commence next financial year.

Also the work at Hyde Park on the Lakes restoration will not commence until next financial year. This year the Town has been obtaining the necessary environmental clearances to commence work and evaluating the options to undertake the work.

The Hyde Park Playground will not be completed in this financial year as consultants have reviewed and amended the original plans.

The Moir Street reconstruction and Fitzgerald Street Traffic Management projects have been deferred due to the City of Perth Superannuation additional payment requirements.

The recent storm that occurred on 22 March 2010 has resulted in the outside workforce undertaking urgent works, resulting in the capital works programme being delayed from their original planned timing.

**9.3.2 Community and Welfare Grants and Donations 2009/2010**

<b>Ward:</b>	Both	<b>Date:</b>	24 May 2010
<b>Precinct:</b>	All	<b>File Ref:</b>	FIN0186
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer:</b>	T Farrell, Community Development Officer		
<b>Responsible Officer:</b>	M Rootsey, Director Corporate Services		

**OFFICER RECOMMENDATION:**

*That the Council APPROVES payment of the following grants and donations to the organisations listed as part of the second round of funding for donations as approved in the 2009/2010 Budget as shown below:*

<i>ORGANISATION</i>	<i>AMOUNT</i>
<i>Saint Basil's Aged Care Services WA</i>	<i>\$5,000</i>
<i>ENASCO Australia Inc</i>	<i>\$3,000</i>
<i>TOTAL</i>	<i>\$8,000</i>

**COUNCIL DECISION ITEM 9.3.2**

**Moved Cr Buckels, Seconded Cr Maier**

*That the recommendation be adopted.*

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

**PURPOSE OF REPORT:**

To obtain Council approval for the second round of Community and Welfare Grants and Donations for the 2009/2010 financial year.

**BACKGROUND:**

The Town of Vincent established the Community and Welfare Grants and Donations Scheme to provide financial assistance to individuals who are disadvantaged and/or in crisis and non-profit community groups and organisations providing community and welfare services to Town of Vincent residents.

Not for profit organisations are entitled to apply for grants of up to \$5,476 to assist with providing community services and programmes.

Funds are also set aside under "Sundry Donations" to enable the Town to provide small donations, on an ad hoc basis, to not-for-profit community service providers, not in receipt of an annual grant. In all cases, applications are thoroughly assessed in accordance with determined criteria and guidelines.

Each application has been rated on a standard scale against a standard set of criteria. The ratings scale is shown below:

<b>Criteria</b>	<b>Weighting</b>
Adherence to policy guidelines	30%
Benefit to Town of Vincent residents	20%
Financial viability of the project or programme	10%
Previous grants acquitted satisfactorily	10%
Targets vulnerable and disadvantaged groups in the community	10%
A unique service that meets the needs of the community	10%
Demonstrated experience in delivering the service or programme	10%
	<b>100%</b>

**DETAILS:**

A summary of the applications and their ratings is shown on the following pages:

Applications recommended for funding:

<b>Organisation</b>	<b>Saint Basil's Aged Care Services WA</b>
Purpose of Funding	<p>To assist the frail aged and disabled to remain living independently in their own homes, through the delivery of social support services provided through socialisation outings and assisted by volunteers. In addition the program aims to encourage and promote participation in local community activities.</p> <p>To provide support to families and carers of those who suffer with Alzheimer's.</p> <p>To provide emergency relief and support to disadvantaged families, individuals and seniors</p>
Target Group	Frail aged and disabled individuals and disadvantaged families who are resident in the Town of Vincent.
Services Provided by the Organisation	<p>Saint Basil's Aged Care services is Culturally and Linguistically Diverse (CALD) Community Aged Care Provider providing services to maintain the independence of elderly and frail residents of Greek, Serbian, Macedonian, Romanian and Russian backgrounds.</p> <p>Additional services provided by the organisation include</p> <p>Community Partner Program – aims to disseminate information regarding access to aged care and informing individuals and families of aged care options.</p> <p>Senior Citizens Activities Group Program – a fortnightly social program that has functions and bus outings for socially isolated individuals with limited family support.</p> <p>Emergency Relief Program – coordinated emergency relief in collaboration with the Greek Orthodox Welfare Association.</p> <p>Carer and Family Support Group Program – in collaboration with the Alzheimer's Association of WA coordinate a support group for</p>

<b>Organisation</b>	<b>Saint Basil's Aged Care Services WA</b>
	families of those who suffer from Alzheimer's disease.  Volunteer Program – In home and nursing home visits to the elderly as well as volunteer outings for elderly and seniors in the community. This program is able to provide culturally appropriate social, welfare and transportation support to those who are isolated from their communities.
Incorporated	Yes
Number of Vincent Residents Served	Approximately 80% of the work is conducted in the Town of Vincent across all programs.  In the last financial year Community Aged Services assisted 65 people, 285 through Community Partners Program, 95 through Seniors Citizens Activities Group, 180 through the Emergency Relief Program, 45 through the Carer and Family Support Group and 36 (ongoing each week) through the Volunteer Program.
Comments	As a CALD provider, Saint Basil's provides services for a number of different groups. Demographics from the Australian Bureau of Statistics (ABS) 2006 show that 810 people resident in the Town of Vincent speak Greek, Macedonian, Russian or Serbian as the main language spoken at home.  Funding is requested to assist in the provision of the Emergency Relief and the Social Support Programs. The cost of running the program is \$15,000 of which \$5000 is received from donations and sponsorship, \$3000 from in kind volunteer support and \$2000 from the organisations own cash contribution.
Amount Requested	\$5,000
<b>Amount Recommended</b>	<b>\$5,000</b>

<b>Saint Basil's Aged Care Services WA</b>	<b>Raw Score</b>	<b>Weighted Score %</b>
Adherence to policy guidelines	90	27
Benefit to Town of Vincent residents	90	18
Financial viability of the project or program	90	9
Previous grants acquitted satisfactorily	100	10
Targets vulnerable and disadvantaged groups in the community	90	9
A unique service that meets the needs of the community	90	9
Demonstrated experience in delivering the service or program	100	10
<b>TOTAL</b>	<b>650</b>	<b>92</b>

<b>Organisation</b>	<b>ENASCO Australia Inc</b>
Purpose of Funding	To provide funding for the ENASCO/Gold Age Senior "In-House Mobile Service".  The mobile service provides home visits to assist with welfare issues to do with Centrelink ,the Taxation Office, Italian Pension System, translation of documents, preparation with Power of Attorney documents and Wills; in addition to assist with travel arrangements interstate and overseas; promotion of language and cultural issues and the provision of general social and welfare information and assistance.

<b>Organisation</b>	<b>ENASCO Australia Inc</b>
Target Group	Housebound senior citizens of Italian origin from middle to lower socio-economic status living within the Town who are members of ENASCO. The majority of these seniors are widows, widowers, have a spouse in nursing home care, are carers or have a physical/mental disability
Services Provided by the Organisation	ENASCO delivers the following services; <ul style="list-style-type: none"> <li>• Social security and taxation issues;</li> <li>• Translation of documents;</li> <li>• Consultancy and interpreting services;</li> <li>• Preparation of Power of Attorney documents and Wills;</li> <li>• Assistance with travel arrangements interstate and overseas;</li> <li>• Promotion of language and cultural issues;</li> <li>• The provision of social and welfare information and assistance; and</li> <li>• A weekly radio program on Multicultural Radio 6EBA FM to promote social welfare within the Italo-Australian community.</li> </ul>
Number of Vincent Residents Served	Last financial year ENASCO provided information and advice to approximately 3000 clients, and it is estimated that 80% of these clients reside in the Town.  Records kept at the ENASCO North Perth office indicate approximately 400 residents from the Town have had one home visit, whilst many require further home visits.
Incorporated	Yes
Comments	This service has been operating since 2007 and continues to encourage senior citizens to maintain an active quality of life by promoting a sense of achievement through their personal participation and the opportunity to experience a level of independence by not having to rely on family and friends.  The In House Mobile program was previously funded by a grant of \$2,500 from the Town of Vincent in 2008/2009.  ENASCO is currently funded by the Italian Government, annual membership fees of \$20, in kind support of \$5,000, and ENASCO contribution of \$30,000. The total cost of the program is \$40,000.
Amount Requested	\$5,000
<b>Amount Recommended</b>	<b>\$3,000</b>

<b>Enasco Australia Inc.</b>	<b>Raw Score</b>	<b>Weighted Score %</b>
Adherence to policy guidelines	90	27
Benefit to Town of Vincent residents	90	18
Financial viability of the project or program	80	8
Previous grants acquitted satisfactorily	90	9
Targets vulnerable and disadvantaged groups in the community	80	8
A unique service that meets the needs of the community	80	8
Demonstrated experience in delivering the service or program	80	8
<b>TOTAL</b>	<b>590</b>	<b>86</b>

## SUMMARY OF RATINGS:

Summary of ratings for applications recommended for funding:

Organisation	Raw Score	Weighted Score %
<i>Saint Basil's Aged Care Services WA.</i>	650	92
<i>ENASCO Australia Inc.</i>	590	86

## CONSULTATION/ADVERTISING:

Due to the significant reduction in the grant funding available for 2009/2010 it was decided not to advertise the funding round. In February 2010 additional organisations that have previously received funding from the Town of Vincent were contacted by Community Development Officers and invited to apply for the second round of grant funding.

The Organisations contacted and invited to submit an application by 30 April 2010 were:

- Saint Basil's Aged Care Services WA
- ENASCO Australia WA
- Epilepsy Association
- St Vincent de Paul Society (WA) Inc.

Unfortunately the applications from St Vincent de Paul Society (WA) Inc and the Epilepsy Association were received after the closing date and therefore cannot be considered until the next funding round.

## LEGAL/POLICY:

Policy number: 1.1.5 "*Donations, sponsorships and waiving of fees and charges.*"

## STRATEGIC IMPLICATIONS:

Strategic Plan 2009 – 2014 –Key Result Area Three –

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

*"3.1.3 Determine the requirements of the Community and focus on needs, value, engagement and involvement."*

## FINANCIAL/BUDGET IMPLICATIONS:

### Community & Welfare Grants and Donations

The table as detailed in attachment 9.3.2 shows the financial implications of the welfare donations scheme over the past financial year 2008/2009 and this financial year 2009/2010. In 2008/2009 there was only one advertised funding round due to the number of applications and in 2009/2010 due to the reduced budget organisations have been contacted directly and invited to apply.

### Ad Hoc/Sundry Donations:

In the 2009/2010 Budget, \$6,000 is allocated to cover requests for ad hoc and sundry donations received during the year. Three thousand (\$3000) dollars of this allocation has been redirected in this funding round to provide the additional grant money required.

2009/2010 Budget:

An amount of thirty thousand dollars (\$30,000) has been allocated for Community and Welfare Grants and Donations in the Budget for 2009/2010.

People Who Care and Volunteer Task Force have each been allocated five thousand dollars (\$5,000) under a Memorandum of Understanding.

Grants of one thousand (\$1,000) have been provided to each Toy Libraries located in the Town of Vincent to assist with the costs of advertising, promotion and purchase of toys.

Since the introduction of the Community and Welfare Grants and Donations the total amount of funding requested is detailed in the table below:

FINANCIAL YEAR	AMOUNT REQUESTED	AMOUNT GRANTED
1996/1997	\$43,000	\$40,110
1997/1998	\$72,500	\$45,300
1998/1999	\$129,000	\$51,740
1999/2000	\$95,940	\$55,500
2000/2001	\$139,507	\$55,000
2001/2002	\$128,133.20	\$59,368
2002/2003	\$167,172	\$63,700
2003/2004	\$120,786	\$63,300
2004/2005	\$137,065	\$67,585
2005/2006	\$90,555*	\$49,000*
2006/2007	\$69,750*	\$54,450*
2007/2008	\$55,750*	\$46,800*
2008/2009	\$53,975*	\$47,975
2009/2010	\$30,000*	\$30,000*
	First Round	First Round
2009/2010	\$10,000*	\$8,000*
	Second Round	Second Round

\* These figures do not include funding for the Loftus Community Centre, Rosewood Care Group-(meals on wheels provider until December 2008) and City of Stirling (meals on wheels provider since January 2009)

**COMMENTS:**

This is the second round of applications for the 2009/2010 financial year, to provide community groups and agencies an opportunity to apply for funding for programmes and services targeting the residents in the Town of Vincent.

The applicants in this round of funding form part of a core group of service providers to whom the Town makes referrals. All of the services offered either indirectly and/or directly will benefit a large number of the Town's residents.

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

<b>Ward:</b>	-	<b>Date:</b>	1 June 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 May 2010.*

**COUNCIL DECISION ITEM 9.4.1**

**Moved Cr Buckels, Seconded Cr Maier**

*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>
04/05/2010	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: Precision International Function - 7 May 2010 (Gareth Naven Room)
04/05/2010	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: Price Waterhouse Cooper Function - 12 May 2010 (Gareth Naven Room and The Pitch)
04/05/2010	Lease	3	Town of Vincent and West Australian Croquet Association Incorporated of PO Box 681, Mount Lawley WA 6929 re: Use of Forest Park Recreational Facility

Date	Document	No of copies	Details
04/05/2010	Licence	3	Town of Vincent and West Australian Croquet Association Incorporated of PO Box 681, Mount Lawley WA 6929 re: Use of Forest Park Recreational Facility
05/05/2010	Scheme Amendment Documents	4	Town of Vincent Town Planning Scheme No. 1 - Amendment No. 28 - Relating to the land previously coded Residential R20 in the Mount Hawthorn and North Perth Precincts - <i>As per Council Resolution of the Ordinary Meeting of Council held on 13/04/10</i>
11/05/2010	Contract for Sale of Land	4	Town of Vincent and Water Corporation of John Tonkin Water Centre, 629 Newcastle Street, Leederville WA 6007 re: Lot 1, The Avenue Car Park, Leederville, WA 6007
11/05/2010	Deed of Variation to Reduce Premises	4	Town of Vincent and Water Corporation of John Tonkin Water Centre, 629 Newcastle Street, Leederville WA 6007 re: Lot 1, The Avenue Car Park, Leederville WA 6007
11/05/2010	Restrictive Covenant	2	Town of Vincent and Casson Homes Inc of 2-8 Woodville Street, North Perth WA 6006 re: No. 2-10 (Lots 24, 25 and 34) Woodville Street, North Perth - <i>To satisfy conditional approval for an amalgamation of the subject lots by the Western Australian Planning Commission on 8 October 2009</i>
11/05/2010	Deed	2	Town of Vincent and Sanjon Holdings Pty Ltd of 16 Namur Street, North Perth re: No. 37 (Lot 144 D/P: 3002) Mabel Street, North Perth - Proposed Demolition of Existing Garage and Additional Grouped Dwelling to Existing Single House - <i>To satisfy Condition (vi) of Planning Approval Serial No. 5.2008.107.1 dated 12 August 2008</i>
11/05/2010	Deed of Agreement	3	Town of Vincent and Mijude Nominees Pty Ltd as trustee for the Salem Property Trust of care of Bryant Church, Level 1, 123B Colin Street, West Perth re: Nos. 64A and 64B (Strata Lots 1 and 2) Wasley Street, North Perth - Proposed Extension of Temporary Car Park Use and Use of Eastern Grouped dwelling for Storage and Administration Purposes associated with the Institutional Building (St Michael's Nursing Home - Nos. 53-65 Wasley Street, North Perth) - <i>To satisfy Condition (l) of Planning Approval Serial No. 5.2009.361.1, dated 9 December 2009</i>
11/05/2010	Contract Document	2	Town of Vincent and Leederville Gardens Retirement Estate, 37 Britannia Road, Leederville and Mrs M C Spice re: Unit 17, Leederville Gardens
12/05/2010	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: WA Stationery Expo - 18 and 19 May 2010 (Gareth Naven Room and ME Bank Lounge)
12/05/2010	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: CFMEU Meeting - 21 May 2010 (Gareth Naven Room )
12/05/2010	Deed of Licence	2	Town of Vincent, Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and The Frontier Touring Co. Pty Ltd, 135 Forbes Street, Woolloomooloo, NSW 2011 re: Concert* - 10 December 2010 (Stadium) - ( <i>"Commercial-in-Confidence" until released to the public</i> )

Date	Document	No of copies	Details
13/05/2010	Deed of Covenant	3	Town of Vincent and Demol Investments Pty Ltd of PO Box 2282, Midland WA 6056 re: No. 602-610 (Lot: 89 D/P: 692, Lot: 404 and 405 D/P: 32639) Beaufort Street, Mount Lawley - Proposed Demolition of existing Commercial Buildings and Construction of Four-Storey Mixed Use Development comprising Twenty (20) multiple dwellings, shops and associated basement car parking - To satisfy Condition (xxiii) of Council Approval of the Ordinary Meeting of Council held on 9 June 2009
21/05/10	Notification under Section 70A	2	Town of Vincent and Mr M A Coletti of 41B Scarborough Beach Road, North Perth re: No. 41 Scarborough Beach Road, North Perth - Proposed Demolition of Existing Single House and Construction of Four (4), Two-Storey Single Bedroom Grouped Dwellings - <i>To satisfy Clause (viii) of conditional approval of the Ordinary Meeting of Council held on 27 May 2008</i>
21/05/10	Deed of Licence	2	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Australian Rugby Union of PO Box 115, St Leonards NSW 1590 re: Australian Barbarians vs England - 8 June 2010 (Stadium)
25/05/10	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: AMWU Meeting - 26 and 27 May 2010 (AMWU Meeting)
25/05/10	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: Nova Breakfast Show - 28 May 2010 (Gareth Naven Room and The Pitch)
26/05/10	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: Schweppes Meeting - 31 May 2010 (Gareth Naven Room and The Pitch)
26/05/10	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 (The Southern Marquee and Inside Gate 4)
28/05/10	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: Vincent Accord/Mustard Catering Meeting* - 2 June 2010 (Gareth Naven Room) - <i>Meeting subsequently cancelled (31/05/10).</i>

**9.4.2 Audit Committee – Receiving of Unconfirmed Minutes – 31 May 2010**

<b>Ward:</b>	-	<b>Date:</b>	1 June 2010
<b>Precinct:</b>	-	<b>File Ref:</b>	FIN0106
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer:</b>	John Giorgi, Chief Executive Officer		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

*That the Council RECEIVES the Audit Committee Unconfirmed Minutes dated 31 May 2010, as shown in Appendix 9.4.2.*

**COUNCIL DECISION ITEM 9.4.2**

**Moved Cr Buckels, Seconded Cr Maier**

*That the recommendation be adopted.*

**CARRIED “EN BLOC” (9-0)**

**PURPOSE OF REPORT:**

The purpose of this report is for the Council to receive the unconfirmed minutes of the Audit Committee held on 31 May 2010.

**BACKGROUND:**

At the Ordinary Meeting of Council held on 26 August 2003, the Council considered the matter of its Audit Committee and resolved inter alia as follows;

*"That the Council;*

- (i) APPROVES of amending the Audit Committee Terms of Reference to be as follows;*
  - (a) the process of selecting the Auditor;*
  - (b) recommending to Council on the Auditor;*
  - (c) managing the Audit Process;*
  - (d) monitoring Administrations actions on, and responses to, any significant matters raised by the Auditor;*
  - (e) submitting an Annual Report on the audit function to the Council and the Department of Local Government; and*
  - (f) consideration of the completed Statutory Compliance Return and monitoring administrations corrective action on matters on non-compliance;*
  - (g) to oversee Risk Management and Accountability considerations; and*
  - (h) to oversee Internal Audit/Accountability functions;"*

**CONSULTATION/ADVERTISING:**

N/A.

**LEGAL/POLICY:**

The Local Government Act (Financial Management) Regulations 1996, Regulations 5 and 6 prescribe the duties of the CEO in respect to financial management and independent performance reviews (including internal and external Audits).

**STRATEGIC IMPLICATIONS:**

This matter is in keeping with the Town's Plan for the Future - Strategic Plan 2009-2014, Objective 4.1.2 - *"Manage the organisation in a responsible, efficient and accountable manner"*.

**SUSTAINABILITY IMPLICATIONS:**

Nil.

**FINANCIAL IMPLICATIONS:**

Nil.

**COMMENT:**

The reporting of the Town's internal Audit Committee minutes to the Council Meeting is considered "best practice" and in keeping with the Audit Charter.

**9.4.3 Town of Vincent Internal Organisational Review 2009 – Recommendations – Progress Report No. 3**

<b>Ward:</b>	Both	<b>Date:</b>	1 June 2010
<b>Precinct:</b>	All	<b>File Ref:</b>	ADM0061
<b>Attachments:</b>	-		
<b>Reporting Officer:</b>	John Giorgi, Chief Executive Officer		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

*That the Council RECEIVES the Progress Report No. 3 as at 1 June 2010, concerning on the Town of Vincent Internal Organisational Review 2009, as detailed in this report.*

**COUNCIL DECISION ITEM 9.4.3**

**Moved Cr Buckels, Seconded Cr Maier**

*That the recommendation be adopted.*

**CARRIED “EN BLOC” (9-0)**

**PURPOSE OF THE REPORT:**

To inform the Council of the progress of the implementation of the recommendations of the Internal Organisational Review, which was conducted by the Town’s Chief Executive Officer during March-April 2009.

**BACKGROUND:**

The matter was previously reported to the Ordinary Meetings of Council held on 24 March 2009, 8 September 2009 and 9 March 2010. At the Ordinary Meeting of Council held on 9 March 2010, the Council resolved (in part) as follows:

*“That the Council;*

- (i) RECEIVES the Progress Report No. 2 as at 1 March 2010, concerning on the Town of Vincent Internal Organisational Review 2009, as detailed in this report; and...”*

A summary of the Recommendations/Suggestions is shown below:

**TERM OF REFERENCE NO. 1**

*Review the current Organisational Structure to ascertain if it best meets the needs of our organisation to achieve our current and future objectives, as outlined in our Strategic Plan 2009-2014 and Plan for the Future 2009-2014.*

**Chief Executive Officer’s Comment:**

All changes to the Organisational Structure were completed by late 2009.

**TERM OF REFERENCE NO. 2**

*Identify better efficiencies and improvements which can be achieved in our internal and external service delivery.*

**Recommendations:**

Listed below are a number of "high priority" recommendations. The list is not exhaustive and recommendations of a "medium" and "low" priority or of an administrative nature only have not been included.

As at 31 May 2010, the following is the status of the Items/Recommendations:

No.	Item/Recommendation	Indicative Cost Savings/ Increased Revenue (per annum)	Priority	Comments
1.	Transfer of Leases from Corporate Services to New Property Unit	Unspecified	High	<b>Completed.</b>
2.	Introduction of regular meetings between Customer Service Centre and "back office" sections	Unspecified	High	<b>Completed.</b>
3.	Introduction of centralised ordering of stationery	\$8,000	High	<b>Completed.</b> Savings to date 30.10.09 - \$8,300 over 4 months.
4.	Improvements to online orders and requisition process	Unspecified	High	<b>Completed.</b>
5.	Introduce restrictions on use of colour printing	\$2,500	High	<b>Completed.</b> Savings estimated to be \$3,600 per annum.
6.	Introduce quarterly internal customer service surveys	Unspecified	High	<b>Completed.</b>
7.	Improve online payment facilities ( <i>Re-assessed as at "Medium" priority</i> )	Unspecified	Medium	<b>In progress.</b> Sundry debtors at beginning of 01/01/2011.
8.	Review Town's Welcome Packs and contents	\$2,500	High	<b>Completed.</b>
9.	Review Town's advertising	\$22,500	High	<b>Completed.</b> Half/Full Page from 1 January. Trial commenced. Matter to be reviewed at the end of the 2009/2010 financial year.
10.	Review Town's catering and discontinue meals/sandwiches at some meetings	\$1,500	High	<b>Completed.</b>
11.	Down size two vehicles to four cylinders	\$6,000	High	<b>Completed: saving \$12,000.</b>
12.	Discontinue media monitoring	\$4,800	High	<b>Completed.</b>
13.	Review mobile phone allocation and expenses	\$2,500	High	<b>Completed.</b> Using Optus Rebate for purchase of any new mobile phones.
14.	Introduce new procedures for use of fuel cards	\$5,000	High	<b>Completed.</b> A desk top exercise has indicated that there could be a \$500/month saving if the fuel price at Gull was >\$0.03/litre cheaper. So saving could be between <b>\$5000 - \$6000</b> per annum

No.	Item/Recommendation	Indicative Cost Savings/ Increased Revenue (per annum)	Priority	Comments
15.	Discontinue attendance to after hours noise complaints (after purchase of monitoring equipment)	\$9,000	High	<b>Completed.</b> Yellow brick purchased. After hours attendance now limited to very occasional pre-arranged attendance (~1 attendance/1-2 months). Savings will be ~\$9000 per annum on overtime/time-in-lieu based on number of callouts in previous financial year.
16.	Review application forms	Unspecified	High	<b>Completed.</b>
17.	Review purchase and use of consumables (teas, coffee, etc. - no Milo)	\$3,500	High	<b>Completed.</b>
18.	Review payment of home telephone allowance to save FBT	\$2,600	High	<b>Completed.</b>
19.	Review allocation of responsibilities in financial services section for works bonds, Leederville Garden Retirement Village accounts etc.	Unspecified	Medium/ High	<b>Completed.</b>
20.	Implement emailing of EFT creditor payments instead of hard copy to save postage, envelopes etc.	\$2,000	High	<b>Completed.</b>
21.	Creation of print prompt before printing to save unnecessary printing/wastage and double-sided printing and introduction of recycled paper	\$1,000	High	<b>Completed.</b> Colour printer implemented.
22.	Rates section to have higher involvement in debt collection thereby saving legal costs etc.	\$10,000	High	<b>Completed.</b> Savings will come into effect later in the year when legal action may be taken against offending rate payers.
23.	Implement changes to Investment Policy to change institutions for higher return	\$70,000*	High	<b>Completed.</b> Increase return obtained estimated to be \$30,000 - To date - \$35,000.
24.	Provide enhancement to Town's GIS System	\$5,000	Medium/ High	<b>Completed.</b>
25.	Provide improvements to IT Helpdesk	Unspecified	Medium/ High	Currently being updated.
26.	Review use of two-way radio costs and procedures	\$12,000	High	<b>Completed.</b> Reported to OMC 15/12/09.
27.	Review Town's webpage	Unspecified	Medium/ High	<b>In progress.</b> Working Group established and regular meetings held. Webpage providers are in the process of presenting to the Working Group. New webpage to be implemented by October 2010.
28.	Review use of temporary employees for annual leave of less than two weeks in some positions	\$25,000	High	<b>Completed.</b>
29.	Review and improve employee annual performance review forms	Unspecified	Medium/ High	<b>In progress.</b>

No.	Item/Recommendation	Indicative Cost Savings/ Increased Revenue (per annum)	Priority	Comments
30.	Review training requirements for employees	Unspecified	Medium/ High	<b>Completed.</b>
31.	Review all existing contracts/quotes, due to change in labour market	\$10,000	Medium/ High	<b>Completed.</b>
32.	Review preparation and printing of Annual Report	\$3,500	High	<b>Completed.</b>
33.	Review air conditioning use and temperature controls	\$1,500	Medium/ High	<b>Completed.</b> Current savings estimated to be <b>\$4,500</b> per year.
34.	Review responsibility for verge permits	Unspecified	Medium/ High	<b>Completed.</b> Process reviewed and recommended that there be no change to current procedures.
35.	Investigate introduction of automated library books	Unspecified	Medium/ High	<b>In progress.</b> Self-serve system investigation/evaluation currently being undertaken. Funds included on 2010/2011 Budget for implementation in September/October 2010.
36.	Introduce stricter control for use of solicitors	\$5,000	Medium/ High	<b>Completed.</b>
37.	Lease main photocopier (instead of purchase)	\$1,000	High	<b>Completed</b> Savings \$1,050.
38.	Review procedures for traffic management requirements	\$10,000	Medium/ High	<b>Completed.</b>
39.	Investigate energy (electricity and gas) providers	Unspecified	Medium/ High	<b>In progress.</b> Matter currently being researched and to be reported to OMC 22 June 2010.
40.	Restructure rosters for gym contract staff at Beatty Park	\$18,000	High	<b>Completed.</b>
41.	Change membership mail out procedures at Beatty Park	\$3,600	High	<b>Completed.</b>
42.	Change swim school mail out procedures at Beatty Park	\$1,100	High	<b>Completed.</b>
	<b>TOTAL</b>	<b>\$247,100</b> <i>(approx)</i>		

\* *estimate only*

### TERM OF REFERENCE NO. 3

*Review our;*

- (a) *processes, procedures and Council Policies/Guidelines (and other relevant documentation) to;*
  - (i) *improve the processing of development applications, subdivisions to ensure they are issued within the statutory timeframes;*
  - (ii) *and the issuing of building licences within 20 working days; and*
- (b) *processes and procedures with the view to improving our internal customer service and external customer focus and delivery and focus.*

**Chief Executive Officer's Comment:**

The majority of recommendations have been satisfactorily completed as detailed in this report.

**Local Government Structural Reform Process**

Stage 1 of the Reform Agenda required the completion of a Local Government Reform Checklist. The Town's submitted its Checklist on 30 April 2009 and this was subsequently amended on several occasions by providing additional information to the Department of Local Government. The Checklist was then assessed by the Local Government Reform Steering Committee. On 23 July 2009 the Town received a letter from the Department of Local Government which advised as follows:

*“On the basis of the checklists assessment, the Town of Vincent was placed in Category One: "evidence indicates that there is existing organisational and financial capacity to meet current and future community needs. Local governments should still consider reform opportunities which enhance service provision to local and regional communities.*

*Whilst the checklist and attached documents demonstrate the Town's capacity to implement long term strategic and financial planning processes, areas where improvements are required were identified in relation to;*

- *noted delays with processing development applications.”*

The Town of Vincent submitted the mandatory Local Government Reform Checklist in April 2009. A copy of the section of the Checklist relating to the processing of building applications and development applications is detailed below:

**Short Term Initiatives (Immediate to 2 months – 1 July 2009-31 August 2009)**

No.	Initiative	Timeframe	Comment - Status Update
1.	Immediate collection and allocation to a Planning Officer or planning applications by the CSP	Commenced April 2009 and successfully implemented.	- COMPLETED-
2.	Increase in the regularity of DAT from 3 days per week to daily and ensure that a representative from all Service areas attend DAT.	Commenced April 2009 and successfully implemented.	- COMPLETED-
3.	Implementation of new target response times for subdivision applications to the WAPC is 21 days. (Statutory Requirement 42 days for subdivision applications).	Commenced 13 March 2009 and successfully implemented.	- COMPLETED-
4.	Implementation of new target response times for built strata applications to the WAPC is 14 days.	Commenced 13 March 2009 and successfully implemented.	- COMPLETED-
5.	Review of the Town's checklist for Planning and Building Applications.	Commenced July 2009 and scheduled to be completed August 2009.	- COMPLETED-
6.	Improve clearance procedures (internal referrals) for Building Licence clearances.	Commenced July 2009 and procedure put in place by August 2009.	- COMPLETED-
7.	Review of Community Consultation Policy and Consultation Procedures.	Policy review completed June 2009 and Draft Agenda Report prepared.	- <i>IN PROGRESS</i> - Amended Policy was presented at OMC 15 December 2010. Not approved. Referred to Council Member Forum scheduled for 16 February 2010. Council Member comments obtained. Policy is currently being reviewed.
8.	Planning, Building Heritage Services be provided with a full complement of staff.		- COMPLETED-

No.	Initiative	Timeframe	Comment - Status Update
9.	Pre-application meetings between applicants and planning officers to be restricted to (1) meeting per application and only (1) set of revised plans will be accepted per application.	Practice to be implemented by <u>mid September 2009</u> .	- <b>COMPLETED</b> -
10.	Any more than 2 on-site meetings with regard to Strata Form 7 clearance/certificate of classification shall be subject to a flat-rate inspection fee.	<u>Consideration of the introduction of a new fee to be investigated.</u>	- <b>COMPLETED</b> -
11.	Provide relief staff for extended leave over two weeks.		- <b>COMPLETED</b> - Temporary staff and contract services currently in place due to resignation of Co-ordinator Building Services, new Co-ordinator commences August 2010. Discussions held with the City of Stirling to provide contract building services for a period of up to 3 months.
12.	Reduce the processing time of Development Applications determined by Council.	To commence August 2009.	- <b>COMPLETED</b> -
13.	Reduce the processing time of Development Applications determined under delegation.	To commence August 2009.	- <b>COMPLETED</b> -
14.	New approach to compiling submissions in Agenda Reports.		- <b>COMPLETED</b> -
15.	Implement new approach to the procedures of Development Approval Team (DAT)	New system commenced on 2 September 2009.	- <b>COMPLETED</b> -
16.	Monitor the processing time of Building Licences.	To be completed October 2009.	- <b>COMPLETED</b> -

**Medium Term Initiatives (3 months to 6 months – 1 September 2009-31 January 2010)**

No.	Initiative	Timeframe	Comment - Status Update
1.	Investigate improvement of the Authority System to work to the Town's needs.		- <b>COMPLETED</b> -
2.	Formalise a BL ' <i>fastrack</i> ' approval process for minor BL's such as patios, sheds, pools. etc.	To commence August 2009.	- <b>COMPLETED</b> -
3.	Short Track Subdivision System - formal arrangement between the DOP and Town of Vincent.	To commence October 2009.	- <b>COMPLETED</b> -
4.	Cancellation and Suspension practices of DA and BL applications to be reviewed for consistency.	To commence August 2009.	- <b>COMPLETED</b> -
5.	A system relating to the re-allocation of Applications to Officers whilst on leave is set in place to ensure continued accountability and consistency.	New procedure to be put in place by September 2009.	- <b>COMPLETED</b> -
6.	Form a Working Group to assist in facilitating and monitoring the progression of improving the efficiency of the planning and building application process.	Working Group to commence meetings in August 2009.	- <b>COMPLETED</b> - Working Group Meetings are held on a fortnightly basis.

**Long Term Initiatives (6 to 12 months – 1 February 2010-30 June 2010)**

No.	Initiative	Timeframe	Comment - Status Update
1.	Review and consolidate the Town's Planning and Building Policy Manual as part of the Town Planning Scheme Review.		- <i>In Progress</i> - Progress Reports reported to Council on a regular basis.
2.	Commence extensive review of the Residential Design Elements Policy.		- <i>In Progress</i> - Progress Reports reported to Council on a regular basis.
3.	Research electronic systems in place at other local government authorities in WA and interstate regarding the lodging and processing of development applications and building licences.		- <i>In Progress</i> -

**TERM OF REFERENCE NO. 4**

*Review our employee resources, including remuneration levels and performance expectations, when benchmarked against other similar local governments and organisations.*

Chief Executive Officer Comments:

Completed.

**TERM OF REFERENCE NO. 5**

*Review and reassess the organisation and its service delivery and practises to;*

- (a) *achieve a minimum of 3% cost savings against the Draft Operating Budget 2009-10, without impacting or reducing our front line services or levels delivered to the community;*
- (b) *identify other improvements and efficiencies;*
- (c) *identify whether any current services could be discontinued, modified and/or reduced; and*
- (d) *identify additional sources of revenue/income.*

Chief Executive Officer's Comments:

Completed.

**CONSULTATION/ADVERTISING:**

Not applicable.

**LEGAL/POLICY:**

The Local Government Act Section 5.41 prescribes the functions and duties of the Chief Executive Officer and these include:

- “(d) manage the day to day operations of the local government;” and*
- “(g) be responsible for the employment, management, supervision and dismissal of other employees (except designated senior employees)”.*

The conducting of a review is one of the functions of the Chief Executive Officer.

Changes to the development approval process are in accordance with the following legislation:

Planning and Development Act 2005  
Town Planning Scheme No. 1  
Town Planning Regulations 1967 and Model Scheme Text  
Local Government (Miscellaneous Provisions) Act 1960  
Building Regulations 1989  
Planning and Development Regulations 2009  
Local Planning Strategy  
Planning Building Policy Manual

**STRATEGIC IMPLICATIONS:**

This is in keeping with the Town's Plan for the Future - Strategic Plan 2009-2014, which states:

*“Leadership Governance and Management*

*Objective 4.1 Provide good strategic decision making, governance, leadership and professional management.*

*4.1.2 Manage the Organisation in a responsible, efficient and accountable manner.”*

**SUSTAINABILITY IMPLICATIONS:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

These have been previously reported to the Council and incorporated into the 2009/2010 Budget.

**COMMENTS:**

The Chief Executive Officer is pleased to report that implementation of the recommendations has been successfully actioned.

The outcome of the Internal Organisation Review has resulted in significant cost savings and improved efficiencies for both internal and external customer services. It has also resulted in significant improvements to the development approval process.

The Chief Executive Officer will continue to implement the remaining recommendations over the forthcoming months in order to improve efficiency and service.

**9.1.3 Car Parking Strategy Implementation Plan 2010 - 2018**

<b>Ward:</b>	Both Wards	<b>Date:</b>	1 June 2010
<b>Precinct:</b>	All Precincts	<b>File Ref:</b>	PLA0084
<b>Attachments:</b>	<a href="#">001</a> <a href="#">002</a> <a href="#">003</a>		
<b>Reporting Officers:</b>	T Woodhouse, Co-ordinator Strategic Planning J Maclean, Manager Ranger and Community Safety Services		
<b>Responsible Officer:</b>	H Smith, Acting Director Development Services J Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the report relating to the Car Parking Strategy Implementation Plan 2010 - 2018;*
- (ii) *ADOPTS the Car Parking Strategy Implementation Plan 2010 - 2018, as shown in Attachment 001 as a key guiding document to action the recommendations within the Car Parking Strategy 2010 and the associated Precinct Parking Management Plans and to inform budgetary considerations as they relate to the actions within the Car Parking Strategy Implementation Plan 2010 - 2018;*
- (iii) *NOTES the indicative pricing provided by Luxmoore Parking Consultants on 30 April 2010, for assisting in the Car Parking Strategy Implementation Plan 2010 - 2018 as follows:*
  - (a) *Undertaking updated surveys of parking demand in key high activity areas (\$20,000);*
  - (b) *Assisting in the preparation and assessment of tender documentation for the supply, installation and maintenance of the proposed new ticketing machines (\$17,000);*
  - (c) *Preparation of a Way Finding Package including concept design, detailed graphics schedule and a signage style manual for manufacturers (\$50,000); and*
  - (d) *On-going professional advice as required by the Town during the 2010 - 2011 Budget Period (\$290 per hour); and*
- (iv) *NOTES that the Town's Officers will prepare a Car Parking Publicity Strategy to guide the implementation of the key actions of the Car Parking Strategy Implementation Plan 2010 - 2018 including, but not limited to:*
  - (a) *The installation of new ticketing machines; and*
  - (b) *Amendments to the Town's existing car parking regimes and car parking fee structures;*
- (v) *APPROVES BY AN ABSOLUTE MAJORITY an amendment to the Parking and Parking Facilities Local Law (2007), to include the areas, specified in the Town of Vincent Car Parking Strategy 2010 and associated Precinct Parking Management Plans, as paid parking areas;*

- (vi) *Under the powers conferred by the Local Government Act 1995 and all other powers enabling it, the Council of the Town of Vincent resolve on .....2010 to make the Parking and Parking Facilities Amendment Local Law No. 1,(2010).*

**“LOCAL GOVERNMENT ACT 1995 (as amended)  
TOWN OF VINCENT PARKING AND PARKING FACILITIES LOCAL LAW  
AMENDMENT LOCAL LAW NO. 1, 2010**

*AMENDS the Town of Vincent Parking and Parking Facilities Local Law (2007) as follows:*

- (a) *The existing Schedule 6 be deleted and replaced by Schedule 6, as shown at Attachment 002, to this report; and*
- (b) *The existing Schedule 7 be deleted and replaced by Schedule 7, as shown at Attachment 003, to this report;”*
- (vii) *in accordance with the provisions of Section 3.12 of the Local Government Act 1995 as amended, the Council gives a Statewide advertisement, indicating where and when the proposed amendment may be viewed and seeking public comment on the proposed amendments to the Town of Vincent Parking Facilities Local Law (2007); and*
- (viii) *NOTES that a further report will be submitted to the Council after the expiry of the statutory consultation period.*

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**COUNCIL DECISION ITEM 9.1.3**

**Moved Cr Lake, Seconded Cr Maier**

*That the recommendation be adopted.*

Debate ensued.

Cr Farrell departed the Chamber at 6.39pm.

Debate ensued.

Cr Farrell returned to the Chamber at 6.40pm.

Debate ensued.

The Chief Executive Officer advised the Council that there were numerous proposed amendments, which were prepared earlier today. Due to the Monday public holiday, the Town’s Administration had not had time to consider the impact of these. He advised the Council that pursuant to Clause 5.18 of the Standing Orders, the Item should be deferred to allow for consideration.

The Presiding Member, Nick Catania expressed a similar view.

**PROCEDURAL MOTION**

**Moved Cr Lake, Seconded Cr Maier**

*That the item be DEFERRED to the Council Forum on 15 June 2010 and subsequently reported to the Ordinary Meeting of Council on 22 June 2010.*

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

## **FURTHER REPORT**

The Council considered a report in this regard at its Ordinary Meeting held on 11 May 2010, and resolved as follows:

*"That the item be DEFERRED for the Town's Officers to submit a further report to the Council at the Ordinary Meeting of Council to be held 25 May 2010 outlining timelines by 'financial quarter' for all "High Priority" 2010-2012 items."*

In light of the above resolution, the Car Parking Strategy Implementation Plan 2010 - 2018 has been amended to provide further details on the timing of the items listed within the Car Parking Strategy Implementation Plan 2010 - 2018, together with consideration to other matters that were raised at the Ordinary Meeting of Council held on 11 May 2010.

The key changes to the document to that presented to the Ordinary Meeting of Council held on 11 May 2010 is as follows:

- An additional column titled 'Financial Quarter' has been included in the High Priority section.
- An additional column title 'Financial Year' has been included in the Medium and Low priority sections.
- All specific items that are included in *Appendix B - Consolidation and Prioritised Recommendations* of the Precinct Parking Management Plans has been incorporated into the Car Parking Strategy Implementation Plan 2010 - 2018, with some items been incorporated as the one item where appropriate.
- The items have been listed in order of priority to be completed.
- A 'Further Information' Section has been added to the Car Parking Strategy Implementation Plan 2010 - 2018 to clearly outline the financial years that relate to the High, Medium and Low Priority Items specifically, and to provide general information on how the Car Parking Implementation Plan 2010 - 2018 is to operate.

### **PURPOSE OF REPORT:**

*The purpose of this report is twofold. The Report is to present to the Council, the proposed Car Parking Strategy Implementation Plan 2010 - 2018, for endorsement as a key guiding document to action the recommendations within the Town's Car Parking Strategy 2010 and associated Precinct Parking Management Plans, in the short term (2010-2012), medium term (2013 - 2017) and long term (2018+).*

*The report is also to seek the Council's approval on the proposed amendments to the Parking and Parking Facilities Local Law (2007), to include the areas, specified in the Town of Vincent Car Parking Strategy 2010 and associated Precinct Parking Management Plans as "paid parking areas."*

### **BACKGROUND:**

*At the Ordinary Meeting of the Council held on 9 March 2010, the Council considered a report relating to the Town's Car Parking Strategy 2010 and associated Precinct Parking Management Plans. At this meeting, the Council resolved as follows:*

*"That the Council;*

- (i) *RECEIVES the report relating to the review of the Town's Car Parking Strategy 2010 and preparation of associated Precinct Parking Management Plans 2010 (PPMPs);*

- (ii) *CONSIDERS the nine (9) written submissions in relation to the Draft Car Parking Strategy 2010 received by the Town during the Community Consultation Period, as shown in Attachment 001;*
- (iii) *ADOPTS the Draft Car Parking Strategy 2010 and associated Precinct Parking Management Plans 2010 and their respective recommendations as shown in Attachment 002 and Attachment 003 respectively, as key guiding documents in the approach to parking management in the Town;*
- (iv) *RECEIVES the:*
  - (a) *High Density Residential Parking Survey 2010, as shown in Attachment 004;*
  - (b) *Draft Parking Survey Report 2010, as shown in Attachment 005, as a working document to be amended on a regular basis; and*
  - (c) *report dated 10 September 2009 submitted by Luxmoore Parking Consultants on the replacement program for all existing ticket machines and the identification of the most suitable machines for installation, as shown in Attachment 006.*
- (v) *LISTS for consideration in the DRAFT 2010-2011 Budget appropriate resources to implement a selection of "high priority" recommendations outlined in the Draft Car Parking Strategy 2010 and associated Precinct Parking Management Plans 2010, including:*
  - (a) *installation of new ticketing machines as outlined in Appendix C of the Precinct Parking Management Plans (\$1,728,000);*
  - (b) *undertake surveys of current parking ratios to inform review of the Town's Policy No. 3.7.1 relating to Parking and Access (\$25,000);*
  - (c) *replacement of existing ticket parking machines with new technology (\$126,000); and*
  - (d) *preparation of Wayfinding Signage Strategy and installation of new Wayfinding Signage (\$40,000); and*
  - (e) *preparation and distribution of promotional material to educate the need for and benefits of managing parking demand (\$5,000);*
- (vi) *AUTHORISES the Chief Executive Officer to prepare an Implementation Plan comprising; Short term recommendations (2010 to 2012), Medium term recommendations (2013 - 2017) and long term recommendations (2018+), outlined within the Draft Car Parking Strategy 2010 and associated Precinct Parking Management Plans 2010, to be reported to the Council by no later than 27 April 2010;*
- (vii) *REQUESTS that the Implementation Plan referred to in clause (vi) above, include alternative models for financing the new ticket machines referred to in clause (v) (a), including finance arrangements whereby the cost of the machine can be amortised over several years and paid for from future income earned by the machines; and*
- (viii) *REQUESTS that the Implementation Plan referred to in clause (vi) include any required staff increases, and reports on the feasibility of introducing dedicated parking inspectors to enforce parking rules."*

*DETAILS:*

*To address clauses (vi), (vii) and (viii) above, a Car Parking Strategy Implementation Plan 2010 - 2018 has been prepared. It is intended that the Car Parking Strategy Implementation Plan 2010 - 2018 is used as a key guiding document to ensure that the recommendations within the Car Parking Strategy 2010, and associated Precinct Parking Management Plans adopted by the Council, at its Ordinary Meeting held on 9 March 2010, are implemented in an effective and timely manner. The Car Parking Strategy Implementation Plan 2010 - 2018 will also assist in planning for appropriate budgetary requirements for each of the actions listed.*

*1. Structure of Car Parking Strategy Implementation Plan 2010 - 2018*

*The Car Parking Strategy Implementation Plan 2010 - 2018 has been prepared largely in line with the format of the consolidated recommendations within the Precinct Parking Management Plans and has been divided into short term (2010 - 2012), medium term (2013 - 2017) and long term (2018+) priorities. Essentially, the recommendations within the Car Parking Strategy 2010 and associated Precinct Parking Management Plans have been consolidated into the Car Parking Strategy Implementation Plan 2010 - 2018. The recommendations have been amended where required and condensed to comply with the Town's operating framework. The columns comprise the Action to be taken, the reference section from the Precinct Parking Management Plans and/or the Car Parking Strategy 2010, the Responsible Officer, approximate costs and completion date.*

*2. Content of Car Parking Strategy Implementation Plan 2010 - 2018*

*Short Term Priorities (2010 - 2012)*

*The items listed within this section are anticipated to be commenced in the 2010/2011 and 2011/2012 financial years respectively. The items have been separated into administrative and operational items for ease of reference below.*

*The key administrative items relate to:*

- Updating the Town's Policy No. 3.7.1 relating to Parking and Access and associated research;*
- Preparation of a Way Finding Strategy;*
- Increasing public access to promotional material relating to car parking at the Town;*
- Undertaking surveys that relate to supply and demand of car parking;*
- Undertaking surveys that relate to current car parking ratios at the Town;*
- Reviewing permit arrangements;*
- Employing additional enforcement staff; and*
- Preparation of documentation to monitor impact of large scale developments and/or special events.*

*In terms of employing additional enforcement staff as requested in clause (viii) listed in the 'Background' section above, this has been listed in the Car Parking Strategy Implementation Plan 2010 - 2018 as a high priority, to be considered in the 2011/2012 Budget. It has been costed as \$60,000 per enforcement officer. The rationale for consideration of this item in the 2011/2012 Budget is based on the assumption that the proposed installation of the additional ticketing machines and introduction of significant changes to the existing car parking regime and parking fee structure will not be completed until at least the final quarter of the 2010/2011 financial year. As such, it is considered that the Town will be in a better position to determine the feasibility of additional enforcement staff in the proposed 2011/2012 Budget.*

*The key operational items relate to:*

- *Installation of Way Finding Signage;*
- *Installation of new ticketing machines;*
- *Replacement of existing ticketing machines;*
- *Introduction of new areas of on-street pay parking and/or time restrictions;*
- *Amendments to existing pay parking regimes and parking fee structure;*
- *Commencement of monitoring of the area surrounding the new restrictions; and*
- *Implementation of measures to address problems that result from these new restrictions.*

*In terms of the introduction and review of the Town's parking regimes and parking fee structure as detailed in item 16 of the Car Parking Strategy Implementation Plan 2010 - 2018, this is to be guided by the recommendations within the Precinct Parking Management Plans and Car Parking Strategy; however, is worded generically to allow for flexibility as required.*

*Medium Term Priorities (2013 - 2017)*

*The items listed within this section are anticipated to be commenced in the 2012/2013, 2013/2014, 2014/2015, 2015/2016 and 2016/2017 financial years, respectively. The items have been separated into administrative and operational items.*

*The key administrative items relate to:*

- *Research and discussion paper on shared parking arrangements;*
- *Further review of the Town's Policy No. 3.7.1 relating to Parking and Access and associated research;*
- *Research on impact of new high density development;*
- *Review and monitoring of spill-over effects;*
- *Undertake updated parking surveys relating to supply and demand of car parking; and*
- *Research and discussion paper on a system of 'parking benefit districts.'*

*In terms of shared parking arrangements and 'parking benefit districts', it is considered that discussion papers are prepared in the first instance to analyse further, prior to any specific recommendations or commitment to implementation is made.*

*The key operational items relate to:*

- *Continue to ensure off-street car parks meet with current standards and adhere to Crime Prevention Through Environmental Design (CPTED) guidelines; and*
- *Ensure that adequate provision for motorcycles and scooters is provided for both on-street and off-street parking.*

*Long Term Priorities (2018+)*

*The items listed within this section are anticipated to be commenced in the 2017/2018 financial year.*

*The key administrative items relate to:*

- *Promoting and adopting Transit Orientated Development (TOD) principles for development within 400-800 metres of station and bus interchange, by assuming 80% car use for sites;*

- *Introducing maximum parking ratios for other non-residential developments in activity centres and along growth corridors; and*
- *Monitor the impact of new developments with reduced car parking requirements and enforce parking restrictions if required.*

*There are no operational items in the long term priority actions.*

### *3. Function and Management of Car Parking Strategy Implementation Plan 2010 - 2018*

*It is considered appropriate that for the effective monitoring of the actions detailed within the Car Parking Strategy Implementation Plan 2010-2018, the following approach is taken.*

- *Develop a Car Parking Strategy Implementation Plan Working Group comprising the following Officers:*
  - *Manager Ranger and Community Safety Services*
  - *Manager Design and Asset Management*
  - *Manager Planning, Building and Heritage Services*
  - *Co-ordinator Strategic Planning*
  - *Senior Planning Officer (Strategic).*

*It is envisaged that the group meet on a monthly basis or as required. It is currently being investigated whether it is appropriate for a representative from Luxmoore Parking Consultants to be engaged to attend meetings where required. Luxmoore Parking consultants have offered their services in this regard, at a cost of \$290 per hour for 2010.*

- *Report to the Council on a regular basis*

*Progress Reports are to be presented to the Council on a quarterly basis to provide an update on the progression of the key items. Comments from the relevant service areas will be inserted into the Completion Date section of the Car Parking Strategy Implementation Plan to be considered by the Council.*

- *Utilise the Car Parking Strategy Implementation Plan to guide consideration of budget items*

*It is proposed that the Implementation Plan will be used as a key guiding document to inform and plan for budget items as they relate to car parking.*

- *Funding arrangements for the installation of new ticketing machines*

*In response clause (viii) of the Council resolution detailed in the 'Background' section above, Luxmoore Parking Consultants have advised that there are various options available to the Town with regards to a model for financing the new ticketing machines.*

*Below is a summary of three possible options to fund the purchase of the new ticketing machines:*

*Option 1 - An Interest Only Loan to be paid off within say 2 years. The revenue generated from the new ticketing machines to be collected in a reserve fund, specifically to repay the loan for the new ticketing machines. The estimated loan is \$1.8 million.*

*Option 2 - A Capital and Interest Loan to be paid off over a 5 year period. The loan would be repaid through standard budget surplus. No specific reserve fund would be created. As above, the estimated loan would be an estimated \$1.8 million.*

*Option 3 - Ticketing Machines acquired through a lease arrangement to be leased under a three year lease agreement.*

*Option 4 - Ticket machines to be purchased and paid by instalments payments through the implementation period:*

- *Percentage payment on award of the tender;*
- *Percentage payment of the installation of the machines; and*
- *Percentage payment after 12 months of use.*

*At a meeting held on 29 April 2010, Luxmoore Parking Consultants advised the Town, that a loan of \$1.8 million could be readily paid off through revenue generated from the proposed installation of 132 new ticketing machines in a 1 - 2 year period. Luxmoore Parking Consultants have also advised the Town that the exact model adopted by the Town to fund the ticketing machines should be finalised at the time of selecting the preferred tender.*

*As such, it is envisaged that on finalisation of the preferred tender, the Car Parking Strategy Implementation Plan 2010 - 2018, will be amended to reflect the preferred financing model.*

#### *CONSULTATION/ADVERTISING:*

*Given the overarching recommendations in the Car Parking Strategy and Precinct Parking Management Plans promote a significant shift in the Town's traditional 'supply and demand' approach to parking, it is recognised that appropriate consultation and publicity will be required to effectively implement the key actions of the Car Parking Strategy Implementation Plan 2010 - 2018.*

*In addition to the preparation and distribution of promotional material to educate the need for and benefits of managing parking demand and to inform of the location and rationale for the installation of new ticketing machines, the Town's Officers will also prepare a dedicated Car Parking Publicity Strategy. It is anticipated that the dedicated Car Parking Publicity Strategy will provide the framework for the proposed roll-out of the new ticketing machines and any significant changes to the existing parking regimes and car parking fee structures at the Town, together with other general information to assist in the effective management of the key actions within the Car Parking Strategy Implementation Plan 2010-2018. It is envisaged that various methods of publicity will be adopted, such as; the Town's newsletter, local newspapers, signs on site, website portal, information sessions and individual mail outs.*

#### *LEGAL/POLICY:*

*The Town of Vincent Town Planning Scheme No. 1 and associated Policies;*

*Parking and Facilities Local Law 2007; and*

*Clause 3.12 of the Local Government Act 1995.*

#### *STRATEGIC IMPLICATIONS:*

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

*"Objective 1.1: Improve and Maintain the Environment and Infrastructure:*

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

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

#### *SUSTAINABILITY IMPLICATIONS:*

*The long-term sustainability for the Town's current parking operations are questioned in the Car Parking Strategy Review Report that was adopted by the Council at its Ordinary Meeting held on 9 March 2010. The Strategy Review Report details methods in which the Town can affect a paradigm shift in its methods of providing and managing parking throughout the Town, with a view to achieving greater sustainability. These principles are supported further in the recommendations detailed in the Precinct Parking Management Plans and have been consolidated in the Car Parking Strategy Implementation Plan 2010 - 2018.*

*FINANCIAL/BUDGET IMPLICATIONS:*

*The items within the Car Parking Strategy Implementation Plan 2010 - 2018 for consideration in the 2011/2012 Budget are detailed in clause (v) of the resolution of the Council at its Ordinary Meeting held on 9 March 2010, and listed in the 'Background' section above.*

*COMMENTS:*

*The Car Parking Strategy Review that was adopted by the Council at its Ordinary Meeting held on 9 March 2010 focused on the idea that the Town of Vincent has adopted traditional 'supply and demand' approaches to parking, whereby motorists should nearly always be able to easily find convenient, free parking at every destination. This attitude also appeared prevalent in the Vincent Vision 2024 workshops. The Car Parking Strategy Review addressed why this current parking strategy is not sustainable, and offers significant recommendations, to ensure that the Town can provide sufficient parking in the long term, to support prosperous and vibrant commercial centres and encourage accessibility to these centres by sustainable transport modes, including walking, cycling and public transport.*

*It is emphasised that the Car Parking Strategy Review adopted by the Council at its Ordinary Meeting held on 9 March 2010, recommends that a fundamental change in the way the Town manages parking is required, not only to ensure an adequate supply of parking for current and future needs, but also to make certain that the social, environmental and financial impact of parking, is successfully managed.*

*Recognising that in order to adequately progress a significant number of the Consolidated Recommendations made in the Draft Car Parking Strategy Review, surveys of supply and demand were undertaken in the identified Activity Centres by Luxmoore Parking Consultants in November 2008.*

*Following the compilation of the survey results, the Town further engaged Luxmoore Parking Consultants to prepare Precinct Parking Management Plans for each of the Activity Centres. Informed by the survey results, the Precinct Parking Management Plans support the information within the Car Parking Strategy Review adopted by the Council at its Ordinary Meeting held on 9 March 2010, and apply best practice principles. The Precinct Parking Management Plans provide both a context for the Town to adopt a new approach to parking management, whilst also drawing on key recommendations, as they relate to each of the Activity Centres. The Precinct Parking Management Plans that were adopted by the Council at its Ordinary Meeting held on 9 March 2010, provide a sound and accessible document to inform the recommended actions in the short, medium and long term, that are detailed within the Car Parking Strategy Implementation Plan 2010 - 2018.*

*The consolidated actions that are detailed within the Car Parking Strategy Implementation Plan 2010 - 2018 seek to support both the overarching findings and recommendations within the Car Parking Strategy Review and the key recommendations detailed within the Precinct Parking Management Plans. It is considered that the content, structure and anticipated functionality of the Car Parking Strategy Implementation Plan 2010 - 2018 will provide a practical basis to ensure that the actions as they relate to improving the management of car parking at the Town, are implemented in an efficient and timely manner.*

*In light of the above, it is recommended that the Council endorses the Car Parking Strategy Implementation Plan 2010 - 2018 to assist in facilitating the appropriate management of parking in the Town, in the short, medium and long term.*

**9.1.2 Further Report- No. 99 (Lot: 2 D/P: 4270) Palmerston Street Perth - Proposed Additional Three (3), Three-Storey Grouped Dwellings to Existing Single House**

<b>Ward:</b>	South	<b>Date:</b>	1 June 2010
<b>Precinct:</b>	Hyde Park; P12	<b>File Ref:</b>	PRO4867 5.2009.517.2
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer:</b>	R Narroo, Acting Coordinator Statutory Planning H Au, Heritage Officer		
<b>Responsible Officer:</b>	H Smith, Acting 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 S Bransby on behalf of the owner Tripleview Holdings Pty Ltd for proposed Additional Three (3), Three-Storey Grouped Dwellings to Existing Single House, at No. 99 (Lot 2; D/P 4270) Palmerston Street, Perth and as shown on plans stamp-dated 25 March 2010, 9 April 2010, 16 April 2010 and 25 May 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 Palmerston Street and Robertson Park;*
- (ii) any new street/front wall, fence and gate within the Palmerston 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 No. 75 Palmerston 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. 75 Palmerston Street, in a good and clean condition;*
- (v) a right of way widening of minimum 5.5 metres at the intersection of Palmerston Street and the right of way to facilitate a double entry for a length of 6 metres at the subject property shall be provided at the owner's full expense;*
- (vi) any proposed rear fence facing Robertson Park shall be of open style fence to a maximum height of 1.8 metres above the natural ground level. The maximum height of solid portion of wall to be 1.2 metres above the natural ground level and of open style above 1.2 metres;*

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

(a) **Screening**

- (1) *the terrace (Lots 1 and 3-ground floor) on the northern and southern elevations;*
- (2) *the rear balconies (Lots 1 and 3-first floor) on the northern and southern elevations;*
- (3) *the rear balcony (Lot 3-first floor) on the western elevation;*
- (4) *the balconies adjacent to kitchen/dining (Lots 1 and 3-first floor) on the eastern and western elevations;*
- (5) *the window to the dining room (Lot 3-first floor) on the southern elevation;*
- (6) *the window to the lounge/bar room (Lot 3-first floor) on the eastern elevation;*
- (7) *the rear balconies (Lots 1 and 3-second floor) on the northern, western and southern elevations; and*
- (8) *the window to the study room (Lot 3-second floor) on the southern elevation;*

*within the cone of vision of 7.5 metres (balcony/terrace), 4.5 metres (study room) respectively to the lot boundaries, being screened with a permanent obscure glazing and be non-openable to a minimum of 1.6 metres above the respective finished floor levels; OR alternatively, the provision of on-site effective permanent horizontal screening or equivalent preventing direct sight within the cone of vision to ground level of adjoining properties. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2008. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the affected owners of properties along southern and northern sides, respectively, stating no objections to the respective proposed privacy encroachment;*

*All screens provided shall comply with the definition of the Residential Design Codes 2008.*

*The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes; and*

(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) Store

*A store with a minimum dimension of 1.5 metres and a minimum area of 4 square metres is to be provided for the existing house;*

(d) Schedule of External Finishes

*A detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*

(e) Design Features

*Additional design features using colour and/or relief being incorporated on the visible portions of the north and south faces of the building walls facing the Right of Way and No. 75 Palmerston Street, to reduce the visual impact of the boundary walls;*

(f) Site Management-Archaeological Information

*As the proposed development is located immediately adjacent to Robertson Park and respective Archaeological Sites, which is significant for potential archaeology showing evidence of pre-historic use as well as early colonial use and Chinese Market Gardens, an archaeologist shall be engaged to provide advice prior to any ground disturbance work occurring;*

(g) Engineer Certification

*A Certified Practising Consulting Engineer's certification as to the capability of the subject site and adequacy of the proposed foundations for the development, taking into account the geotechnical composition and history of the site, shall be submitted and approved.*

*The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes;*

(h) 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. *stormwater and sediment control;*
8. *soil excavation method and de-watering (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;*

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

*The full length and width of the Right of Way from Palmerston Street to the entry of the development on the north-east boundary abutting the subject land shall be sealed, drained and paved to the specifications of and supervision under the Town, at the applicant's full expense.*

**ADVICE NOTE:**

*As per advice from the Department of Indigenous Affairs, the subject property is located within the site 17849 Robertson Park. Therefore, the Town recommends that the landowner liaises with the Department of Indigenous Affairs prior to the commencement of works on site to ensure compliance with the provisions of the Aboriginal Heritage Act 1972.*

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Cr Topelberg departed the Chamber at 6.42pm and did not speak or vote on this matter.

**COUNCIL DECISION ITEM 9.1.2**

**Moved Cr Maier, Seconded Cr Lake**

*That the recommendation be adopted.*

Discussion ensued.

**AMENDMENT**

**Moved Cr Maier, Seconded Cr Lake**

*That a new subclause (vii)(i) be inserted as follows:*

“(vii)(i) Floor Level

*The proposed ground floor finished floor level, the proposed finished level of the external paved area and the proposed finished levels of the internal driveway being lowered by between 200mm and 300mm (maximum) resulting in the overall building height being reduced by between 200mm and 300mm (maximum) and the proposed internal driveway drainage being adequately designed to ensure that in the event of a major storm event there is an overflow to the existing Right of Way to the satisfaction of the Town's Technical Services Directorate;*”

**Debate ensued.**

**Cr Lake suggested that the Mover of the amendment withdraw it and move the foreshadowed Motion to Defer.**

**The Mover, Cr Maier withdraw his amendment. The Seconder, Cr Lake agreed.**

**PROCEDURAL MOTION**

**Moved Cr Maier, Seconded Cr Harvey**

*That the item be DEFERRED to allow the applicant to reconsider the building height and finished floor levels.*

**PROCEDURAL MOTION PUT AND CARRIED (5-3)**

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

**Against:** Mayor Catania, Cr Buckels, Cr Burns

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

**Cr Topelberg returned to the Chamber at 6.56pm. The Presiding Member, Mayor Nick Catania advised that the item was Deferred.**

**FURTHER REPORT:**

The Council considered the subject application at its Ordinary Meeting held on 27 April 2010, and resolved as follows:

*“That the item be DEFERRED for the applicant to reconsider the height of the proposed development.”*

The applicant submitted amended plans showing that the height of building has changed from a maximum height of 11 metres to 9.579 metres -10.338 metres.

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Density	6 grouped dwellings- R 60 (R60 applies as there is no provision for grouped dwellings in R80)	4 grouped dwellings R 32	Noted- no variation.
Plot Ratio	Not applicable	Not applicable	Noted.
Minimum Site Area	160 square metres	Applicant submitted amended plans dated 16 April 2010.  Lot 1= 200.37 square metres  Lot 2= 190.84 square metres  Lot 3= 193.94 square metres	Noted- no variation.

Building Setbacks			
North			
Ground Floor	<del>4.6</del> <u>1.5</u> metres	Nil	Supported- The wall will face the right of way. Given other buildings in the area have nil setbacks, the proposal is not out of character with the surrounding area.
First Floor	<del>3.65</del> <u>3.1</u> metres	Nil	Supported- As above. In addition, there is articulation of the building with stepping of the wall and inclusion of balconies.
Second Floor	4.75 metres	Nil to 2.5 metres	Supported- As above.
South			
Ground floor	<del>4.6</del> <u>1.5</u> metres	Nil	Supported- The wall will face vacant land and the proposal complies with overshadowing requirements. Given other buildings in the area have nil setbacks, the proposal is not out of character with the surrounding area.
First Floor	<del>3.65</del> <u>4.9</u> metres	Nil	Supported- As above. In addition there is articulation of the building with stepping of the wall and inclusion of balconies.
Second Floor	<del>4.75</del> <u>6.6</u> metres	Nil to 2.5 metres	Supported- As above.
West			
Ground Floor	<del>4.7</del> <u>1.5</u> metres	Nil	Supported- The building will face Robertson Park and it is considered there will be no undue impact on Robertson Park.
First Floor	<del>5.7</del> <u>5.2</u> metres	2.75 metres	Supported- As above.
Second Floor	<del>7.2</del> <u>6.9</u> metres	2.8 metres	Supported- As above.

Boundary Walls	Maximum Height= 3.5 metres  Average Height = 3 metres	North boundary  Average Height= <del>8.4</del> <u>7.6</u> metres  Maximum Height= <del>10.85</del> <u>9.688</u> metres  South boundary  Average Height= <del>8.4</del> <u>7.6</u> metres  Maximum Height= <del>10.7</del> <u>9.6</u> metres	Supported-The boundary wall will face the right of way and is articulated with staggered walls and the inclusion of balconies. It is considered the walls will not impact on the character of the surrounding area.  Supported- The boundary wall face vacant land and is articulated with staggered walls and the inclusion of balconies. It is considered the walls will not impact on the character of the surrounding area.
Number of Storeys	2 storeys	3 storeys	Supported- Refer to "Comments" below.
Building Height	7 metres	<del>11</del> <u>9.579 to 10.338</u> metres	Supported- Refer to "Comments" below.
Privacy	Terraces/Balconies= 7.5 metres  Study Room= 4.5 metres	Terrace on the ground floor  North= 3.66 metres.  South= Nil.  Balconies on first floor  Rear Balconies  North= 4 metres.  South= 0.2 metre.  Balcony adjacent to kitchen= 6 metres from northern boundary  Balcony adjacent to kitchen= 0.8 metre from southern boundary	Not supported- The terrace is required to be screened.  Not supported- As above.  Not supported- The balcony is required to be screened.  Not supported- As above.  Not supported- As above.  Not supported- As above.

		<p>Study Room on first floor</p> <p>South= 3 metres.</p> <p>Balconies on second floor</p> <p>Rear Balconies</p> <p>North= 5.86 metres.</p> <p>South= 2.1 metres.</p> <p>Study Room on second floor= 3 metres from southern boundary.</p>	<p>Not supported- The window to the study room is required to be screened.</p> <p>Not supported- The balcony is required to be screened.</p> <p>Not supported- As above.</p> <p>Not supported- The window to the study room is required to be screened.</p>
Store	Minimum dimension of 1.5 metres and an internal area of 4 square metres.	<p>Existing house- no store provided</p> <p>Applicant has confirmed that the existing house has a store at the rear of the building.</p>	Not supported- Given the store is not shown on the plan, a condition is imposed for the store to comply with the requirements.
<b>Consultation Submissions</b>			
Support	Nil.		Noted.
Objections (9)	<p>Building setbacks and boundary walls</p> <p>The variation to the building setbacks and boundary walls will have an undue impact on the adjoining northern and southern properties. The boundary walls are twice the height allowed and they will set a precedent for this section of Palmerston Street.</p> <p>Number of Storeys and Height</p> <p><i>“The proposal is non-compliant with the Development Standard in all three categories of privacy, scale and bulk. Homes in this area are all of character style in keeping with the district, with a maximum of two storeys and consideration given to privacy and amenity of the residents.”</i></p>		<p>Not supported- Refer to “Comments” in the Assessment Table.</p> <p>Not supported- Refer to “Comments” below.</p>

	<p>The proposed building will overshadow the adjoining northern and southern properties.</p> <p><i>“The proposed height also sets a precedent for this section of Palmerston Street and Maltings’ style development will be seen to be creeping up towards Hyde Park, eliminating the smaller character and heritage properties in its path.”</i></p> <p>Privacy</p> <p>The privacy of the adjoining properties will be impacted by overlooking from the proposed building.</p> <p>Right of Way and Traffic</p> <p>Clarification is required on the ownership and rights of passage to the right of way.</p> <p>The new development will generate 8 vehicles which will create a safety hazard of the adjoining residents who also use the right of way. Moreover, the residents of No. 101 Palmerston require to use the right of way for taking out bins.</p> <p>The widening of the right of way will cause removal of fence, trees and plantings. The driveway would need to be strengthened to accommodate additional vehicular traffic.</p>	<p>Supported- Refer to Assessment Table.</p> <p>Noted- The applicant submitted a copy of the Certificate of Title (attached) which indicates that the subject property consists of Lot 2 and portion of the ROW (half immediately adjacent to the primary lot), with a right of carriageway over the portion (half) immediately adjacent to No. 101 Palmerston.</p> <p>Not Supported-The applicant is required to provide 8 car bays for the development as per the requirements of the R-Codes. The developer will be required to provide a right of way widening for the first 6 metres to ensure safe entry off the street. The widening will be provided on the subject lot. The proposal will not affect discontinuance of the adjoining property owners’ use of the right of way.</p> <p>Not supported- The Town cannot prevent removal of fence and trees for the widening of a right of way. Any upgrading of the right of way will need to meet the Town’s specifications.</p>
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	<p>Clarification is required around cost of maintenance and the ownership of the right of way.</p> <p>Materials and environment</p> <p>There is no mention of materials and finishes on the plans especially the boundary walls.</p> <p>There is no mention the proposal is energy efficient design.</p> <p>Consultation Process</p> <p>The applicant did not contact the adjacent neighbours to discuss this proposal.</p> <p>Title</p> <p>The title on the plan shows “6 apartments.”</p>	<p>Noted- The cost of maintenance of the right of way is the owner’s responsibility; the ownership of the right of way is outlined above.</p> <p>Supported- The applicant will be required to provide the types of materials and finishes prior to the issue of a Building Licence. In addition, there will be a requirement for additional design features to the boundary walls to be detailed with a view to minimising their impact on the adjoining properties.</p> <p>Not supported- The applicant is required to comply with energy efficiency under the Building Code of Australia at the Building Licence stage.</p> <p>Not supported- There is no requirement for an applicant to contact adjoining neighbours before submitting a planning application.</p> <p>Supported- The applicant has amended the plans to indicate ‘town houses’.</p>
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**Other Implications**

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

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

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

**COMMENTS:**

**Number of Storeys and Building Height**

With regard to the amended height, the Officer's comments outlined in the agenda report to the Council at its Ordinary Meeting held on 27 April 2010, remain the same. Therefore the variations to the number of storeys and reduced height are further supported.

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

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 27 April 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, APPROVES the application submitted by S Bransby on behalf of the owner Tripleview Holdings Pty Ltd for proposed Additional Three (3) Three-Storey Grouped Dwellings to Existing Single House, at No. 99 (Lot: 2 D/P: 4270) Palmerston Street, Perth, and as shown on plans stamp-dated 25 March 2010, 9 April 2010 and 16 April 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 Palmerston Street and Robertson Park;*
- (ii) any new street/front wall, fence and gate within the Palmerston 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 No. 75 Palmerston 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. 75 Palmerston Street, in a good and clean condition;*
- (v) a detailed landscaping plan, including a list of plants and the landscaping of the Palmerston Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. The landscaping of the verges shall include details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months. The Council encourages landscaping methods which do not rely on reticulation. Where reticulation is not used, the alternative method should be described. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*

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

- (1) (a) *the terrace (ground floor) on the northern and southern elevations;*
- (b) *the rear balconies (first floor) on the northern and southern elevations;*
- (c) *the rear balcony (Lot 3-first floor) on the western elevation;*
- (d) *the balconies adjacent to kitchen (first floor) on the eastern elevation;*
- (e) *the window to the ~~study~~ dining room (first floor) on the southern elevation;*
- (f) *the rear balconies (second floor) on the northern and southern elevations;*
- (g) *rear balcony(Lot 3-second floor) on the western elevation; and*
- (h) *window to the study room (~~first~~ second floor) on the southern elevation;*

*within the cone of vision of 7.5 metres (balcony/terrace), 4.5 metres (study room) respectively to the lot boundaries, being screened with a permanent obscure glazing and be non-openable to a minimum of 1.6 metres above the respective finished floor levels; OR alternatively, the provision of on-site effective permanent horizontal screening or equivalent preventing direct sight within the cone of vision to ground level of adjoining properties. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2008. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the affected owners of properties along southern and northern sides, respectively, stating no objections to the respective proposed privacy encroachment;*

- (2) *a store with a minimum dimension of 1.5 metres and a minimum area of 4 square metres is to be provided for the existing house; and*
- (3) *all screens provided shall comply with the definition of the Residential Design Codes 2008.*

*The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes;*

(vii) *a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*

- (viii) *additional design features using colour and/or relief being incorporated on the visible portions of the north and south faces of the building walls facing the Right of Way and No. 75 Palmerston Street, to reduce the visual impact of the boundary walls;*
- (ix) *as the proposed development is located immediately adjacent to Robertson Park and respective Archaeological Sites, which is significant for potential archaeology showing evidence of pre-historic use as well as early colonial use and Chinese Market Gardens, an archaeologist shall be engaged to provide advice prior to any ground disturbance work occurring;*
- (x) *prior to the first occupation of the development, the full length and width of the Right of Way from Palmerston Street to the entry of the development on the north-east boundary abutting the subject land shall be sealed, drained and paved to the specifications of and supervision under the Town, at the applicant's full expense; and*
- (xi) *a right of way widening of minimum 5.5 metres at the intersection of Palmerston Street and the right of way to facilitate a double entry for a length of 6 metres at the subject property shall be provided at the owner's full expense; and*
- (xii) *a Certified Practising Consulting Engineer's certification as to the capability of the subject site and adequacy of the proposed foundations for the development, taking into account the geotechnical composition and history of the site, shall be submitted and approved prior to the issue of a Building Licence.*

*ADVICE NOTE:*

*As per advice from the Department of Indigenous Affairs the subject property is located within the site 17849 Robertson Park. Therefore, the Town recommends that the landowner liaises with the Department of Indigenous Affairs prior to the commencement of works on site to ensure compliance with the provisions of the Aboriginal Heritage Act 1972.*

*\*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 9.1.5*

*Moved Cr Burns, Seconded Cr Maier*

*That the recommendation be adopted.*

*Debate ensued.*

*PROCEDURAL MOTION*

*Moved Cr Topelberg, Seconded Cr Harvey*

*That the item be DEFERRED for the applicant to reconsider the height of the proposed development.*

*MOTION PUT AND CARRIED (7-0)*

*(Mayor Catania was an apology for the meeting. Cr Farrell was on approved leave of absence.)*

<i>Landowner:</i>	<i>Tripleview Holdings Pty Ltd</i>
<i>Applicant:</i>	<i>S Bransby</i>
<i>Zoning:</i>	<i>Metropolitan Region Scheme: Urban Town Planning Scheme No. 1: Residential R80</i>
<i>Existing Land Use:</i>	<i>Single House</i>
<i>Use Class:</i>	<i>Grouped Dwelling</i>
<i>Use Classification:</i>	<i>"P"</i>
<i>Lot Area:</i>	<i>1214 square metres</i>
<i>Access to Right of Way</i>	<i>Northern side, 3.66 metres wide, sealed, privately owned</i>

**BACKGROUND:**

24 December 2009     *The Town recommended to Western Australian Planning Commission approval of the survey strata subdivision subject to conditions.*

**DETAILS:**

*The proposal involves the construction of three additional three-storey grouped dwellings to existing single house.*

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

**ASSESSMENT:**

<i>Non-Compliant Requirements</i>			
<i>Requirements</i>	<i>Required</i>	<i>Proposed *</i>	<i>Officer Comments Pursuant to Clause 38(5) of TPS 1</i>
<i>Density</i>	<i>6 grouped dwellings- R 60 (R60 applies as there is no provision for grouped dwellings in R80)</i>	<i>4 grouped dwellings R 32</i>	<i>Noted- no variation.</i>
<i>Plot Ratio</i>	<i>Not applicable</i>	<i>Not applicable</i>	<i>Noted.</i>
<i>Minimum Site Area</i>	<i>160 square metres</i>	<i>Applicant submitted amended plans dated 16 April 2010.  Lot 1= 200.37 square metres  Lot 2= 190.84 square metres  Lot 3= 193.94 square metres</i>	<i>Noted- no variation.</i>
<i>Building Setbacks  North  Ground Floor</i>	<i>1.6 metres</i>	<i>Nil</i>	<i>Supported- The wall will face the right of way. Given other buildings in the area have nil setbacks, the proposal is not out of character with the surrounding area.</i>

<i>First Floor</i>	<i>3.65 metres</i>	<i>Nil</i>	<i>Supported- As above. In addition, there is articulation of the building with stepping of the wall and inclusion of balconies.</i>
<i>Second Floor</i>	<i>4.75 metres</i>	<i>Nil to 2.5 metres</i>	<i>Supported- As above.</i>
<i>South</i>			
<i>Ground floor</i>	<i>1.6 metres</i>	<i>Nil</i>	<i>Supported- The wall will face vacant land and the proposal complies with overshadowing requirements. Given other buildings in the area have nil setbacks, the proposal is not out of character with the surrounding area.</i>
<i>First Floor</i>	<i>3.65 metres</i>	<i>Nil</i>	<i>Supported- As above. In addition there is articulation of the building with stepping of the wall and inclusion of balconies.</i>
<i>Second Floor</i>	<i>4.75 metres</i>	<i>Nil to 2.5 metres</i>	<i>Supported- As above.</i>
<i>West</i>			
<i>Ground Floor</i>	<i>1.7 metres</i>	<i>Nil</i>	<i>Supported- The building will face Robertson Park and it is considered there will be no undue impact on Robertson Park.</i>
<i>First Floor</i>	<i>5.7 metres</i>	<i>2.75 metres</i>	<i>Supported- As above.</i>
<i>Second Floor</i>	<i>7.2 metres</i>	<i>2.8 metres</i>	<i>Supported- As above.</i>
<i>Boundary Walls</i>	<i>Maximum Height= 3.5 metres</i>  <i>Average Height = 3 metres</i>	<i>North boundary</i>  <i>Average Height= 8.4 metres</i>  <i>Maximum Height= 10.85 metres</i>	<i>Supported-The boundary wall will face the right of way and is articulated with staggered walls and the inclusion of balconies. It is considered the walls will not impact on the character of the surrounding area.</i>

		<p><i>South boundary</i></p> <p><i>Average Height= 8.4 metres</i></p> <p><i>Maximum Height= 10.7 metres</i></p>	<p><i>Supported- The boundary wall face vacant land and is articulated with staggered walls and the inclusion of balconies. It is considered the walls will not impact on the character of the surrounding area.</i></p>
<i>Number of Storeys</i>	<i>2 storeys</i>	<i>3 storeys</i>	<i>Supported- Refer to "Comments" below.</i>
<i>Building Height</i>	<i>7 metres</i>	<i>11 metres</i>	<i>Supported- Refer to "Comments" below.</i>
<i>Privacy</i>	<p><i>Terraces/Balconies= 7.5 metres</i></p> <p><i>Study Room= 4.5 metres</i></p>	<p><i>Terrace on the ground floor</i></p> <p><i>North= 3.66 metres.</i></p> <p><i>South= Nil.</i></p> <p><i>Balconies on first floor</i></p> <p><i>Rear Balconies</i></p> <p><i>North= 4 metres.</i></p> <p><i>South= 0.2 metre.</i></p> <p><i>Balcony adjacent to kitchen= 6 metres from northern boundary</i></p> <p><i>Balcony adjacent to kitchen= 0.8 metre from southern boundary</i></p> <p><i>Study Room on first floor</i></p> <p><i>South= 3 metres.</i></p> <p><i>Balconies on second floor</i></p> <p><i>Rear Balconies</i></p> <p><i>North= 5.86 metres.</i></p>	<p><i>Not supported- The terrace is required to be screened.</i></p> <p><i>Not supported- As above.</i></p> <p><i>Not supported- The balcony is required to be screened.</i></p> <p><i>Not supported- As above.</i></p> <p><i>Not supported- As above.</i></p> <p><i>Not supported- As above.</i></p> <p><i>Not supported- The window to the study room is required to be screened.</i></p> <p><i>Not supported- The balcony is required to be screened.</i></p>

		<p>South= 2.1 metres.</p> <p>Study Room on second floor= 3 metres from southern boundary.</p>	<p>Not supported- As above.</p> <p>Not supported- The window to the study room is required to be screened.</p>
Store	<p>Minimum dimension of 1.5 metres and an internal area of 4 square metres.</p>	<p>Existing house- no store provided</p> <p>Applicant has confirmed that the existing house has a store at the rear of the building.</p>	<p>Not supported- Given the store is not shown on the plan, a condition is imposed for the store to comply with the requirements.</p>
<i>Consultation Submissions</i>			
Support	Nil.		Noted.
Objections (9)	<p><i>Building setbacks and boundary walls</i></p> <p>The variation to the building setbacks and boundary walls will have an undue impact on the adjoining northern and southern properties. The boundary walls are twice the height allowed and they will set a precedent for this section of Palmerston Street.</p> <p><i>Number of Storeys and Height</i></p> <p>“The proposal is non-compliant with the Development Standard in all three categories of privacy, scale and bulk. Homes in this area are all of character style in keeping with the district, with a maximum of two storeys and consideration given to privacy and amenity of the residents.”</p> <p>The proposed building will overshadow the adjoining northern and southern properties.</p> <p>“The proposed height also sets a precedent for this section of Palmerston Street and Maltings’ style development will be seen to be creeping up towards Hyde Park, eliminating the smaller character and heritage properties in its path.”</p> <p><i>Privacy</i></p> <p>The privacy of the adjoining properties will be impacted by overlooking from the proposed building.</p>		<p>Not supported- Refer to “Comments” in the Assessment Table.</p> <p>Not supported- Refer to “Comments” below.</p> <p>Supported- Refer to Assessment Table.</p>

	<p><i>Right of Way and Traffic</i></p> <p><i>Clarification is required on the ownership and rights of passage to the right of way.</i></p> <p><i>The new development will generate 8 vehicles which will create a safety hazard of the adjoining residents who also use the right of way. Moreover, the residents of No. 101 Palmerston require to use the right of way for taking out bins.</i></p> <p><i>The widening of the right of way will cause removal of fence, trees and plantings. The driveway would need to be strengthened to accommodate additional vehicular traffic.</i></p> <p><i>Clarification is required around cost of maintenance and the ownership of the right of way.</i></p>	<p><i>Noted- The applicant submitted a copy of the Certificate of Title (attached) which indicates that the subject property consists of Lot 2 and portion of the ROW (half immediately adjacent to the primary lot), with a right of carriageway over the portion (half) immediately adjacent to No.101 Palmerston.</i></p> <p><i>Not Supported-The applicant is required to provide 8 car bays for the development as per the requirements of the R-Codes. The developer will be required to provide a right of way widening for the first 6 metres to ensure safe entry off the street. The widening will be provided on the subject lot. The proposal will not affect discontinuance of the adjoining property owners' use of the right of way.</i></p> <p><i>Not supported- The Town cannot prevent removal of fence and trees for the widening of a right of way. Any upgrading of the right of way will need to meet the Town's specifications.</i></p> <p><i>Noted- The cost of maintenance of the right of way is the owner's responsibility; the ownership of the right of way is outlined above.</i></p>
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	<p><i>Materials and environment</i></p> <p><i>There is no mention of materials and finishes on the plans especially the boundary walls.</i></p> <p><i>There is no mention the proposal is energy efficient design.</i></p> <p><i>Consultation Process</i></p> <p><i>The applicant did not contact the adjacent neighbours to discuss this proposal.</i></p> <p><i>Title</i></p> <p><i>The title on the plan shows "6 apartments."</i></p>	<p><i>Supported- The applicant will be required to provide the types of materials and finishes prior to the issue of a Building Licence. In addition, there will be a requirement for additional design features to the boundary walls to be detailed with a view to minimising their impact on the adjoining properties.</i></p> <p><i>Not supported- The applicant is required to comply with energy efficiency under the Building Code of Australia at the Building Licence stage.</i></p> <p><i>Not supported- There is no requirement for an applicant to contact adjoining neighbours before submitting a planning application.</i></p> <p><i>Supported- The applicant has amended the plans to indicate 'town houses'.</i></p>
<i>Other Implications</i>		
<i>Legal/Policy</i>	<i>TPS 1 and associated Policies, and Residential Design Codes (R Codes).</i>	
<i>Strategic Implications</i>	<i>Nil</i>	
<i>Sustainability Implications</i>	<i>Nil</i>	
<i>Financial/Budget Implications</i>	<i>Nil</i>	

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

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

COMMENTS:

*Heritage*

*The subject place is located to the immediate south-east of No. 176 Fitzgerald Street, Perth (Robertson Park), which is listed on the Town of Vincent's Municipal Heritage Inventory (MHI) as Management Category A - Conservation Essential and the Heritage Council of Western Australia's State Register of Heritage Places.*

*As the place is listed on the State Register of Heritage Places, the subject application was referred to the Heritage Council for comment on 8 December 2009. In a letter dated 30 December 2009, the Heritage Council advised that they have no objection to the application, subject to an archaeologist being engaged to provide advice prior to any ground disturbance work occurring.*

*Retention of Existing Dwelling*

*The existing dwelling is not listed on the Town's Municipal Inventory; however, the Town's Officers have had a number of discussions with the applicant with a view to a development application which retains the dwelling. In the event of demolition, the site has a development potential for 6 grouped dwellings. It is considered that the loss of the existing dwelling in this event would result in a significant impact on the existing streetscape.*

*It is noted however, that given the existing building is not heritage listed and a density bonus is not sought, the Town cannot reasonably impose a condition for the retention of the house.*

*Number of Storeys and Building Height*

*The new three storey building will be located behind the existing dwelling. The proposed development complies with the overshadowing requirement, the boundary walls are articulated with staggered walls and the inclusion of balconies and it is considered that the proposal will not unduly impact on the streetscape. The walls facing Palmerston Street and Robertson Park are also articulated with balconies and window openings which will contribute to increased casual surveillance to Robertson Park.*

*The property is in close proximity to the Maltings complex at the corner of Palmerston and Stuart Streets and a three-storey development at the corner of Palmerston and Randell Streets. Within this context, it is considered that the proposed development is not unreasonable nor out of scale given the retention of the existing dwelling and the significant setback of the new dwellings from the street. Further, when viewed from Robertson Park, the proposed development assists in creating a visual link to these properties and will also create an improved urban edge to the Park. Moreover, given the contemporary nature of the building, it is considered representative of new development within this evolving inner-urban area.*

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

**9.1.7 Nos. 148-158 (Lot 600) Scarborough Beach Road, Corner Fairfield Street and Flinders Road, Mount Hawthorn - Proposed Low Impact Telecommunication Facility to Existing Shopping Centre (The Mezz)**

<b>Ward:</b>	North	<b>Date:</b>	1 June 2010
<b>Precinct:</b>	Mount Hawthorn Centre; P2	<b>File Ref:</b>	PRO0266
<b>Attachments:</b>	<a href="#">001</a> ; <a href="#">002</a>		
<b>Reporting Officer:</b>	R Rasiah, Acting Manager Planning, Building, and Heritage Services A Dyson, Planning Officer (Statutory)		
<b>Responsible Officer:</b>	H Smith, Acting Director Development Services		

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *in accordance with the Telecommunications (Low Impact Facilities) Determination 1997 ADVISES Daly International that it STRONGLY OBJECTS to the Optus proposal for a Telecommunication Facility at Nos. 148-158 (Lot 600) Scarborough Beach Road, corner Fairfield Street and Flinders Road, Mount Hawthorn, and as shown on the plans stamp-dated 16 April 2010 for the following reasons:*
- (a) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
  - (b) *the non - compliance with the Town's Policies relating to the Mount Hawthorn Centre Precinct, and Telecommunications Facilities respectively, whereby the telecommunication facilities are to be located 300 metres away from any residential building;*
  - (c) *the impact on public safety;*
  - (d) *consideration of the 3 petitions of objections and individual submissions received; (totalling 772 signatures); and*
  - (e) *the unacceptable precedent, and the likelihood to encourage other telecommunications carriers to co-locate at this site;*
- (ii) *STRONGLY OBJECTS to Optus and the owner of "The Mezz" Shopping Centre concerning the location of the proposed Telecommunication facility;*
- (iii) *STRONGLY RECOMMENDS that Optus identify alternative suitable sites for the proposed Telecommunication facilities; and*
- (iv) *ADVISES the Objectors of the Council's decision and also the fact that it has limited powers concerning the control of telecommunications facilities.*

**Moved Cr Harvey, Seconded Cr Maier**

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

- “(i)(c) the impact on public safety local community's public health and safety concerns with the currently proposed location;”*

Debate ensued.

**AMENDMENT NO 1**

**Moved Cr Maier, Seconded Cr Burns**

*That a new clause (iv) be inserted as follows and the existing clause (iv) be renumbered to clause (v) as follows:*

*“(iv) REQUESTS that Optus arrange for EME readings to be undertaken at least ten sites identified by the Town; readings at these sites must be made prior to construction of the facility and again after the commissioning of the facility; readings are to be made by independent National Association of Testing Authorities (NATA) accredited assessors; readings are to be provided to the Town who will make them public and will notify Objectors of those readings;*

*(a) These sites are to include the north east and north west corners of The Mezz Shopping Centre Car park, The Mt Hawthorn Primary School, and four (4) sites each that are at a distance of between 100 metres and 200 metres from the proposed location;”*

Debate ensued.

The Seconder, Cr Burns suggested the amendment be reworded by inserting after the words “EME readings”, the following be inserted “as agreed and at their cost”.

The Mover, Cr Maier agreed.

A male person in the public gallery commenced to speak to the Council. The Presiding Member, Mayor Nick Catania asked him to cease, as this was contrary to the Standing Orders. He asked that the correct procedure be followed, to suspend the Standing Orders.

**PROCEDURAL MOTION**

**Moved Cr Topelberg, Seconded Cr Farrell**

*That Standing Orders be suspended to enable Mr Stuart Frear of 1260 Hay Street, West Perth to address the Council.*

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

Mr Frear advised that Optus is happy to cover the cost of the readings however, would prefer that the Council nominate the person/company to perform the readings.

**PROCEDURAL MOTION**

**Moved Cr Topelberg, Seconded Cr McGrath**

*That Standing Orders be resumed.*

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

The Presiding Member, Mayor Nick Catania suggested inserting the words “as selected by the Town” after the words “accredited assessors” in the proposed clause (iv) amendment.

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

Debate ensued.

**AMENDMENT NO 1 PUT AND CARRIED (9-0)**

Debate ensued.

**AMENDMENT NO 2**

**Moved Cr Buckels, Seconded Cr Farrell**

*That a new clause (v) be inserted as follows:*

*“(v) REQUESTS that the Chief Executive Officer prepare a report, with consultation with WALGA, the WA Health Department and the relevant Federal telecommunications regulatory body, on the current status of the health risks associated with the telecommunications facilities, reporting back to the Council by August 2010 together with a recommended course of action.”*

Debate ensued.

**AMENDMENT NO 2 PUT AND CARRIED (9-0)**

Debate ensued.

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

**COUNCIL DECISION ITEM 9.1.7**

*That the Council;*

- (i) *in accordance with the Telecommunications (Low Impact Facilities) Determination 1997 ADVISES Daly International that it STRONGLY OBJECTS to the Optus proposal for a Telecommunication Facility at Nos. 148-158 (Lot 600) Scarborough Beach Road, corner Fairfield Street and Flinders Road, Mount Hawthorn, and as shown on the plans stamp-dated 16 April 2010 for the following reasons:*
- (a) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
  - (b) *the non - compliance with the Town's Policies relating to the Mount Hawthorn Centre Precinct, and Telecommunications Facilities respectively, whereby the telecommunication facilities are to be located 300 metres away from any residential building;*
  - (c) *the local community's public health and safety concerns with the currently proposed location;*
  - (d) *consideration of the 3 petitions of objections and individual submissions received; (totalling 772 signatures); and*
  - (e) *the unacceptable precedent, and the likelihood to encourage other telecommunications carriers to co-locate at this site;*
- (ii) ***STRONGLY OBJECTS to Optus and the owner of “The Mezz” Shopping Centre concerning the location of the proposed Telecommunication facility;***

- (iii) ***STRONGLY RECOMMENDS that Optus identify alternative suitable sites for the proposed Telecommunication facilities;***
- (iv) ***REQUESTS that Optus arrange for EME readings (as agreed and at their cost) to be undertaken at least ten sites identified by the Town; readings at these sites must be made prior to construction of the facility and again after the commissioning of the facility; readings are to be made by independent National Association of Testing Authorities (NATA) accredited assessors (as selected by the Town); readings are to be provided to the Town who will make them public and will notify Objectors of those readings;***
- (a) ***these sites are to include the north east and north west corners of The Mezz Shopping Centre Car park, The Mt Hawthorn Primary School, and four (4) sites each that are at a distance of between 100 metres and 200 metres from the proposed location;***
- (v) ***REQUESTS that the Chief Executive Officer prepare a report, with consultation with WALGA, the WA Health Department and the relevant Federal telecommunications regulatory body, on the current status of the health risks associated with the telecommunications facilities, reporting back to the Council by August 2010 together with a recommended course of action; and***
- (vi) ***ADVISES the Objectors of the Council's decision and also the fact that it has limited powers concerning the control of telecommunications facilities.***

<b>Landowner:</b>	Hyde Park Management Pty Ltd
<b>Applicant:</b>	Daly International on Behalf of Optus Communication
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): District Centre and Special Use (car park)
<b>Existing Land Use:</b>	Shopping Centre- The Mezz Shopping Centre
<b>Use Class:</b>	Shop and Car park
<b>Use Classification:</b>	"P" & "P"
<b>Lot Area:</b>	12740 square metres
<b>Access to Right of Way</b>	North of property, 5 metres wide sealed and is a dedicated road.

**BACKGROUND:**

- 15 April 2010 The Town received written notification from Daly International of a proposed Telecommunications facility at the Mezz Shopping Centre. The Town was given five (5) working days to comment regarding a Consultation Plan to the adjoining landowners.
- 21 April 2010 The Town inadvertently sent letters out to the Community similar to the radius of consultation carried out by the carriers, rather than the 500 metres radius as per the Town's Policy No. 3.5.6 relating to Telecommunications Facilities and the requirement to send in their concerns to the consultant Daly International.
- 28 April 2010 Further information provided by Daly International notifying Council of the Consultation letter sent out to the Local Residents.
- 4 May 2010 Memorandum forwarded to Councillors/CEO/Directors regarding the proposal, requesting comment by 10 May 2010.

- 21 May 2010 Received 3 petitions consisting of 772 signatures from the community regarding the proposed telecommunication facility.
- 28 May 2010 The Town received a response from Daly International regarding the submissions received and further justification.
- 31 May 2010 The Town received a further response from Daly International in response to the further information sought by the Town.

**DETAILS:**

The proposal involves the construction of three (3) panel antennas each not more than 2.8 metres long attached to the rooftop lift motor room of the "The Mezz" shopping centre, located on the upper level car park area in the middle of the site. It is noted that the owners of the Mezz have given their consent to this low impact facility.

In addition to the antennas, as part of the facility, an equipment shelter, with an area of 7.5 square metres and no more than 3 metres in height, is proposed below the antennas, to house solely the equipment associated with the telecommunication facility. Ancillary equipment such as safety equipment, amplifiers, feeders and other associated infrastructure are also included. The applicant proposes to match the equipment shelter and antenna with the existing background colours.

*Optus regards the facility as a Low Impact Facility as per the Telecommunications (low impact facilities) Determination 1997. If a proposed facility is determined as a "Low Impact Facility" the telecommunication carrier is required to follow the below processes:*

- "11(i) Immediately the Town is notified by Telecommunications companies of the intention to erect low-impact facilities adjoining residential properties, those adjoining residents, local community or precinct groups and Ward Councillors are also notified; and
- (ii) the Town of Vincent inspect all existing low impact facilities in the Town of Vincent to update its database and ensure that these facilities strictly meet the definition of low impact."

Following this notification, the Town as a matter of standard practice consults with its local residential and business owners, local or community or precinct groups and ward Councillors as per Clause 11(i) above. In most instances, once the Town has been notified by the Telecommunications companies of a proposed low – impact facility being installed in the Town, as per Clause 11(i) above, it is generally only the Town that undertakes the consultation. In this instance, the carrier has also separately advertised of the proposal.

In response to the Town's request for further information, the applicant has provided the following response:

1. The reasons for the selection of the location of the Telecommunication Facility on the roof of the lift shaft at *The Mezz Shopping Centre*;

*Carrier's Response - "The site is required to provide improved on-street mobile phone coverage as well as in-building voice and data coverage to the Mezz Shopping Centre and the surrounding business and residential areas. This is based on customer complaints and our network improvement activities. We refer to the attached coverage plot for existing Optus coverage in the area. Optus does not currently have a mobile site in the Mt Hawthorn area. Telstra & 3GIS have existing sites providing coverage for their services. As the Optus site is part of the joint venture program with Vodafone/VHA, the site also has the capability to provide services for Vodafone and their customers if they have this requirement in future. The maximum EME level provided by the initial proposal on the lift room has a maximum EME level just over one hundredth or 1.45% of the acceptable ARPANSA EME limit."*

2. Alternative locations for the facility on the same site that could be proposed; or any other less sensitive site in the vicinity;

Carrier's Response - *"In order to provide service to mobile telephone customers Optus needs to locate sites where people use their mobiles. This means being located where people work and live. The area required for the facility is focused around the commercial area along Scarborough Beach Rd (Matlock St to Oxford St). We are currently investigating the option to locate the facility on the Scarborough Beach Road frontage of the Mezz shopping centre rooftop, (see attached plan and photomontage). Due to this location being lower than the existing preferred site at the lift shaft room, the Radio Frequency objective for the site would be slightly compromised at this location. However, Optus is willing to pursue this location if it is preferred by Council. It should also be noted that at this stage, we do not have owners consent for this location."*

3. The current location of other Optus facilities within the Town of Vincent and in close proximity;

Carrier's Response *"Existing Optus Mobile sites in the Town of Vincent: - P0151 Glendalough - SES Tower Lynton St, Mt Hawthorn (1km south west) - P0031 North Perth - Rear of 1-3 Blake Street North Perth (1.78km to the east) - P0107 Leederville - Oxford Spares 207 Oxford St Leederville WA 6007 (1.44km to the south) - P0141 Hyde Park 318 Fitzgerald St North Perth WA 6006 (2.45km to the southeast) P0334 Highgate West 15 Robinson Ave Northbridge WA 6000 (3.42km to the south east) - P0287 Menora 71-77 Walcott St Mt Lawley WA 6050 (3.36km to the south -east) Sites located to the north (not located in the Town of Vincent Council boundaries); - P0297 Osborne Park East, 83 Main Street Osborne Park WA 6017 (1.98km to the north west) - P0014 Joondana, Buttler Place, McDonald St, Roberts St Joondanna WA 6060 (1.6km to the north)."*

4. The possibility of co location with other Telecommunication Facilities;

Carrier's Response *"In considering co-location candidates Optus assessed the following sites; The Paddington Ale House - discarded as the site is listed on the Municipal Heritage Inventory. Existing 3GIS equipment on the roof Telstra exchange -the building is too low and will not meet the radio frequency objectives for the site."*

5. Any other information that you think is relevant to your proposal.

Carrier's Response *"This area been identified by Optus as an area of increasing demand, especially for mobile broadband services. This site is required to improve service to Optus customers by relieving congestion on the surrounding sites in the network. The demand presently experienced, for mobile telephone coverage and mobile broadband services has caused network congestion in some metropolitan areas. The area required for the facility is focused around the commercial area along Scarborough Beach Rd (Matlock St to Oxford St).*

*In order to provide service to mobile telephone customers we need to locate sites where people use their mobiles. This means being located where people work and live. We acknowledge the community's concerns about proximity to residences and wish to re-assure you that the safety of the community is of the utmost importance to Optus. Under the ACIF Code we are obliged to incorporate a Precautionary Approach in planning the site. This requires us to specifically identify 'sensitive uses', this is a term defined by the ACIF Code and refers to a specific list of uses. This does not mean that we have not considered residential uses or the safety of the general*

*public. The safety of the community is always a consideration in site design. Safety of nearby residents is ensured by our compliance with the Australian Standard - Radiation Protection Standard - Maximum Exposure Levels to Radiofrequency Fields - 3 kHz to 300 GHz. The Standard sets limits for human exposure to radiofrequency (RF) fields in the frequency range 3 kHz to 300 GHz. The ARPANSA Standard also includes requirements for protection of the general public and the management of risk in occupational exposure, together with additional information on measurement and assessment of compliance. I would refer you the ARPANSA website for more detail on the Standard and how it is formulated.  
[http://www.arpansa.gov.au/pubs/eme/EME\\_factsheet\\_4.rtf](http://www.arpansa.gov.au/pubs/eme/EME_factsheet_4.rtf)*

*EME Prior to the construction of a facility an EME Report is prepared by an Optus radio frequency engineer. This report summarises the estimated maximum cumulative electromagnetic energy (EME) levels at ground level emitted from the proposed mobile phone base station antennas. The car park level was used for the base of the proposed facility when the report was generated. In addition to the estimated EME readings, it is possible for readings to be taken from specific properties before and after construction to ensure that they comply with the Australian safety standards."*

The applicant has provided a comprehensive response to the concerns raised in the public submissions, which is attached and also "Laid on the Table."

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
<u>Town's Policy No. 3.5.6 relating to Telecommunications</u>			
Clause 3 – Distance from Residential Buildings	300 metres	40-60 metres	Not supported – Undue impact on the amenity of surrounding residential area.
Clause 7 – Due Consideration to various matters	Visual and aesthetic matters, and environmental and health matters.	Antennas, poles protrude from the existing roof top and will be visible from the east, west, north and possibly south elevations. The structure will be in full view of all shoppers parking their motor vehicles on this level.	Not supported – As there is no integration of the facility, with the existing structure on site; the facility will be highly visible. In terms of health, there is a perceived genuine concern regarding the negative impact on people's health, especially children.
Clause 9 - Design	Design to have a minimal impact on the streetscape and the amenity of the surrounding area.	Antennas, poles protrude from the existing roof top and will be partly visible from the east, west, north and possibly south elevations.	Not supported – The subject proposal is considered to have a detrimental impact on the streetscape and the visual amenity of the surrounding area.

<u>Mount Hawthorn Centre Precinct:</u>			
Built Form	Consistency in style, form, rhythm and articulation of buildings.	Proposal protrudes well above the existing roof line and proposed equipment shelter is not consistent with existing building form.	Not supported – Proposal is considered to be inconsistent with the style and rhythm of the existing buildings, given these matters were closely considered when the shopping centre was redeveloped.
Scale	All new buildings to be consistent with existing scale of buildings.	Antennas protrude not more than 3 metres above the height of the existing structure.	Not supported- Undue visual impact on scale of building and surrounding locality.
<b>Consultation Submissions</b>			
Support	Nil		Noted.
Objections 3 petitions with a total of 772 signatures.	<ul style="list-style-type: none"> <li>The necessity of the facility given the good coverage of the phone service;</li> </ul>		Noted. The carrier has responded to this in the attachment.
	<ul style="list-style-type: none"> <li>Alternative sites could have been considered by the carrier;</li> </ul>		As above.
	<ul style="list-style-type: none"> <li>The location close to a Residential Area in which there is a high number of young children, a number of persons under 40, number of Women in area, Pregnant Women.</li> </ul>		As above.
	<ul style="list-style-type: none"> <li>High level of possible exposure for the persons noted above within a close proximity to the Telecommunication facility. Radiation exposure is increased by a factor of 90 times compared with residents in the radius 400m-500m away.</li> </ul>		As above.
	<ul style="list-style-type: none"> <li>It has been published in scientific literature that women and children are more sensitive to radiation emissions.</li> </ul>		As above.
	<ul style="list-style-type: none"> <li>The current EME levels need to be documented prior to anything being done, in case they are unexpectantly high. As an ethical responsibility to address public health concerns.</li> </ul>		As above.
	<ul style="list-style-type: none"> <li>There should be plans to measure EME levels after the installation of any such facility to ensure that the ‘predicted’ levels are not unexpectantly exceeded, and periodic monitoring of the same in the case of malfunction of equipment.</li> </ul>		As above.

	<ul style="list-style-type: none"> <li>Issue with the fact that a Telecommunication Facility can be constructed without some form of shire approval.</li> </ul>	Noted as above, the carrier can if the facility is low impact..
	<ul style="list-style-type: none"> <li>“The Mezz” Shopping Centre is not a large shopping centre and by its very location it is close to schools, child care facilities and medical centres.</li> </ul>	As above.
	<ul style="list-style-type: none"> <li>The construction of a ten metre high structure placed on top of a shopping centre car park would create aesthetic issues for the Town.</li> </ul>	As above.
	<ul style="list-style-type: none"> <li>The issue that there are already three mobile phone towers within close proximity to the proposed tower.</li> </ul>	As above.
	<ul style="list-style-type: none"> <li>Impact of any further Towers when it comes to Radiation emissions.</li> </ul>	As above.
	<ul style="list-style-type: none"> <li>Any previous Towers had not come to our attention and were not publicised.</li> </ul>	<p>Noted. Following perusal of the Town’s records, one example of where a proposed Telecommunications Facility (Low Impact Facility) has been documented. This was received by the Town in November 2000 for a roof top facility at the Paddington Alehouse. The proposal was for 3 antennas on the rooftop of a length of 1.3 metres.</p> <p>The proposal was advertised to the immediately adjoining landowners and a Memorandum sent to Councillors noting the proposal.</p>
	<ul style="list-style-type: none"> <li>Any level of radiation emissions should be unacceptable in a residential environment where children are present and potentially exposed.</li> </ul>	Noted. The carrier has responded to this in the attachment.

	<ul style="list-style-type: none"> <li>The Council should do all it can to prevent carriers from adding further structures in the proposed location and in fact should have some removed.</li> </ul>	Noted. The Town has a Telecommunications Policy that addresses these matters.
	<ul style="list-style-type: none"> <li>Any future placement of Telecommunication Facilities should be well away from residences, schools, health centres and all areas of high public use.</li> </ul>	Noted. The carrier has responded to this in the attachment.
	<ul style="list-style-type: none"> <li>Gaps in the Research on the health effects of exposure to Electro-magnetic Energy (EME).</li> </ul>	As above.
	<ul style="list-style-type: none"> <li>The “Sprinkler Effect” of base station EME on nearby homes, whereby the further away from the Telecommunication Facility the more intense the emissions.</li> </ul>	As above.
	<ul style="list-style-type: none"> <li>A shopping centre surrounded by a Commercial Buffer Zone of smaller shops would be far more suitable. Alternatively placed closer to the Commercial zones on Scarborough Beach Road or on top of the Mt Hawthorn Telephone Exchange (Cnr Scarb Bch and Oxford St).</li> </ul>	As above.
	<ul style="list-style-type: none"> <li>Closeness of Children to facility in the areas they live and recreate.</li> </ul>	As above.
	<ul style="list-style-type: none"> <li>In some countries there are limitations on placing Telecommunication facilities i.e. United Kingdom extra precautions are required and approvals are required.</li> </ul>	As above.
	<ul style="list-style-type: none"> <li>If the facility is installed as planned we request regular EME levels testing by independent and professional persons prior to commencement and during. Costs should be borne by the carrier for future testing of the levels.</li> </ul>	Noted. The carrier has responded to this in the attachment, and agrees to fund such reporting of levels.
	<ul style="list-style-type: none"> <li>Homes along Fairfield Street, especially, are in direct line of sight with the Telecommunication Facility with no barriers in between them.</li> </ul>	Noted. The carrier has responded to this in the attachment.
	<ul style="list-style-type: none"> <li>Schools and Local Churches are considered as sensitive locations however residential properties where Children spend a greater majority of their time 7 days per week are of greater significance to the location of Telecommunication Facilities.</li> </ul>	As above.

	<ul style="list-style-type: none"> <li>The carrier is not adopting a “Precautionary Approach” in choosing the site and is not meeting the objective of avoiding sensitive locations and as such is a breach of the ACIF code (Sections 5.1.4 (b) &amp; (d).</li> </ul>	As above.
	<ul style="list-style-type: none"> <li>Further a tract of land directly surrounded on three sides by Residential land cannot be classed as a “Commercial Precinct”, this is a predominantly a residential area with a small commercial zone woven into it.</li> </ul>	As above.
	<ul style="list-style-type: none"> <li>The greatest impact from the RF field will be on the Neighbouring Residential Area not on the Commercial Precinct.</li> </ul>	As above.
	<ul style="list-style-type: none"> <li>The submitter requests that the carrier should relocate the Telecommunication Facility where there is a better buffer zone and good separation to residents.</li> </ul>	As above.
	<ul style="list-style-type: none"> <li>The submitter further states that once one base station is installed (or 3) it has been widely observed that co location then becomes attractive for other Telecommunication carriers and possibly increasing the EMR emissions on site.</li> </ul>	As above.
<b>Other Implications</b>		
Legal/Policy	TPS No. 1 and Telecommunication Facilities, the Town’s Policy No. 3.5.6 relating to Telecommunications (low impact facilities) Determination 1997 and Telecommunication Code of Practice 1997 (as per the schedule of the Telecommunication Act 1997).	
Strategic Implications	Nil	
Sustainability Implications	Nil	
Financial/Budget Implications	Nil	

**COMMENTS:**

**Alternative Locations**

The Town, consistent with the Telecommunication Facilities Policy, is for new telecommunications facilities to be co-located with existing facilities. Within the vicinity, there are three locations where this could occur. These include the Paddington Alehouse, whereby a facility is already located on the roof top, the corner of Lynton and Anzac Road, where Optus Facilities are already located and Nos. 205-207 Oxford Street, where Optus has a tower on the roof of Commercial premises.

The applicant has also stated that a Low Impact Facility could also be located along the frontage of 'The Mezz' Shopping Centre to Scarborough Beach Road (attached).

In light of the above, the Town's Officer's consider the proposal and the location of the facility to pose a significant negative impact to the residents living within close proximity of the proposed site and the general visual amenity of the area. In addition, the lack of integration with existing facilities or attempts to minimise its visual impact on the surrounding properties, promotes further concern.

Accordingly, the proposed development, by reason of its scale, massing, height and design of its antennas and poles, would result in a negative visual and amenity impact on the surrounding residential area. Furthermore, the proposed facility would establish a negative precedent in the area to the detriment of the visual amenity and character of the area. The proposed development is therefore contrary to the provisions of the Town's Policies and is therefore recommended for refusal.

**9.1.1 Further Report - Nos. 208-212 (Lot 123; D/P 9320) Beaufort Street, Perth - Proposed Construction of a Drive-In Fast Food Outlet and Associated Signage (McDonalds)**

<b>Ward:</b>	South	<b>Date:</b>	1 June 2010
<b>Precinct:</b>	Beaufort; P13	<b>File Ref:</b>	PRO3329 5.2009.583.2
<b>Attachments:</b>	<a href="#">001</a> ; <a href="#">002</a>		
<b>Reporting Officer:</b>	A Dyson, Statutory Planning Officer		
<b>Responsible Officer:</b>	H Smith, Acting 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 REFUSES the application submitted by TPG Town Planning and Urban Design on behalf of the owner Sunswept Corporation Pty Ltd & McDonalds Australia Ltd for proposed Construction of a Drive-In Fast Food Outlet and Associated Signage (McDonalds) at Nos. 208-212 (Lot: 123 D/P: 9320) Beaufort Street, Perth, and as shown on the revised plans stamp-dated 28 April 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 development is considered an under utilisation of the site in accordance with the Town of Vincent Policy 3.1.13 relating to the Beaufort Precinct;*
- (iii) the non compliance with the Town's Policy 3.5.2 Relating to Signs and Advertising;*
- (iv) the development will result in an undesirable precedent for the area and the Beaufort Precinct; and*
- (v) consideration of the objections received.*

Cr Burns departed the Chamber at 7.16pm.

**COUNCIL DECISION ITEM 9.1.1**

**Moved** Cr Farrell, **Seconded** Cr Harvey

*That the recommendation be adopted.*

Debate ensued.

Cr Burns returned to the Chamber at 7.17pm.

Debate ensued.

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

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

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

**FURTHER REPORT:**

The applicants, TPG Town Planning and Urban Design, have advised the Town's Officers that their client requests that the item be determined at the next available Ordinary Meeting of Council on 8 June 2010. No additional information has been furnished by the applicant. As such, the Officer Recommendation for refusal remains unchanged.

The Council considered the subject application at its Ordinary Meeting held on 25 May 2010, and resolved as follows:

*"That the item be DEFERRED at the request of the applicant to the Ordinary Meeting of Council to be held on 8 June 2010."*

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 25 May 2010.

*"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 REFUSES the application submitted by TPG on behalf of the owner Sunswep Corporation Pty Ltd & McDonalds Australia Ltd for proposed Construction of a Drive-In Fast Food Outlet and Associated Signage (McDonalds) at Nos. 208-212 (Lot: 123 D/P: 9320) Beaufort Street, Perth, and as shown on the revised plans stamp-dated 28 April 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 development is considered an under utilisation of the site in accordance with the Town of Vincent Policy 3.1.13 relating to the Beaufort Precinct;*
- (iii) the non compliance with the Town's Policy 3.5.2 Relating to Signs and Advertising;*
- (iv) the development will result in an undesirable precedent for the area and the Beaufort Precinct; and*
- (v) consideration of the objections received.*

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COUNCIL DECISION ITEM 9.1.1

Moved Cr Farrell, Seconded Cr McGrath

*That the item be DEFERRED at the request of the applicant to the Ordinary Meeting of Council to be held on 8 June 2010.*

MOTION PUT AND CARRIED (7-0)

*(Cr Harvey was an apology for the meeting. Cr Topelberg had not yet arrived at the meeting.)*

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*FURTHER REPORT:*

*The Council considered the subject application at its Ordinary Meeting held on 23 February 2010, and resolved as follows:*

*“That the item be DEFERRED to enable the applicant to provide the following additional information:*

- (i) a further Transport Statement incorporating assessment of traffic loads, and intersection performance, based on Beaufort Street being a two way road, as currently planned by the City of Perth and under consideration by the Town of Vincent;*
- (ii) the development of a single storey restaurant is seen as a significant underutilisation of the subject site. The Council strongly encourages the applicant to consider options to allow for the site to be developed into a modern three storey mixed use building (demonstrating best practice sustainable design) and potentially accommodating an eating house/fast food outlet on the ground floor; and*
- (iii) a Social Impact Statement being provided as part of any proposed development of this site for a fast food outlet.”*

*The applicant submitted amended plans and additional information on 8 March 2010 and 10 March 2010 which demonstrated the following changes, and provided the following information:*

- Reduced the crossover width of the most eastern crossover on-site from 9.0 metres to 7.5 metres in width to achieve compliance with Town’s Policy 2.2.4 relating to Crossover specifications;*
- Reduced the height of the ‘M - McDonalds’ Sign on the corner of Beaufort and Stirling Streets from 8.9 metres in height and 2.8 metres wide to 7.0 metres in height and 2.7 metres in width;*
- Provided a further Transcore Statement incorporating assessment of traffic loads, and intersection performance, based on Beaufort Street being a two-way road, as currently planned by the City of Perth and under consideration by the Town of Vincent;*
- Provided a response to reasons for refusal;*
- Provided a response to the objections received from Public Consultation;*
- Provided a Social Impact Statement and McDonalds Corporate Social Responsibility Report; and*
- Provided a response to comments of the Police and the Nyoongar Patrol.*

*Following on from the above, the applicant has submitted amended plans following a presentation to the Council Forum on 20 April 2010. These plans specifically address the following:*

- Redesign of the built form along Parry Street, which incorporates a car park façade structure on the southern elevation;*
- The structure along Parry Street to be constructed of similar materials to the remainder of the building;*
- Includes a large lifestyle graphic over the entry statement representing social settings subject to Council approval;*
- Increase in the height of the building on the southern side (Parry Street) and the west (Beaufort Street) elevations to 8.5 metres and an increase in the height the feature blade wall containing the ‘M’ McDonalds, Monument sign to 9.5 metres and 2.7 metres in width;*
- An increase in the size of the “McDonalds” wall sign along the Beaufort Street frontage and “McCafe” sign along Parry Street, as well an additional McCafe sign on the northern elevation and street frontage of Beaufort Street; and*
- The number of car bays provided on site remains unchanged at 13 bays.*

*AMENDED ASSESSMENT:*

*The Assessment Table has been amended to reflect changes to Signs and Advertising, Consultation Submissions and Car Parking.*

<i>Non-Compliant Requirements</i>			
<i>Requirements</i>	<i>Required</i>	<i>Proposed *</i>	<i>Officer Comments Pursuant to Clause 38(5) of TPS 1</i>
<i>Signs and Advertising</i>	<i>Monolith Signs</i>  <i>Not exceed 6 metres in height or 2 metres in width.</i>	<i>The monolith sign is <del>8.9metres in height and 2.8metres wide.</del> 9.5 metres in height and 2.7 metres wide.</i>	<i><del>Not supported</del> The height of the sign should comply with the provisions of the signage policy.</i> <i>Not Supported – The Monolith Sign has been amended in the plans dated 28 April 2010 by increasing the overall height of the sign 0.6 metre from the original proposal. In effect, with the design of the building creating a false two storey façade, the increase in height of the signage and the blade wall itself has been designed to fit in with this wall, which does not comply with the provisions of the Town's signage policy.</i>
<i>Consultation Submissions</i>			
<i>Support (1)</i>	<i>No comments provided</i>		<i>Noted.</i>
<i>Objections (9)(11)</i>	<i>Comments Previously Included</i>		<i>Noted.</i>
<i>Car Parking</i>			
<i>Car Parking Requirement (nearest whole number)</i>			<i>16 car bays</i>
<i>Queuing Area – 10.5 square metres – 4.2 car bays (1 space per 2.5 square metres of Queuing Area with a minimum of 4 car bays)</i>			
<i>Seating Area - 54.4 square metres - 12.088 car bays (1 space per 4.5 square metres of seating area)</i>			
<i>Total= 16.288 = 16 car bays</i>			
<i>Apply Adjustment Factors</i>			
<i>0.85 (the proposed development is within 400 metres of car park in excess of 75 car parking spaces)</i>			<i>(0.7225)</i>
<i>0.85 (the proposed development is within 400 metres of bus stop/station)</i>			<i>11.56</i>
<i>Minus the Car Parking provided on -site</i>			<i>13 car bays</i>
<i>Minus the most recently approved on-site car parking shortfall</i>			<i>Nil</i>
<i>Resultant Surplus</i>			<i>1.44 car bays</i>

*ADDITIONAL COMMENTS:*

*The revised plans and the additional information address two of the main points of the resolution of the Ordinary Meeting of Council held on 23 February 2010, through the provision of an additional Traffic Statement that discusses both traffic loads and intersection performance in the subject area, as well as a Social Impact Statement from McDonalds.*

*Transport Statement*

*An excerpt from the Transcore Transport Statement reads “the addendum identifies that the level of service of the intersection will not change after construction of the McDonald’s Restaurant and the trip generated by the development will have insignificant impact on the operation of the intersection during the critical PM peak hour. The increased queues and delays along Parry Street and Beaufort Street north bound are expected to be marginal thus the impact of the proposed development traffic on the intersection of Beaufort Street and Parry Street would be minimal.”*

*Social Impact Statement*

*The submitted Social Impact Statement from McDonalds provides information on hours of operation, waste and litter management, patron management, security, lighting, vandalism, odour management, environment and the presence of the restaurant in the community as an employer and centre for community interaction. The statement goes on to mention that “McDonalds believe that a new store in Beaufort Street will have a positive influence on the area for the following reasons, the improved visual amenity on site, the increase in employment opportunities within the local community, improved family eating facilities and community involvement.”*

*Beaufort Street Precinct*

*The applicant has redesigned the façade of the building by increasing the height in order to better represent part 2 of the resolution of the Council at its Ordinary Meeting held on 23 February 2010, relating to the development being effectively an underutilisation of the site in the Beaufort Street Precinct. In the revised plans, the building has been increased in height from 6.0 metres to a maximum of 8.5 metres and included a wall façade extending the whole length of the Parry Street frontage of the site, spanning the car park entrance to a maximum height of 8.5 metres.*

*The applicant has provided the following comments in support of the revised plans. The applicant states “The plan includes a car park façade structure on the south elevation. The car park façade structure will be constructed of similar materials to the remainder of the building and includes a large lifestyle graphic over the entry to the car park in response to Councillor requests.”*

*The applicants have also argued in their submission the merits of the proposed use, and that design of the premises meets the provisions of the Town of Vincent Town Planning Scheme and fits in with the existing Beaufort Street Precinct. The applicant states “the subject site is a vacant site which has been vacant for a period exceeding 10 years. The site is zoned commercial. The Commercial area under the Beaufort Precinct policy identifies that this area is to form an extension to Northbridge with Shops, Restaurants and other interactive uses continuing to be the predominant uses. The McDonalds Restaurant is consistent with this intent.”*

*The further information submitted by the applicant is “Laid on the Table” and included as Attachment 002.”*

### *Signage*

*In the previous report to the Ordinary Meeting of Council held on the 23 February 2010, the height of the large "McDonalds" sign along Beaufort Street was stipulated as a reason for refusal in the previous Officer Recommendation. In the revised plans submitted 28 April 2010, the sign has been increased in height from 8.9 metres to 9.5 metres. This is due to the increase in height of the whole building, which has been designed to more appropriately fit in with the requirements of the Beaufort Precinct. However, as this false second storey effect is not supported and the overall height of the sign is a 3.5 metre variation to the Signs and Advertising Policy, the sign is not supported in its current state.*

### *Bicycle Requirements*

*The assessment of the application noted that the provision of bicycle facilities on - site was inadequate, based on the requirement for Take – Away Food Premises. The requirement for 15 bike racks and the need to provide end of trip facilities, as more than 10 bike racks were needed.*

*The applicant in their submission noted that: "From the assessment of bicycle parking it would appear that the bicycle parking is being determined based on a Take Away Food Outlet, however given that the use is a Restaurant with drive through takeaway we would suggest that bicycle parking should be determined based on the Restaurant requirement as the main use will be for Restaurant." The applicant further states: "Based on the Restaurant bicycle parking requirement and that the public area is less than half the floor space, then 2 bays are required for employees and 4 spaces are required for visitors. This equates to 6 bays which does not result in the requirement for end of Trip Facilities."*

*However, it is noted in the assessment of the proposal, that the definition of Take Away Food Outlet more adequately defines the use of the premises rather than restaurant; hence, the bicycle requirements were assessed on that basis. Therefore, the shortfall of 3 bike racks, and the need for end of trip facilities, would be required as a condition in the event the application was supported.*

### *Consultation*

*From the time between the Ordinary Meeting of Council held on 23 February 2010 and the drafting of this Agenda Report, the Town received two (2) additional objections. The objections related to the previous neighbours concerns of traffic, noise and the hours of operation of the premises. The addition of two further objections to the public consultation results in a total of eleven (11) objections and one (1) comment of support received for this proposal.*

### *Technical Services*

*Technical Services have reiterated that three (3) existing street bays would be lost along Parry Street with the proposed two crossovers for the development.*

### *Health Services*

*Following an assessment of the revised plans, the Town's Health Services have advised that the plans require the standard regulations to be followed with regard to food preparation, as well as an inspection of the premises to be carried out when the premises are completed.*

*In conclusion, the Town's Officers are of the view that although further information has been furnished and adjustments have been made to the design of the premises, the proposal is still not supportable. These revisions to the plans in respect of the height of the building and the façade along Parry Street generally, as well as previous amendments to the width of crossovers, the single storey nature of the development (which the Council has endorsed and stated as a valid reason for deferral in its 23 February 2010 resolution), is of significant concern in respect of the long term development of the locality. It is reiterated that the proposed development effectively at one storey, with a false second storey which essentially creates a two storey facade, is considered an underutilisation of the site in the Beaufort Precinct. The Council has strongly encouraged the applicant to consider options to allow for the site to be developed into a modern three or four storey mixed use building (demonstrating best practice sustainable design) and potentially accommodating an eating house/fast food outlet on the ground floor; however, to no avail. Further, the presence of eleven (11) objections to the development indicates community opposition to a development of this nature. In view of the above, it is recommended that the application be refused.*

*The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 23 February 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 TPG on behalf of the owner Major Holdings Pty Ltd & G T Gunning for proposed Demolition of Existing Building and Construction of a Drive-In Fast Food Outlet/Restaurant and Associated Signage (McDonalds), at Nos. 208-212 (Lot 123; D/P 9320) Beaufort Street, Perth, and as shown on plans stamp-dated 1 February 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 development is considered an under development of the site in accordance with the Town of Vincent Policy No. 3.3.13 relating to the Beaufort Precinct;*
- (iii) the non-compliance with the Town's Policy No. 2.2.4 Relating to Crossover Specifications;*
- (iv) the non compliance with the Town's Policy 3.5.2 Relating to Signs and Advertising Policies; and*
- (v) consideration of the objections received.*

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*PROCEDURAL MOTION*

*COUNCIL DECISION ITEM 9.1.14*

*Moved Cr McGrath, Seconded Cr Farrell*

*That the item be DEFERRED to enable the applicant to provide the following additional information:*

- (i) a further Transport Statement incorporating assessment of traffic loads and intersection performance, based on Beaufort Street being a two way road, as currently planned by the City of Perth and under consideration by the Town of Vincent;*

- (ii) *the development of a single storey restaurant is seen as a significant underutilisation of the subject site. The Council strongly encourages the applicant to consider options to allow for the site to be developed into a modern three storey mixed use building (demonstrating best practice sustainable design) and potentially accommodating an eating house/fast food outlet on the ground floor; and*
- (iii) *a Social Impact Statement being provided as part of any proposed development of this site for a fast food outlet.*

PROCEDURAL MOTION PUT AND CARRIED (9-0)

<i>Landowner:</i>	<i>Major Holdings Pty Ltd &amp; McDonalds Australia Ltd</i>
<i>Applicant:</i>	<i>TPG Town Planning and Design</i>
<i>Zoning:</i>	<i>Metropolitan Region Scheme: (MRS) Town Planning Scheme No. 1 (TPS 1): Commercial</i>
<i>Existing Land Use:</i>	<i>Vacant Site</i>
<i>Use Class:</i>	<i>Drive-In Fast Food Outlet</i>
<i>Use Classification:</i>	<i>"AA"</i>
<i>Lot Area:</i>	<i>3048 square metres</i>
<i>Access to Right of Way</i>	<i>N/A</i>

**BACKGROUND:**

*19 October 2007 The Town approved under Delegated Authority demolition of the existing building on- site and extension of approved fee paying Car Park.*

*17 December 2009 The Town recommended approval to the Western Australian Planning Commission under Delegated Authority for a plan to subdivide the existing site into two lots and a boundary realignment of the eastern half of the adjoining property with Nos. 173-179 Stirling Street.*

**DETAILS:**

*The proposal involves the development of the vacant site on the corner of Beaufort and Parry Streets, Perth for a "McDonalds" take-away restaurant and associated drive-thru. The development of the site includes the main restaurant building, terrace and playground fronting Beaufort Street, with a drive-thru area and car park fronting Parry Street, at the rear of the site. The restaurant provides seating for 98 persons and is proposed to open 24 hours a day, 7 days per week.*

*The land uses within the immediate locality along Beaufort Street are a mixture of commercial, office and residential uses. The height of buildings in the surrounding area ranges from single storey to a maximum of four storeys in height. The property is adjacent to Weld Square.*

*The applicant's submission for the proposal, including a transport statement, is "Laid on the Table and as Attachment 002" and summarised below:*

- *The development is for a Fast Food Take Away Restaurant.*
- *The site is currently vacant and contains the remnants of a previous commercial building.*
- *The proposed layout of the site takes advantage of the active commercial strip of Beaufort Street and sensitively locates parking to the rear of the site.*

- *The site is located in close proximity to various transport options including bus services on Beaufort Street and nearby William Street and the Perth Train Station.*
- *Restaurant offers patrons the full range of services and facilities found in the company's other Restaurants.*
- *The proposal will provide a suitable transition of scale between the central city and nearby residential areas and will develop a currently underutilised site.*
- *The scale of the development is consistent with surrounding uses.*
- *The proposed access has been specifically designed from Parry Street as opposed to Beaufort Street to take access away from major streets.*
- *The proposed use will provide convenience to visitors and residents of the locality.*

ASSESSMENT:

<i>Non-Compliant Requirements</i>			
<i>Requirements</i>	<i>Required</i>	<i>Proposed *</i>	<i>Officer Comments Pursuant to Clause 38(5) of TPS 1</i>
<i>Beaufort Street Precinct  - Commercial Area</i>	<i>The Beaufort Precinct is designed to become a mixed- use area of predominately Residential Uses. A diverse range of dwelling types to be incorporated with compatible commercial activities. A sensitive mix of uses, built form and development intensity is to be attained through the establishment of residential/commercial areas.</i>	<i>Single Storey Commercial – Fast Food Take Away Outlet</i>	<i>Not Supported – The Beaufort Precinct encourages development to accommodate a mix of uses and of a height of two to four storeys.</i>
<i>Parking and Access  -Bicycle Parking  - End of Trip Facilities</i>	<i>5 Class 1 or 2 Bicycle Facilities  10 Class 3 Bicycle Facilities  Total= 15 Bike Racks  As there are more than 10 Bike Racks required, end of trip facilities are required as per the Town's Policy.</i>	<i>12 Bike Racks          No end of trip facilities Proposed.</i>	<i>Not Supported – An adequate number of Bike Racks should be provided for the development.       Not Supported – As per the Town's Parking and Access Policy for Bicycles, where 10 or more bicycles are required for any development, end of trip facilities are to be provided.</i>

<i>Awnings</i>	<i>Continuous Awnings are encouraged over the adjoining footpaths.</i>	<i>A continuous awning over the south western corner of the building fronting Parry Street is not provided.</i>	<i>Supported – The proposed awning along the corner of Beaufort and Parry Street provides adequate cover for pedestrians and provides interaction with the streetscape.</i>
<i>Signs and Advertising</i>	<p><i>Monolith Signs</i></p> <p><i>Not to be located within 1.0 metre of lot boundaries.</i></p> <p><i>Not exceed 6 metres in height or 2 metres in width.</i></p> <p><i>Be limited to no more than one Monolith sign per lot in relation to a business, shop or premises unless it is a corner lot where one sign per lot frontage may be permitted.</i></p> <p><i>Be the only freestanding sign permitted on the lot.</i></p>	<p><i>The monolith sign in the south western corner of the site abuts the boundary.</i></p> <p><i>The monolith sign is 8.9metres in height and 2.8metres wide.</i></p> <p><i>There are four examples of Monolith Signs proposed as part of the development.</i></p>	<p><i>Not supported – The design of the building could be amended to ensure that the sign is located 1.0 metre off the site boundary.</i></p> <p><i>Not supported – The height of the sign should comply with the provisions of the signage policy.</i></p> <p><i>Supported – The main monolith sign “McDonalds” facing north/south is the only major sign on site. The other three monolith signs are minor in nature and can be supported.</i></p> <p><i>As above</i></p>
<i>Consultation Submissions</i>			
<i>Support (1)</i>	<i>No comments provided</i>		<i>Noted.</i>
<i>Objections (9)</i>	<p><i>One comment provided</i></p> <ul style="list-style-type: none"> <li><i>• Traffic Congestion – Traffic Congestion is a problem along Parry Street between Beaufort and Stirling Streets. There are repeated congested delays travelling off Beaufort into Parry Street and then across Stirling Street. The bus routes will also increase due to a denser mass of persons accessing the area.</i></li> </ul>		<p><i>Supported - The proposed development will increase the amount of patronage to the area significantly as the existing site is vacant. However the DoP has provided comment that the existing road network and the entry and exit paths are adequate for the use.</i></p>

	<ul style="list-style-type: none"> <li>Hours of Trade – 24 hour opening of Restaurant will present continual traffic noise throughout the night to the existing Residential and soon to be residents in the area.</li> </ul>	<p>Supported- In any mixed use area, the presence of people at night will be a by product of any retail area. This adds to the ambience of the area. However, having a commercial activity open 24 hours a day 7 days a week will facilitate in some form a reduction in amenity of the area.</p>
	<ul style="list-style-type: none"> <li>Encouragement of Wrong Element – At night time especially, this style of restaurant in this location to Northbridge will attract people who have been to Entertainment Area with the potential to cause noise and violence, causing greater Police presence with the potential to effect Residents enjoyment of their property.</li> </ul>	<p>Supported- In any mixed use area, the presence of people at night will be a by product of any retail area. This adds to the ambience of the area. However, having a commercial activity open 24 hours a day 7 days a week will facilitate in some form a reduction in amenity of the area.</p>
	<ul style="list-style-type: none"> <li>An acceptable commercial application should be presented on the site including shops and offices.</li> </ul>	<p>Supported – The proposed development is an under utilisation of the site and a mixed use development would be preferred on the site in accordance with the Beaufort Precinct Policy which encourages this type of development.</p>
<p>Department of Planning – (DoP) Urban Transport Systems</p>	<p>In its letter dated 12 January 2010 – the DoP noted:</p> <ul style="list-style-type: none"> <li>The subject property abuts Beaufort Street, and is affected by an ORR reservation widening requirement for Beaufort Street.</li> <li>The submitted plans shows the accesses are from Parry Street (Local Road). The Local Government’s Engineering Department is to ensure the design and compliance of the proposed crossover is to the desired standard.</li> </ul>	<p>Noted.</p> <p>Supported – Any approval of the proposed application will be conditional on the Town’s Engineering Policies being adhered to.</p>

	<ul style="list-style-type: none"> <li>It is noted that a subdivision application is with the WAPC and hence any condition imposed by the WAPC on the subdivision application needs to be taken into consideration.</li> <li>Given the type and nature of the proposed development, the Department is of the view that the proposal might become a significant traffic generator for the future.</li> </ul> <p>In its letter dated 10 February 2010 following amendments to the plans and the provision of a Transport Statement, the DoP advised;</p> <ul style="list-style-type: none"> <li>It is noted that two accesses proposed from Parry Street are dedicated entry and exit only. It is recommended that proper line marking and signage are placed to complement the proposed access arrangement.</li> <li>Advertising Signs- Given the type and nature of the proposed signage, the Department would be prepared to support the placement of advertising signage on the condition that: <ul style="list-style-type: none"> <li>The advertisements do not interfere with sightlines, distract drivers or have the potential to become confused with traffic signals or road signs. This position reflects the Commission's Advertising on Reserved Land Policy DC 5.4, Paragraph 3.3.1; and</li> <li>If the signage is within the land reserve, the proponent agrees to remove the signage structure without seeking compensation.</li> <li>All signage should comply with the requirements of Main Roads (Control of Advertising) Regulations 2007. Please liaise with the Technical Advertising Officer prior to erecting any signage.</li> </ul> </li> </ul>	<p>Supported – Any approval of the application will be conditional on the WAPC's conditions of approval being adhered to.</p> <p>Noted.</p> <p>Supported – A condition may be imposed in the event the application is supported.</p> <p>Supported – Any signage proposed would have to be referred to Main Roads before the issue of a Building Licence.</p>
<i>Other Implications</i>		
<i>Legal/Policy</i>	<i>TPS 1 and associated Policies.</i>	
<i>Strategic Implications</i>	<i>Nil</i>	
<i>Sustainability Implications</i>	<i>Nil</i>	
<i>Financial/Budget Implications</i>	<i>Nil</i>	
<i>Car Parking</i>		
<i>Car Parking Requirement (nearest whole number)</i>  <i>Queuing Area – 10.5m<sup>2</sup> – 4.2 bays</i> <i>Seating Area - 54.4m<sup>2</sup> - 12.088 bays</i>	<i>16 Car Bays Required</i>	

<i>Apply Adjustment Factors</i>	<i>(0.7225)</i>
<i>0.85 (Within 400m of Car Park)</i> <i>0.85 (Within 400m of Bus Stop)</i>	<i>11.768 (12 Car Bays Required)</i>
<i>Minus the Car Parking provided on Site</i>	<i>13 Car Bays</i>
<i>Minus the most recently approved on-site car parking shortfall (apply above adjustment factors to shortfall)</i>	<i>Nil</i>
<i>Car Bay Surplus</i>	<i>1 Bay</i>

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

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

*As noted above, the provision of car parking on the site complies with the provisions of clause 3.7.1 of the Town's Policy relating to Parking and Access. The provision of parking on-site is a total of 13 car bays, including 4 bays for staff and one ACROD Bay, with the remainder specifically for patrons of the Fast Food Restaurant. A calculation of the available parking on site, indicates a surplus of one car bay. In addition, it is anticipated that a significant number of persons will access the site, via walk up, or public transport.*

**COMMENTS:**

*TPG Planning and Design, on behalf of McDonalds, have submitted a report providing justification for the application, in addition to a transport statement, prepared by Transcore.*

*Transport Statement*

*The Transport Statement provided by the applicant details the existing nature of the site in terms of access and traffic ability, and the impact of the development on the existing road network. It also details the likely traffic flows into the site and how they can be disbursed upon leaving the area.*

*The site currently has two crossovers on Parry Street, with one crossover on the eastern lot boundary and the other crossover in the middle of the Parry Street lot frontage. The proposal is to have two crossovers to Parry Street, with the crossover adjacent to the eastern boundary designated as the entry only crossover (servicing entry traffic to the car park and drive thru), whilst the second crossover is designed for exit only traffic. The one way circulation through the site is designed "to provide for efficiency, legibility and improving safety."*

*In addition to parking, the site is well accessed by public transport in the form of bus services, which pass the site at various times of the day. Pedestrian access is available to the site via the extensive footpath networks within the vicinity, and a pedestrian crossing available along Beaufort Street. Cycling access is catered for on the site through the provision of bike racks, as well as extensive Perth Bicycle Network Pathways.*

*Transcore, in their transport statement for the site, note that "the site has satisfactory access by the existing road network, bus services and footpaths and that no particular transport or safety issues are presented by the development."*

*Technical Services Comments*

*The Town's Technical Services have reviewed the plans and have highlighted two issues presented by the development:*

- Firstly, the loss of on-street parking presented by the development, which through the creation of entry and exit paths necessitates the loss of three street bays. These bays are currently free but are time restricted bays.*

- *Secondly, the provision of an entry and exit crossover as well as an extra width entry crossover, to allow for two entry paths to the drive thru, provides for a variation to the Town's Engineering Policies in terms of width of the crossover proposed. The Town's Policy relating to Crossovers stipulates that a maximum of a 7.5metre wide crossover is allowed on lots. The proposed development provides for a 9.0 metre wide crossover, as well as a 5.0 metre wide crossover.*

#### *Heritage*

*The site has previously been subject to a Heritage Assessment in 2007, where it was revealed that the subject building on the site, built in 1963 was used for various uses including offices, shops, warehouse and consulting rooms. ~~The subject place is considered to have minimal aesthetic value, architectural merit and is not considered as a place for entry on the Town's Municipal Heritage Inventory. Heritage Services has no objection to the proposal subject to a Demolition Licence being obtained prior to the commencement of any demolition works on site. The building was demolished in 2009.~~*

#### *Strategic Planning*

*The Beaufort Precinct (P13) Commercial area is seen as an extension to the Northbridge area and is characterised by its mix of shops, restaurants and other interactive uses continuing to be the predominant uses creating a link to Northbridge.*

*The Beaufort Precinct Policy indicates that the subject site could facilitate a maximum development of the site of three storeys accommodating a mix of uses. Accordingly, the proposed single storey development of the site as a Fast Food Take Away Outlet is considered to be an underdevelopment of the site. It is not discounted however, that when considering the surge in development and the urban design improvements in the East Perth Redevelopment Authority Area, to the south and west of the subject site, the proposed development could be considered to not detrimentally affect developer confidence or the holistic vision for the area.*

~~*It is acknowledged that the proposal only covers half of the substantial 3048 square meters lot, which is currently subject to a subdivision application with the WAPC. Therefore, the opportunity remains on the balance of the land for development of a more intense nature, which could offer a range of uses and housing types. The application also incorporates landscaping within the car parking area as well as providing articulation and a variety of material finishes, which whilst conforming to the franchise 'brand' requirements, is compatible with the new contemporary surrounding environment.*~~

*Overall, it is noted that the proposed development at one storey, covering less than half of the site with built area is considered an underutilisation of the site in this precinct, and the intended development potential under the Beaufort Precinct Policy.*

#### *Site Issues*

*Given the site's proximity to Weld Square, it is important to note that any future use of the subject property provides an active surveillance role, and does not add to, or promote, undesirable elements in the area.*

*The presence of an open car park area and the nature of the fast food premises being open 24 hours a day, 7 days per week will also likely promote a reduction to the amenity of the area and the Residential/Commercial mix being pursued by the Town.*

*In general, the proposal is not supportable, as the development of a single storey fast food restaurant and drive-thru, is an under development of the site and does not meet the development potential of the area. In addition, the presence of nine (9) objections to the development indicates community opposition to a development of this nature. In view of the above, it is recommended that the application be refused."*

**9.1.8 Amendment No. 72 to Planning and Building Policies – Draft Amended Policy Relating to Multiple Dwellings**

<b>Ward:</b>	Both	<b>Date:</b>	1 June 2010
<b>Precinct:</b>	All Precincts	<b>File Ref:</b>	PLA0213
<b>Attachments:</b>	<a href="#">001</a> <a href="#">002</a>		
<b>Reporting Officer:</b>	A Fox, Strategic Planning Officer		
<b>Responsible Officer:</b>	H Smith, Acting Director Development Services		

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the following Draft Amended Policy No. 3.4.8 relating to Multiple Dwellings, as shown in Attachment 001;*
- (ii) *ADVERTISES the following Draft Amended Policy No. 3.4.8 relating to Multiple Dwellings for public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:*
  - (a) *advertising a summary of the subject Policy once a week for four consecutive weeks in a newspaper circulating in the locality;*
  - (b) *where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the subject Policies including:*
    - (1) *all property owners along Bulwer Street;*
    - (2) *all those who have provided a submission to Scheme Amendment No. 25 relating to clause 20 (4) of the Town's Town Planning Scheme No. 1 to lift the prohibition of Multiple Dwellings;*
    - (3) *all those who have previously provided comment on the Town's Policy 3.4.8 relating to Multiple Dwellings; and*
    - (4) *all those who attended the Multiple Dwelling Information Sessions held in February 2010; and*
  - (c) *forwarding a copy of the subject Policy to the Western Australian Planning Commission; and*
- (iii) *after the expiry of the period for submissions:*
  - (a) *REVIEWS the following Draft Amended Policy No. 3.4.8 relating to Multiple Dwellings, having regard to any written submissions; and*
  - (b) *DETERMINES the Draft Amended Policy Draft Policy No. 3.4.8 relating to Multiple Dwellings, with or without amendment, to or not to proceed with them.*

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The Presiding Member, Mayor Nick Catania advised that there were numerous proposed amendments, which he has not had time to consider, as they were only provided just prior to the meeting. He suggested the item be deferred to the next Forum for discussion.

**COUNCIL DECISION ITEM 9.1.8**

**Moved Cr Burns, Seconded Cr Farrell**

*That the item be DEFERRED to the Council Forum on 15 June 2010 and subsequently reported to the Ordinary Meeting of Council on 22 June 2010.*

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

## **PURPOSE OF REPORT:**

The purpose of this report is to present a Draft Amended Policy No. 3.4.8 relating to Multiple Dwellings, and to seek the Council's approval to advertise the Draft Amended Policy.

## **BACKGROUND:**

The Council at its Ordinary Meeting held on 11 August 2009 adopted with modifications, Planning and Building Policy No. 3.4.8 relating to Multiple Dwellings, and advertised the Policy in accordance with Clause 47 (6) of the Town's Town Planning Scheme No. 1.

At the Ordinary Meeting of the Council held on 15 December 2009, the Council considered a report relating to Scheme Amendment No. 25. At this meeting, the Council acknowledged a strong desire of the community in the Hyde Park and Cleaver Precincts to be further consulted in relation to the proposed Scheme Amendment and the associated Policy No. 3.4.8 relating to Multiple Dwellings. In relation to the Hyde Park and Cleaver Precincts, the Council resolved:

- *"to prepare an Information Sheet relating to Policy No. 3.4.8 relating to Multiple Dwellings and the proposed Town Planning Scheme Amendment No. 25 with an accompanying letter of invitation to a Community Information Presentation to be held in the New Year.*
- *to advise the Department of Planning in relation to clauses 20(4)(a)(i) and 20(4)(e)(i) that at this time the Town is considering reinstating the clause that "Multiple dwellings are not permitted in this Precinct" in the Town's Town Planning Scheme No. 1 or altering its decision of 27 May 2008 in relation to clauses 20(4)(a)(i) – Cleaver Precinct P5 and 20(4)(e)(i) – Hyde Park Precinct P12."*

To further engage and inform the community on this amendment, the Town held three (3) Community Information Presentations at the Town's Administration and Civic Centre, as follows:

**Session 1** – Wednesday, 10 February 2010 5:30pm - 6.30pm;

**Session 2** – Wednesday, 10 February 2010 7pm - 8pm; and

**Session 3** – Friday, 12 February 2010 12.30pm - 1.30pm.

The workshops comprised a power point presentation by the Town's Officers; a question and answer time; and the provision of written feedback sheets.

The Council at its Ordinary Meeting held on 9 March 2010, considered a report relating to proposed Amendment No. 25 to the Town's Town Planning Scheme No. 1 – relating to Multiple Dwellings in the Hyde Park and Cleaver Precincts, that addressed concerns relating to Bulwer Street. At this meeting, the Council resolved the following:

*"That the Council:*

- ...*(v) AUTHORISES the Chief Executive Officer to review and amend for further consideration the Town's Policy No. 3.4.8 relating to Multiple Dwellings to REMOVE Bulwer Street as a major road for the purpose of limiting the height of new development in areas coded Residential R80, along Bulwer Street."*

## **DETAILS:**

### **Bulwer Street**

In order to meet the requirements of the Council's decision (v) above, the Town's Officers have reviewed the Town's Policy No. 3.4.8 relating to Multiple Dwellings in relation to Bulwer Street.

Following a review of the feedback received from the above workshops and previous submissions relating to Multiple Dwellings, considerable concern has been raised over the appropriateness of including Bulwer Street as a Major Road in the Town's Policy 3.4.8 relating to Multiple Dwellings. By designating Bulwer Street a Major Road, this would potentially allow multiple dwelling developments to a maximum height of five (5) storeys.

It is noted that Bulwer Street was selected as a Major Road on the basis that it was a *District Distributor* under the *Main Roads Functional Classification*, which is based on traffic volume, and to capitalise on the associated public transport infrastructure that traverse such roads.

In addition to the general concern raised by residents in relation to Bulwer Street, the following summary of comments give a general view of the types of concerns of the residents:

- Part of Bulwer Street should be reconsidered as a Major Road due to the character of the existing dwellings;
- Bulwer Street as a 'transit oriented development' is something of a misconception as there is only one bus route that currently uses Bulwer Street (401), an infrequent feeder service to Glendalough Station;
- The traffic flow along Bulwer Street is not considerable enough to warrant 'main road' classification;
- Previous documents discussing Bulwer Street are quite misleading in relation to it being a 'commercial' area. By far, the majority of premises along Bulwer Street are residential and not commercial as suggested;
- The streetscape along Bulwer Street is such that it needs protecting. Historical frontage, character homes and the low scale nature of this street adds to the appeal of the area; and
- Major concern in the qualification of 'major roads' based on traffic flow. The issue at hand has very little to do with traffic flow, and everything to do with dwellings. The qualification of which area will be affected should be based on the historical significance of the dwellings in the precinct, rather than traffic flow.

In light of the extent of community concern relating to Bulwer Street, the Town's Officers have further considered its appropriateness to be included as a Major Road in the Town's Policy No. 3.4.8 relating to Multiple Dwellings. Whilst it is considered that it is appropriate to use a consistent approach to classifying roads in accordance with the *Main Roads Functional Classification*; it is acknowledged that it is questionable as to whether the classification is appropriate for the whole of Bulwer Street (in particular the portion within the Hyde Park Precinct) within the context of the Town's Policy No. 3.4.8 relating to Multiple Dwellings given the predominately single storey residential dwellings in this area and the low scale nature of the streetscape. It is noted that this does not include the areas zoned Local Centre and Commercial, which will allow for greater heights (up to 3 storeys) as prescribed in the Town's Policy No. 3.1.12 relating to the Hyde Park Precinct.

It is noted that the Council at its Ordinary Meeting held on 15 December 2009, approved an application for a five (5) storey mixed use development incorporating multiple dwellings at No. 87 (Lot 101) Bulwer Street, Perth. This illustrates that certain portions of Bulwer Street, outside the Hyde Park Precinct, can appropriately accommodate heights of up to five (5) storeys.

In light of this, the Town's Officers have prepared a proposed amendment to the Policy to remove the portion of Bulwer Street within the Hyde Park Precinct as a Major Road for the purposes of Policy No. 3.4.8 relating to Multiple Dwellings. In this regard reference to Bulwer Street as a Major Road in Clause (10) of the table pertaining to allowable heights on Major Roads in the Multiple Dwellings Policy is as follows:

*"Bulwer Street (not including the portion within the Hyde Park Precinct)."*

### **Inconsistencies in Heights in Planning Policies**

It is noted, that in the application of the Town's Planning and Building Policies, the Town's Officers have identified some inconsistencies in height between the heights prescribed for Major Roads in the Multiple Dwellings Policy, and heights within the Precinct Policies.

The Town's Officers have undertaken a review of the Precinct Policies and identified where height inconsistencies occur between the policies for each Main Road within the Town. These inconsistencies have been outlined in the table shown as Attachment 002 of this report.

Further to this, inconsistencies have been recognised in applying Policy No. 3.4.8 relating to Multiple Dwellings (height standards) in District, Commercial and Local Centre zones. In this regard, Policy No. 3.4.8 relating to Multiple Dwellings has proposed to be amended to state that the Policy only applies to multiple dwelling developments within Residential zones as amended in Clause (1) of the Policy below:

- "1) *This Policy applies to Multiple Dwelling Developments within Residential zones only. Multiple Dwellings within other zones are to be consistent with the requirements of the relevant Precinct Policy of the area.*"

This will serve to alleviate any confusion for the applicant, assessing officers, the local community and the Council when considering applications in Commercial, District Centre and Local Centres zones, as the applications for multiple dwellings or mixed use dwellings (incorporating multiple dwellings) are assessed in relation to development standards within the prevailing Precinct Policy for the area, and the provisions within the Residential Design Codes of Western Australia.

As part of the review of the Town's Town Planning Scheme No. 1, the Town's existing Policies will be reviewed, which will result in the development of a new Policy Manual that will be adopted under Town Planning Scheme No. 2. In the preparation of the revised Policy Manual, the Town's Offices will review all development standards across the policies and ensure consistency between the heights prescribed within the policies.

### **Amendment to Major Road Table within the Policy**

Following the initial adoption of the Town's Policy No. 3.4.8 relating to Multiple Dwellings on 28 October 2008, further consideration has been given to the lack of clarity with the application of the height table for Major Roads in Clause (9) of the subject Policy. This further review and consideration has resulted in the proposal that the 'Major Road Height Table' within Clause (9) of the subject Policy, be removed, and a new table be inserted which lists each individual Major Road, the relevant zone and the maximum allowable heights.

It is considered that this proposed amendment will give better clarity of heights allowed on the various Major Roads, particularly when more than one residential zone may apply along the length of the road, and the height limit for roads not identified as Major Roads classification, is to apply the two storey height limit.

### **Discretion for Greater Heights for Multiple Dwellings**

It is noted that the Council has recently approved development applications for greater heights than prescribed in the Multiple Dwellings and Precinct Policies for developments on sites of a significant site area. Recent examples are the approval of a six (6) storey mixed use development (incorporating multiple dwellings) at No. 378 (Lot 333) Beaufort Street, Perth, which had a site area of 3268 square metres. Additionally, the Council granted approval for a five (5) storey commercial development at Nos. 250-252 (Lot 300) Oxford Street, Leederville (former police station site) with a site area of 1404 square metres.

In this regard, the Town's Officers consider that appropriately located sites may be suitable for developments of greater heights than prescribed in the table for Major Roads within the Town's Policy No. 3.4.8 relating to Multiple Dwellings. It is considered appropriate to include a clause within the Policy that would give the Council further discretion to consider applications of greater heights on appropriate sites. In this regard, the Town's Policy No. 3.4.8 relating to Multiple Dwellings has been amended to include the following clause:

*"Council may consider greater heights on a case by case basis, where appropriate"*.

It is considered that the addition of this clause will not limit the Council from considering suitable multiple dwellings of greater heights where it is considered suitable. Factors that might be taken into consideration when assessing an application of a greater height may include, but not be limited to, site area, location of the site, nature of adjoining properties, access to public transport and access to community facilities.

#### **CONSULTATION/ADVERTISING:**

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

In addition to the standard consultation practices undertaken by the Town, the Town's Officers will specifically undertake consultation in accordance with clause 47 (3) (b) of TPS No. 1 which states "...where practicable, to notify those persons who, in the opinion of the Council, might be directly affected by the draft..." and include individual letters to the following:

- all property owners along Bulwer Street;
- all those who have provided a submission to Scheme Amendment No. 25 relating to clause 20 (4) of the Town's Town Planning Scheme No. 1 to lift the prohibition of Multiple Dwellings;
- all those who have previously provided comment on the Town's Policy 3.4.8 relating to Multiple Dwellings; and
- all those who attended the Multiple Dwelling Information Sessions held in February 2010.

#### **LEGAL/POLICY:**

Town Planning Scheme No. 1 and associated Policies.

Residential Design Codes of Western Australia

#### **STRATEGIC IMPLICATIONS:**

*"Natural and Built Environment*

*Objective 1.1 Improve and maintain the environment and infrastructure*

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

#### **SUSTAINABILITY IMPLICATIONS**

It is considered that the provision of multiple dwelling developments within the Town creates diverse living options and facilitates affordable housing opportunities for residents within the Town.

**FINANCIAL/BUDGET IMPLICATIONS:**

The current 2009/2010 Budget allocates \$66,000 for Town Planning Scheme Amendments and Policies.

**COMMENTS:**

It is expected that this proposed amendment to modify the Town's Policy No. 3.4.8 relating to Multiple Dwellings will address the concerns raised by residents in relation to the appropriateness of Bulwer Street as a Major Road in the context of the Multiple Dwellings Policy.

Amendments will also address issues in relation to inconsistencies between the Town's Policy No. 3.4.8 relating to Multiple Dwellings and the Town's other Planning Policies, lack of clarity in the Major Roads height table within the Policy and the ability for greater discretion in heights for multiple dwellings.

In light of the above, it is recommended that the Council receives the amended Multiple Dwellings Policy and advertises it in accordance with Clause 47 of Town Planning Scheme No. 1 as outlined in this report.

**9.2.1 Beaufort Street - Streetscape Enhancement and Art Works Project – Progress Report No. 1**

<b>Ward:</b>	North	<b>Date:</b>	1 June 2010
<b>Precinct:</b>	Mt Lawley Centre P11	<b>File Ref:</b>	TES0067
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officers:</b>	Various		
<b>Responsible Officers:</b>	R Lotznicker, Director Technical Services M Rootsey, Director Corporate Services		

**OFFICER RECOMMENDATION:**

*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; and*
- (iii) *NOTES that a further report will be presented in July 2010 once the actions as outlined in clauses (ii) and (iii) have been further progressed.*

**\*Note: A corrected page for “Terms of Reference” was Tabled.**

**Moved Cr Farrell, Seconded Cr Burns**

*That the recommendation be adopted.*

Debate ensued.

AMENDMENT NO 1

**Moved Cr Lake, Seconded Cr Maier**

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

*“(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) ~~Two~~ (2) Beaufort Street Network Representatives”;  
and”*

Debate ensued.

**AMENDMENT NO 1 PUT AND CARRIED (8-1)**

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

**Against:** Cr Burns

Debate ensued.

**AMENDMENT NO 2**

**Moved Cr McGrath, Seconded Cr Topelberg**

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

*“(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”*

**AMENDMENT NO 2 PUT AND CARRIED (9-0)**

Debate ensued.

Cr McGrath requested a correction to clause 5.3 of the Terms of Reference to include “innovative,” after the words “that is” and before the words “cost effective”. The Council agreed unanimously.

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

**COUNCIL DECISION ITEM 9.2.1**

*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) Two (2) 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 (ii) and (iii) have been further progressed.*

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**PURPOSE OF REPORT:**

The purpose of this report is to provide the first of a number of progress reports on the Beaufort Street - Streetscape Enhancement and Art Works Project.

**BACKGROUND:**

At its ordinary meeting held on 23 February 2010, the Council considered a Notice of Motion regarding a proposed Beaufort Street - Streetscape Enhancement and Art Works Project. The matter was considered and the following decision made:

*"That the Council:*

- (i) AUTHORISES the Chief Executive Officer to investigate and report by no later than 27 April 2010 on a proposal to upgrade and promote the Beaufort Street retail strip between Walcott Street and St Albans Avenue, including but not limited to:*
  - (a) the potential to create new temporary and permanent public community spaces for events and daily use;*
  - (b) upgrades to sidewalks, kerbing and median strips/traffic islands, including provision of additional street trees and plantings in public community spaces;*
  - (c) innovative solutions to traffic and parking problems, including facilitation of safer pedestrian movement across Beaufort Street and improvements to the Beaufort-Walcott street intersection;*
  - (d) medium to long term goals for provision of public art and "creative streetscape" installations along Beaufort Street, including opportunities for attracting external funding of such installations in the longer-term;*
  - (e) a supporting Capital Works Program indicating yearly expenditure required to implement the proposed upgrade works, public art and creative streetscape installations;*
  - (f) a Community Engagement Strategy to involve residents and business proprietors in the design and implementation of the proposed works and installations; and*
  - (g) a Promotions Strategy to recognise and promote the street's new Tourism Precinct status and the planned investment in the retail strip by the Council;*
- (ii) LISTS for consideration an amount of \$120,000 in the 2010/11 Draft Budget to initiate public art and "creative streetscape" installations on Beaufort Street between Walcott Street and St Albans Avenue, which would be in the form of innovative new street furniture such as seating, bike racks and rubbish bins, to be implemented in the 2010/11 year; and*
- (iii) REQUESTS that:*
  - (a) the public art and creative streetscape projects referred in Clause (i)(d) and (ii) be developed in consultation with the Beaufort Street Network Inc;*
  - (b) the Town's Art Advisory Group consider all proposed artwork and make recommendations to the Council; and*
  - (c) a design competition be promptly prepared to develop the installations in clause (ii)."*

**DETAILS:**

**Previous Street Improvement Works – Beaufort Street:**

Prior to and between 1996 and 2009, both the Town, in particular, and the former Perth City Council, carried out extensive infrastructure upgrade works in Beaufort Street as follows:

- Pre 1996: The former Perth City Council upgraded the section of Beaufort Street between Chelmsford Road and Walcott Street in conjunction with the City of Stirling, to create an Art Deco theme. This work included the undergrounding of power, footpath upgrades and some landscaping.
- 1996 to 2000: The Town applied for, and received, a substantial amount of state funding from the Metropolitan Regional Road Program (MRRP) for the Rehabilitation of Beaufort Street between Walcott and Brisbane Streets. This funding was provided on a one third (Local Government), two thirds (State) basis with the total expenditure being in the order of \$750,000. In addition, Council allocated a further \$750,000 for improvements to the streetscape including some traffic and safety improvements. The total expenditure in Beaufort Street over this period was in excess of \$1.5m, with the main focus being to upgrade the infrastructure such as roads, footpaths and drainage. While street trees were incorporated in the works, they were not considered to be the main priority (at the time) and were generally accommodated into the overall works where appropriate and where costs permitted.
- 2007/2008: As part of the State Underground Power Program (SUPP), the overhead Power lines/poles were removed, the power undergrounded and decorative centre of road double outreach lights installed between Chelmsford Road and St Albans Avenue.
- 2009- Present: After extensive consultation, a new planting theme for Beaufort Street was implemented comprising additional islands, removal of existing tree species and the planting of Spotted Gum trees down the centre of the street and Bradford pears along the verges.

**Meeting with Beaufort Street Network Group**

A meeting between the Town's officers and with representatives of the Beaufort Street Network was held at the Town's Administration and Civic centre on 15 March 2010.

Beaufort Street Network representatives were given an overview of the extensive works previously undertaken in Beaufort Street (refer above) and it was agreed that the proposal now was to 'add value' to the works previously undertaken to give the area its own unique identity.

The group indicated that their initial requirements are for public art and improved street furniture. Some examples of what is being implemented in Melbourne, Victoria, were presented and the discussion centred mainly on this aspect of the long term improvements for the area.

Some specific matters that were discussed included: bike racks, improved lighting, distinctive street furniture, cleaning/maintenance.

Longer term initiatives discussed were in line with the Council decision at the Ordinary Meeting of Council held on 23 February 2010.

Note: Following the meeting, the Beaufort Street Network representatives were provided with a plan of the area and requested to provide comments, however, at the time of writing this report no comments had been received.

### **Ordinary Meeting of Council - 23 February 2010**

Officers from both Technical Services and Corporate Services have provided the following comments in relation to the Council decision:

#### The potential to create new temporary and permanent public community spaces for events and daily use

The Beaufort Street Festival is planned for the end of November 2010. The Town's Community Development Officers will be investigating the potential for Beaufort Street to have new temporary and permanent community spaces for events. The event will pilot and map out various options and spaces for a variety of performances, installations and static displays, looking for opportunities to create a vibrant event and community space that captures the interest and imagination of organisers and attendees alike.

Liaison with the local Business community will take place in developing this further.

#### Upgrades to sidewalks, kerbing and median strips/traffic islands, including provision of additional street trees and plantings in public community spaces

As mentioned above (*previous street improvement works – Beaufort Street*) extensive infrastructure upgrade works were undertaken in Beaufort Street since 1996. These included: new kerbing, new paths, new islands, new lighting and underground power, etc.

At the meeting with representatives of the Beaufort Street Network, officers were advised that businesses were more than happy with the trees that had recently been planted. They indicated that while they liked the palm trees located at the top end of Beaufort Street near Walcott Street, they would also support the palm trees being removed and Eucalypts (spotted gums) planted all the way to Walcott Street. There are no funds for this work.

The construction of additional garden areas was not raised and it would be very difficult to identify any areas available given the relatively narrow footpaths along Beaufort Street. The opportunity for additional garden areas may be identified if/when any permanent public community spaces are created.

Trees are currently located along both sides of Beaufort Street and within the central median island at regular intervals wherever practicable. The location of additional trees would be difficult and not supported by officers.

#### Innovative solutions to traffic and parking problems, including facilitation of safer pedestrian movement across Beaufort Street and improvements to the Beaufort-Walcott Street intersection

At its Ordinary Meeting held on 14 April 2009, the Council decided to *approve IN PRINCIPLE the Main Roads WA (MRWA) proposal to trial a 40 kph Variable Speed Zone in Beaufort Street, Mount Lawley, between Chatsworth Road and Walcott Street, as a means of reducing traffic speed and improving pedestrian safety.*

Beaufort Street, through the Mount Lawley Centre Precinct, operates as a four lane road with a median island (a combination of raised and painted islands). It is characterised by strip development comprising various local businesses, a hotel and shopping centre and includes on-street parking and bus bays. The current speed limit is 60 kph.

MRWA have introduced a variable speed zone trial to lower vehicle speeds and improve safety for pedestrians and other vulnerable road users. The trial is providing a benefit for various road users and has so far resulted in reduced vehicle travel speeds, increased safety for pedestrians and cyclists travelling along and/or crossing the road; and reduced likelihood and severity of crashes.

The trial, including investigation and analysis, is being conducted for 18 months to allow the full impact to be assessed. Following this trial, appropriate speed limits and times will be set.

In addition, the Town's officers will soon be meeting with MRWA representatives to discuss the Beaufort/Walcott Street intersection in terms of the feasibility of installing a raised plateau.

The Town's draft Car Parking Strategy has been prepared, including precinct parking plans, which will be implemented over time to improve parking in this area.

A Community Engagement Strategy to involve residents and business proprietors in the design and implementation of the proposed works and installations

A Beaufort Street Enhancement Working Group is recommended to be established. Recommendations from this group would be reported to the Council and be subjected to community consultation.

A supporting Capital Works Program indicating yearly expenditure required to implement the proposed upgrade works, public art and creative streetscape installations

The proposals developed by the Beaufort Street Enhancement Working Group, in liaison with the Community and the long term implementation program adoption by the Council, would be incorporated in the annual budget process.

Medium to long term goals for provision of public art and "creative streetscape" installations along Beaufort Street, including opportunities for attracting external funding of such installations in the longer-term:

A drinking fountain has recently been installed in Beaufort Street adjacent to the Barlee Street carpark. The Mark Cox design drinking fountain has been installed throughout the Town and inner city area.

The Working Group would develop a plan for artwork/furniture. An overarching plan would be created indicating artwork locations, type of work, etc, a working budget and a schedule. Once the plan is agreed upon, specific briefs for artworks could be created.

A Promotions Strategy to recognise and promote the street's new Tourism Precinct status and the planned investment in the retail strip by the Council

It is considered that a 'Promotions Strategy' would incorporate the following:

- Liaison and link with Tourism WA resources e.g. Tourism e-kit, subscribe to WA Tourism network.
- Linking Beaufort Street Network website with the Town's website as well as the websites of other businesses and organisations in the precinct area.
- Establishing target audience and stakeholders.
- Developing message content and structure that is relevant to the area and suitable to the target audience.
- Selecting message format and delivery system that best reaches the target audience, e.g. understanding the type of media that is used by the target audience.

It is also suggested that the Beaufort Street Network be encouraged to set up a website and E-zine (online magazine) such as 'What's on Beaufort'. It is considered this would be an effective approach for their demographic and one that would be easily advertised and linked by tourist organisations.

The public art and creative streetscape projects be developed in consultation with the Beaufort Street Network Inc.

The Town has funding on the draft Budget 2010/11 to continue with the replacement of street litter bins. As the Beaufort Street Network group is endeavouring to introduce a particular theme throughout the street, some of this funding may be put towards developing an individual bin design specifically for Beaufort Street.

Creative bicycle racks and seating etc. can also be implemented in liaison with the group and community.

The Town's Art Advisory Group consider all proposed artwork and make recommendations to the Council

A Beaufort Street Enhancement Working Group should be established. The group's recommendations would reported to the Council and where appropriate be reviewed by the Art Advisory Group.

A design competition be promptly prepared to develop the art installations

In order to ensure that artworks are of suitable quality, the process of developing a Brief and calling for Expressions of Interest is proven to be the best methodology to be able to competitively source artists of suitable calibre.

It is considered that a design competition that is generic would be costly in terms of time and resources as well as deliver a poor quality outcome that will not reflect the artistic standard that is to be achieved for Beaufort Street.

#### **Economic Development Strategy:**

The Mount Lawley Centre Precinct extends along Beaufort Street from Walcott Street to St Albans Avenue. The District Centre extends from Walcott Street to Barlee Street. The Economic Development Strategy outlined the following opportunities (in part) for Beaufort Street:

*Introduce traffic calming initiatives on Beaufort Street with particular attention to the Walcott/Beaufort Street intersection (including installation of a red light camera.*

The strategy further mentioned that in order to realise some of the opportunities, the Council may care to:

*Consider the reconfiguration of Grosvenor Road entering Beaufort Street to increase pedestrian activity and improve visual awareness of car parks at the rear of the commercial tenancies.*

#### Comments

Extensive works were undertaken in Grosvenor Road in 1997/98. The intersection was upgraded and an entry statement was installed, comprising grey interlocking pavers. Level and drainage issues were resolved for the IGA property located on the south west corner of the intersection.

### **Vincent Vision 2024**

The Vision for Mt Lawley, Highgate (in part) is that *Beaufort Street is a boulevard of pedestrians, trees, and greenery, exuding a distinction and flair all of its own.*

An issue/trend identified in the vision for the Town Centre was *poor appearance and streetscape and lack of native vegetation.* One of the guiding principles stated *streetscapes are people places, enhanced with significant tree plantings, greened wide verges and median strips....*

### **CONSULTATION/ADVERTISING:**

The process will involve community consultation in the development of a long term implementation plan.

### **LEGAL/POLICY:**

Beaufort Street is classified as a District Distributor A 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:**

N/A

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

An allocation of \$120,000 has been included in the ‘draft’ 2010/2011 budget.

### **COMMENTS:**

As mentioned in the report, prior to, and between 1996 and 2009, both the Town in particular, and the former Perth City Council, carried out extensive infrastructure upgrade works in Beaufort Street.

Recently the power in the street was undergrounded to St Albans Avenue and native trees planted down the centre of the road.

At its ordinary meeting held on 23 February 2010, the Council considered a notice of motion regarding a proposed Beaufort Streetscape Upgrade and Art Project where the Chief Executive Officer was authorised to investigate a proposal to upgrade and promote the Beaufort Street retail strip between Walcott Street and St Albans Avenue.

The Town’s officers met with the Beaufort Network Group in March 2010, and this report provides a progress update of the back ground to the works previously undertaken in the street and a suggested way forward.

### 9.2.4 Menzies Park – Proposed Installation of Long Jump Pit

<b>Ward:</b>	North	<b>Date:</b>	25 May 2010
<b>Precinct:</b>	Mount Hawthorn; P1	<b>File Ref:</b>	RES0025
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer:</b>	J van den Bok, Manager Parks & Property Services		
<b>Responsible Officer:</b>	R Lotznicker, Director Technical Services		

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *APPROVES IN PRINCIPLE the request received from the Principal of the Mount Hawthorn Primary School to install a long jump pit at Menzies Park as shown in Appendix 9.2.4A and 9.2.4B;*
- (ii) *AUTHORISES the Chief Executive Officer to consult with adjacent owner/occupiers in relation to the proposed location of the long jump pit and carry out the requested works if no significant objections are received; and*
- (iii) *APPROVES BY AN ABSOLUTE MAJORITY to reallocate \$950 from a funding source to be identified by the Chief Executive Officer to enable the works to be completed.*

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**COUNCIL DECISION ITEM 9.2.4**

**Moved Cr Harvey, Seconded Cr Topelberg**

*That the recommendation be adopted.*

Debate ensued.

Cr McGrath departed the Chamber at 7.56pm.

Debate ensued.

**MOTION PUT AND CARRIED**  
**BY AN ABSOLUTE MAJORITY (8-0)**

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

Cr McGrath returned to the Chamber at 7.59pm.

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**PURPOSE OF REPORT:**

The purpose of this report is to advise the Council of a request received from the Mount Hawthorn Primary School and seek approval for the installation of a long jump pit at Menzies Park.

**BACKGROUND:**

A letter has been received from the Principal of the Mount Hawthorn Primary School (refer appendix 9.2.4A) following a recent on site meeting with the Town's Manager Parks & Property Services, regarding a proposal to install a long jump pit at Menzies Park, Mount Hawthorn.

Due to the recent completion of the school's building program, there is now a lack of open space available to the school within its own grounds. As the school already use Menzies Park for physical education lessons, they have requested that a long jump pit be installed within the park in an area that is out of the way of all existing summer/winter season sports activities.

**DETAILS:**

**Location/construction:**

The proposed long jump pit will be located along the Purslove Street frontage of the park adjacent to the two (2) existing items of Outdoor Gym Equipment. The pit will be approximately 5.0 metres by 2.5 metres wide and will be constructed with treated pine edging and jumping boards.

The pit will be orientated North/South so that school students will run across the reserve from the south and into the pit from a jumping board take-off installed at ground level and within 1 metre of the edge of the pit. (refer appendix 9.2.4B)

An on-site meeting has identified that the location of the pit will not interfere with any existing or proposed future winter/summer season sports activities.

**CONSULTATION/ADVERTISING:**

Whilst this proposal is relatively minor in terms of impact, both aesthetically and financially, any additional feature proposed within Menzies Park has previously been quite controversial. Therefore, it is considered that consultation with adjacent owner/occupiers is necessary to gauge their response.

Adjacent owner/occupiers will be consulted with regard to the proposal for the installation of a long jump pit in Menzies Park, Mount Hawthorn.

**LEGAL/POLICY:**

N/A

**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.*

**SUSTAINABILITY IMPLICATIONS:**

N/A

**FINANCIAL/BUDGET IMPLICATIONS:**

Costs associated with the installation of the proposed long jump pit have been estimated to cost \$950.00. The pit will require maintenance from time to time and this is expected to amount to around \$500.00 per annum. These charges would be charged against the Menzies Park Grounds Maintenance account should this proposal be approved.

**COMMENTS:**

The Town has reduced the number of sand pits over the years as part of the Playground Upgrade Program, which has focussed mainly on the introduction of rubber softfall as a playground base. The justification for this has been to reduce high annual maintenance costs and reduce the potential for injury through broken glass and used syringes that were often identified within sand pits around the inner city area in particular.

However, following attendance at recent playground seminars, the importance of sand in play has been highlighted to all Council Officers, particularly those children with sensory disabilities. Therefore the Town, where contamination is not so much of an issue, has again included smaller sand pits within parks as part of the playground upgrade program.

Menzies Park does have a small sand pit around the Carousel and an additional sand pit that can be utilised as a long jump pit and general sand pit when not in use by the Mount Hawthorn Primary School is not considered unreasonable or cost prohibitive.

**9.3.3 Purchase of Fire Proof Safe – Reallocation of Funds**

<b>Ward:</b>	-	<b>Date:</b>	1 June 2010
<b>Precinct:</b>	-	<b>File Ref:</b>	ADM0020
<b>Attachments:</b>	-		
<b>Reporting Officer:</b>	A Radici, Executive Assistant		
<b>Responsible Officer:</b>	M Rootsey, Director Corporate Services		

**OFFICER RECOMMENDATION:**

*That the Council APPROVES BY AN ABSOLUTE MAJORITY to purchase a fire proof safe for the storage of Council Minutes at a cost of \$3,965 inclusive of GST and delivery from MSC Safe Co. and reallocates the funds from the Administration and Civic Centre Reserve Fund.*

**COUNCIL DECISION ITEM 9.3.3**

**Moved Cr Topelberg, Seconded Cr Lake**

*That the recommendation be adopted.*

Debate ensued.

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

**SUBSEQUENT MOTION:**

**Moved Cr Maier, Seconded Cr Topelberg**

*That the Chief Executive Officer be REQUESTED to write to the Department of Local Government requesting them to investigate allowing Local Governments to use electronic formats/versions for Official Council Minutes, in lieu of hard copy (which require considerable storage space).*

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

**PURPOSE OF REPORT:**

To obtain the Council's approval to reallocate funds to purchase a fire proof safe for the storage of Council Minutes.

**DETAILS:**

The official Council Minutes are stored in fire proof cabinets located in the Administration and Civic Centre basement store rooms. At present, the existing safes are full and an additional safe is required. MSC Safe Co. specialises in the provision of new and recycled safes and has provided a previous service to the Town.

The Company has advised a "near new" safe capable of storing up to 150 minute books is available at a cost of \$3,800, plus \$165 delivery. These new safes retail at approximately \$7,250. It is considered that this is most suitable and should meet the Town's needs for the next 10-12 years.

**CONSULTATION/ADVERTISING:**

Nil.

**LEGAL/POLICY:**

The *Local Government Act 1995* requires a local government to maintain its records – this includes the safe storage of official documents e.g. minutes.

*State Records Act 2000.*

**STRATEGIC IMPLICATIONS:**

Nil.

**SUSTAINABILITY IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

No funds are contained in the 2009-2010 Budget as the matter has only just arisen therefore, an absolute majority decision is required to reallocate funds from the Administration and Civic Centre Reserve Fund.

**COMMENTS:**

The purchase of a new safe will ensure compliance with the *Local Government Act 1995* and *State Records Act 2000*.

**9.4.4 Adoption of New Finance Policies – Rates and Service Charges and Recovery of Debts, Rates and Service Charges and Delegations of Authority relating to Financial Matters**

<b>Ward:</b>	-	<b>Date:</b>	1 June 2010
<b>Precinct:</b>	-	<b>File Ref:</b>	ADM0023
<b>Attachments:</b>	<a href="#">001</a> , <a href="#">002</a> , <a href="#">003</a>		
<b>Reporting Officers:</b>	E Currie Senior, Rates Officer; B Tan, Manager Financial Services; M Rootsey, Director Corporate Services		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

*That the Council:*

- (i) **ADOPTS** the following new Policies:
  - (a) *No. 1.2.12 – “Rates and Service Charges” as shown in Appendix 9.4.4(A); and*
  - (b) *No. 1.2.13 – “Recovery of Debts, Rates and Service Charges” as shown in Appendix 9.4.4(B); and*
- (ii) *pursuant to Section 5.42(1) of Division 4 of Part 5 of the Local Government Act 1995, APPROVES BY AN ABSOLUTE MAJORITY the delegation of the exercise of its powers and duties to the Chief Executive Officer, for the Delegation No. 50.1 to 50.10 inclusive in the Register of Delegations 2009/2010, as shown in Appendix 9.4.4(C).*

**COUNCIL DECISION ITEM 9.4.4**

**Moved Cr Topelberg, Seconded Cr Burns**

*That the recommendation be adopted.*

**Debate ensued.**

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

**PURPOSE OF REPORT:**

To obtain the Council’s approval to adopt new policies relating to the Rates and Service Charges and Recovery of Debts, Rates and Service Charges and also to amend the Delegated Authority Register, relating to financial matters.

**BACKGROUND:**

The Council’s Policy Manual contains various policies which provide guidance to the Town’s Administration for day to day management issues and also to assist Council Members in decision making.

### **New Policy No. 1.2.12 - Rates and Service Charges**

This new policy formalises the current practices and procedures which are carried out by the Town's Financial Services Section. This new policy is recommended to be adopted so that it reflects the Council's approval payment methods/options relating to Rates and Service Charges. (No new changes to the current procedures are involved).

### **New Policy No. 1.2.13 - Recovery of Debts, Rates and Service Charges**

The Town has a very good recovery of outstanding rates and charges however it does not currently have a formal policy on this matter. With increases in other utility costs (e.g. water, gas, electricity) that the community is facing, it is important that the Town applies a consistent approach to debt recovery.

This policy will ensure that the maximum amount of rateable income is recovered in any one year. It will enable the Town's officers to utilise the relevant legislation and legal processes to recover outstanding rates and charges. In addition this policy will provide a formal standard for the recovery of rates and charges, whilst recognising individual circumstances and cases of hardship.

#### **Recovery of Debts**

The recovery of debts is currently detailed in the Town's Delegated Authority Register No. 50 however, it is considered more appropriate that a formal policy be adopted by the Council, as there have been changes to legislative requirements – relating to Court procedures. The current information has therefore been updated and is included into the new Policy.

The new Policy also recognises that "Serious Hardship" and/or "Exceptional Hardship/Circumstances" do exist and will require the Town's Administration to consider these factors when administering and enforcing the Policy requirements and Guidelines.

#### **Delegated Authority Register 2009-10**

The Council's current Delegated Authority Register 2009-10 contains a Delegation No. 50 which delegates to the Chief Executive Officer the "Authority to institute legal action to recover **outstanding debts, rates and monies**", subject to conditions. However, the procedure for recovery of outstanding debts, rates and service charges has substantially changed and this is reflected in the new Policy No. 1.2.13 Recovery of Debts, Rates and Service Charges.

A review of the other delegations relating to financial services has revealed that these need to be amended to reflect the *Local Government Act 1995*.

#### **CONSULTATION/ADVERTISING:**

The Council has a policy of advertising for a period of 21 days seeking comments from the public however, as this matter rates to Town's Administration internal processes, it is recommended that it not be advertised for community consultation.

#### **LEGAL/POLICY:**

Policies are not legally enforceable, however they provide guidance to the Town's Administration and Council Members when considering various matters. It is considered "Best Practice" to adopt a formal policy in important matters.

It should be noted that the Chief Executive Officer is currently carrying out a comprehensive review of the Delegated Authority Register and, once completed will be reported to the Council in July 2010. However, the delegations relating to financial matters are required to be amended, as the Town is proposing to commence recovery procedures against seven (7) ratepayers for non payment of rates.

**STRATEGIC IMPLICATIONS:**

This matter is in keeping with the Strategic Plan 2009-2014 – Key Result Area – *Leadership, Governance and Management: 4.1.2 – Manage the Organisation in a responsible, efficient and accountable manner.*

**SUSTAINABILITY IMPLICATIONS:**

Nil

**FINANCIAL/BUDGET IMPLICATIONS:**

The Town's Financial Services Section has identified seven (7) ratepayers who have defaulted in their rates and service charges payments, totalling an amount of \$14,672. These individual amounts vary from \$800 to over \$5,500 for each assessment.

The ratepayers were issued with the following:

- an Annual Rates Notice on 14 July 2009;
- a Final Notice on 25 September 2009;
- a Demand Letter on 3 March 2010; and
- a General Procedure Claim (GPC) on 23 March 2010.

Despite extensive debt recovery steps being taken and numerous attempts to contact the ratepayers, the rates remain unpaid. In some instances this is the second General Procedure Claim against the same owner for the same property and no payment has been received to date. It is obvious that the Town's requests are being ignored and it is necessary to institute legal proceedings.

Subject to the Council's approval of this Item, the Town's Financial Services Section will be implementing recovery of the rates and service charges in accordance with new Policy No. 1.2.13 Recovery of Debts, Rates and Service Charges.

**COMMENTS:**

The Town's new policies will formalise the current procedure and provide guidance in this area which is considered important to the Council. In essence, it formalises the Town's current practice. The new policies will make it clear to all persons as to how the Town handles the payment options for rates and service charges and also how it will administer debt recovery, in an open and transparent manner.

**9.4.5 Information Bulletin**

<b>Ward:</b>	-	<b>Date:</b>	2 June 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 8 June 2010, as distributed with the Agenda.*

**COUNCIL DECISION ITEM 9.4.5**

**Moved Cr Maier, Seconded Cr Farrell**

*That the recommendation be adopted.*

Debate ensued.

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

**The Chief Executive Officer stated that the following items would be promptly actioned:**

1. **23 March 2010 – Item 9.1.8** – erection of parking signs in Raglan Road and Chelmsford Road carparks.
3. **11 August 2009 – Item 9.1.23** – report concerning “Registered Laws”.

**DETAILS:**

The items included in the Information Bulletin dated 8 June 2010 are as follows:

<b>ITEM</b>	<b>DESCRIPTION</b>
IB01	Letter from WALGA regarding Research into the Development of Sustainable Design Guidelines – Progress Report No. 1
IB02	Letter from WALGA regarding Approvals and Related Reforms (Planning) Bill 2009
IB03	WALGA InfoPage regarding to Winter Sprinkler Ban: Community Education
IB04	Report on the Local Government Risk Management Summit – 28-29 April 2010, Sydney
IB05	Unconfirmed Minutes of the Sustainability Advisory Group Meeting held on 17 May 2010
IB06	Register of Petitions - Progress Report - June 2010
IB07	Register of Notices of Motion - Progress Report - June 2010

<b>ITEM</b>	<b>DESCRIPTION</b>
IB08	Register of Reports to be Actioned - Progress Report - June 2010
IB09	Register of Legal Action (Confidential – Council Members Only) - Progress Report - June 2010
IB10	Register of State Administrative Tribunal Appeals - Progress Report - June 2010
IB11	Forum Notes - 18 May 2010
IB12	Notice of Forum - 15 May 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**

Nil.

**13. URGENT BUSINESS**

**13.1 URGENT BUSINESS: Mindarie Regional Council – Progress Report on the Supreme Court Action by the City of Stirling**

<b>Ward:</b>	Both	<b>Date:</b>	8 June 2010
<b>Precinct:</b>	All	<b>File Ref:</b>	ENS0008
<b>Attachments:</b>	-		
<b>Reporting Officer:</b>	John Giorgi, Chief Executive Officer		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

***REVISED OFFICER RECOMMENDATION:***

*That the Council NOTES that:*

- (a) *the application by the City of Stirling (COS) for an interlocutory injunction against the Mindarie Regional Council (MRC) and Member Councils to prevent the implementation of the single fee model was dismissed in the Supreme Court on Friday 4 June 2010;*
- (b) *a Supreme Court Hearing is listed for Tuesday 15 June 2010 for the Court to make Orders as to the necessary directions in this matter; and*
- (c) *a further progress report on this matter will be submitted to the Council as any additional relevant information becomes available.*

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**COUNCIL DECISION ITEM 13.1**

**Moved Cr Burns, Seconded Cr Farrell**

*That the recommendation be adopted.*

**The Chief Executive Officer provided a verbal update to the Council on this matter.**

**Debate ensued.**

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

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## **PURPOSE OF REPORT:**

The purpose of this report is to provide information on the recent action taken by the City of Stirling in the Supreme Court against the MRC and Member Councils.

## **BACKGROUND:**

At the Ordinary Meeting of Council held on 11 May 2010 the Council resolved as follows:

*“That the Council*

- (i) *NOTES that:*
  - (a) *the information contained in the report regarding the decision by the Mindarie Regional Council (MRC) to move from a multiple fee model to a single fee model (refer attachment 14.1A);*
  - (b) *the cost implications of a change in fee model has benefits for the Town and the majority of other members of the MRC as outlined in the report (refer attachment 14.1B); and*
  - (c) *the City of Stirling (COS) has commenced legal action in the Supreme Court of Western Australia to prevent the Mindarie Regional Council (MRC) from implementing its decision to introduce a Single Fee Model; and*
- (ii) *ENDORSES the action taken by the Chief Executive Officer to approve of the Town to be jointly legally represented together with the other Member Councils (City's of Perth, Joondalup and Wanneroo and Town's of Cambridge and Victoria Park) of the MRC to oppose the City of Stirling action, as detailed in this report;*
- (iii) *AUTHORISES the Chief Executive Officer to:*
  - (a) *enter into discussions with the other Member Councils, MRC, City of Stirling and other interested parties (in liaison with the Mayor, Town's MRC representative Cr Farrell and Director Technical Services); and*
  - (b) *approve of any further legal action (if necessary) to protect the Town's interest in this matter;*
- (iv) *NOTES that a further progress report on this matter will be submitted to the Council as any additional relevant information becomes available; and*
- (v) *EXPRESSES disappointment and concern that the matter of the MRC proposed Single Fee Model is the subject of a Supreme Court action and the Council's preferred position is that the matter be the subject of negotiation and mediation (if necessary) between the MRC Member Councils.”*

## **DETAILS:**

### **Supreme Court Action**

Late on Wednesday 5 May 2010, the Chief Executive Officer (CEO) was advised that the COS had commenced action in the Supreme Court to prevent the MRC from proceeding with the implementation of the Single Fee model. The single fee could decrease Vincent's tipping fees by up to \$300,000 per annum (and others by a similar pro-rata amount). Stirling's fees would increase by \$2.25-\$3million per annum. If successful, the ramifications are significant for the Member Councils.

At the Supreme Court Directions Hearing held on 11 May 2010, the solicitors for all the Member Councils of the MRC (City of Joondalup, City of Wanneroo, City of Perth, Town of Cambridge, Town of Vincent and Town of Victoria Park) were successful in their application to be joined as a party to the Supreme Court proceedings commenced by the City of Stirling. This was achieved following discussions between the solicitors for each party that occurred just before the hearing commenced and so the application proceeded unopposed.

A Supreme Court Hearing was held on 25 and 26 May 2010.

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

##### **MRC Implications:**

The key points in relation to MRC, from a financial perspective, are as follows:

- Multi Fee - no change to current financial situation.
- Single Fee - possible cash flow issues associated with revised member circumstances.
- possible financial issues related to business disruption in the event of member action as a result of a particular decision regarding the fees model.

##### **Town of Vincent Implications**

The Town currently disposes of approximately 14,000 tonnes of processable waste at MRC. The 2009/2010 rate is \$120.50 per tonne which equates to approximately \$1,68m per annum.

The following table outlines the scenarios of a single fee compared with a processable fee and its implications on the Town of Vincent.

<b>Comments</b>	<b>\$ per tonne</b>	<b>Tonnes/ annum</b>	<b>Cost/ annum</b>	<b>Decrease from 2009/2010</b>	<b>Increase from 2009/2010</b>
Current cost 2009/2010 (processable)	\$120.5	14,000	\$1,680,000		
Projected cost 2010/2011 (processable)	\$134		\$1,876,000		\$196,000
Projected single fee (min value) 10/11	\$113		\$1,582,000	-\$98,000	
Projected single fee (max value) 10/11	\$119		\$1,666,000	-\$14,000	
Possible single fee 10/11 if withdrawal of a member (say Stirling)	\$136		\$1,904,000		\$224,000

##### **Supreme Court Action – Indicative Costs**

Minter Ellison Solicitors have advised that the indicative costs concerning the Supreme Court Action will be in the range of \$50,000 to \$100,000. This will be shared on a 1/6 basis between the Member Councils. The Town received an invoice for its 1/6 share being \$20,855.53 (Member Council total cost being \$125,133.18).

**CONSULTATION/ADVERTISING:**

N/A

**LEGAL/POLICY:**

The COS are represented by McLeod's Solicitors and a Senior Counsel (SC). The MRC are represented by Woodhouse Legal and have also retained a SC. The Member Councils are represented by Minter Ellison Solicitors and a SC.

**STRATEGIC IMPLICATIONS:**

In accordance with the objective of Strategic Plan 2009-2014 – Key Result Area One: 1.1.4 Minimise negative impacts on the community and environment "(i) *Adopt and implement the Town's Strategic Waste Minimisation Plan 2008-2013*".

**SUSTAINABILITY IMPLICATIONS:**

Managing of Waste in a sustainable manner is outlined in the Town's Strategic Waste Minimisation Plan. Ensuring diversion of waste to landfill at the lowest cost to its constituents is being pursued by the Town.

**COMMENTS:**

As mentioned in the report, the MRC Council has decided to introduce a single fee model for charging member Councils to dispose of their waste at either the landfill at Tamala Park or to the RRF at Neerabup. While this has positive cost benefits for most Members, it has a negative cost benefit to the City of Stirling who have commenced action in the Supreme Court to prevent the MRC from proceeding with the implementation of the Single Fee model.

The COS's legal action is considered to be extremely disappointing, as they have not adequately demonstrated their business case in the various workshops held to date. The future relationship between the COS and other MRC Member Councils will be strained, with potential ramifications to the MRC and Member Councils.

A further report with updated information will be provided to the Council as the matter progresses.

**PROCEDURAL MOTION**

**At 8.27pm** Moved Cr Topelberg, Seconded Cr Farrell

*That Council proceed “behind closed doors” to consider confidential item 14.1, as these matters relate to information concerning legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting.*

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

**There were no members of the public. There were two (2) journalists present who departed the Chamber at 8.27pm.**

**At 8.27pm the Presiding Member, Mayor Nick Catania called an adjournment of the meeting for 3 minutes.**

**The Meeting resumed at 8.30pm, 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
Helen Smith	A/Director Development Services
Rick Lotznicker	Director Technical Services
Mike Rootsey	Director Corporate Services
Anita Radici	Executive Assistant (Minutes Secretary)

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

**14.1 Confidential Report: Approval of Naming Rights for the Multi Purpose Sports Stadium, 310 Pier Street, Perth**

<b>Ward:</b>	South	<b>Date:</b>	4 June 2010
<b>Precinct:</b>	Beaufort, P13	<b>File Ref:</b>	RES0070
<b>Attachments:</b>	-		
<b>Reporting Officer:</b>	John Giorgi, Chief Executive Officer		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *ADVISES Allia Venue Management Pty Ltd (Allia) that, in accordance with Clause 8.2 of the Heads of Agreement (HOA), it APPROVES of the new name for the Town's Multi Purpose Sports Stadium, 310 Pier Street, Perth, as specified in the report and as shown in Appendix 14.1, subject to the following conditions;*
  - (a) *all signage being in accordance with the Council's Signage Strategy for the Stadium, adopted on 3 November 2009 and as detailed in this report;*
  - (b) *all signage being kept in a good state of repair, safe and non-climbable, and free from all graffiti for the duration of their display;*
  - (c) *no approval being granted for the placement of Naming Rights signage on the eastern stand, the southern stand or on the pitch perimeter fence; and*
  - (d) *no approval being granted for the placement of a sticker at the back of each seat in the Stadium depicting the Sponsor's name;*
- (ii) *AUTHORISES the Chief Executive Officer to finalise the requirements of the new Naming Rights Agreement, in accordance with the terms of the Heads of Agreement and also including any proposed signs;*
- (iii) *ADVISES Allia Venue Management Pty Ltd that;*
  - (a) *it is required to submit a separate Sign Licence application demonstrating the details, including the form, size and siting of any proposed location, prior to the erection of such new signage; and*
  - (b) *the Town is currently in negotiation with the State Government of Western Australia, with the aim of entering into a long term lease for the Stadium and the proposed redevelopment and in the event that agreement is reached between the parties, the Town proposes to invoke the Heads of Agreement "Redevelopment of the Stadium" Clause; and*
- (iv) *NOTES that the new Naming Rights Sponsor's name is "Commercial-in-Confidence" and is not to be made public until publicly launched on Friday 11 June 2010.*

**COUNCIL DECISION ITEM 14.1**

**Moved Cr Farrell, Seconded Cr Burns**

*That the recommendation be adopted.*

**Debate ensued.**

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

**Note: The Chief Executive Officer advised that this report is now released to the public as the Council has determined the matter and the New Naming Rights Sponsor is now public information, as it was reported on the radio on 9 June 2010 and published in the West Australian Newspaper on 10 June 2010.**

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**PURPOSE OF THE REPORT:**

The purpose of the report is for the Council to approve of the new Naming Rights Sponsor for the Town's Rectangular Stadium, located at 310 Pier Street, Perth.

**BACKGROUND:**

At the Special Meeting of Council held on 1 July 2003, the Council considered the matter of the tenders relating to provision of Catering Services, Operational Management Services, and selling of Naming Rights for the proposed Multi Purpose Sports Stadium, 310 Pier Street, Perth and approved of the Heads of Agreement between the Town and Allia Venue Management Pty Ltd.

The Heads of Agreement prescribe the principles and form the basis of a Legal Contract between the Town and Allia.

A Naming Rights Agreement has been in place from November 2003 and this terminated on 1 May 2010. The former Naming Rights Sponsor was "ME Bank".

On 31 May 2010, the Town was advised that Allia had secured a new naming rights sponsor and requested the Town's approval for the proposed name, as required by the Heads of Agreement. The new proposed name is "NIB Stadium" - "**Commercial-in-Confidence**", until publicly announced.

**Proposed Naming Rights Agreement**

The Chief Executive Officer has obtained details of NIB, who have provided the following information;

**Who is NIB?**

*"NIB is one of Australia's fastest growing health funds with approximately 750,000 people nation-wide.*

**Background**

*NIB was established and is based in Newcastle, New South Wales (NSW) more than 50 years ago.*

***Current Sponsorship Acquisitions***

*Three major sponsorship portfolios:*

- *NSW State of Origin (NRL)*
- *Newcastle Knights (NRL)*
- *Geelong Cats (AFL)*

*These three are valued at \$1.5 million annually.*

*Annually, NIB invests \$18 million on its marketing strategy.*

***NIB in Western Australia***

*In 2007, NIB launched an ambitious national brand awareness strategy, with a primary focus in Victoria, New South Wales and Queensland. It has now entered the Western Australian market and 'within the next six months forecasts to spend \$2 million on both traditional and innovative marketing strategies to drive brand awareness and sales growth in WA'."*

**CONSULTATION/ADVERTISING:**

Not applicable.

**LEGAL/POLICY:**

Allia has advised that the proposed Naming Rights Agreement is similar to the previous Agreement with ME Bank, however at the time of writing this report, a copy has not been provided to the Town. This has been requested so that it can be checked to ensure that it complies with the Heads of Agreement.

For the most part, it appears that the proposed Naming Rights Agreement adheres closely to the requirements of the Heads of Agreement (HOA). However, the following points should be noted;

1. The proposed name of the stadium is "*NIB Stadium*" (Clause 2.1). There is nothing to suggest that this name will not be acceptable to the Town. A company search of NIB has been carried out.

CEO's Comment:

This company search did not reveal any adverse conditions.

2. Under the Agreement the Sponsor is seeking approval to place a sticker with the Sponsor's name on it at the "back of every seat of the Stadium".

CEO's Comment:

The placement of a sticker at the back of each seat is not included in the HOA as an entitlement. Accordingly, it should not be approved as this will also complicate the negotiations with the State Government - who have indicated their objection to any Naming Rights signage which may affect the future redevelopment.

Whilst ME Bank did place stickers at the back of each seat, it did so on the condition that it would be in compliance with the "clean stadium" requirements for Significant Events, in accordance with Heads of Agreement, Clauses 8.5 and 8.4(d) and that they would need to be removed or covered up for the specific Significant Event. No Significant Events were called and therefore this matter did not arise. However, with the Super 14 moving to the Stadium (and Rugby Union being an international event), the chances of a Significant Event being called has increased considerably. Therefore the placement of such stickers would make it very difficult to provide a "clean stadium" for Significant Events or if the Minister required a "clean stadium" for an Event.

## Signage

Under the HOA, Allia is required to ensure that the Agreement "nominates with precision" the sites where it is proposes to erect signage naming the Stadium and any Permanent Sites [Clause 8.1(c)(ii)]. The Town is within its rights under the HOA to know exactly where the signs are proposed to be placed on the Stadium and the Permanent Sites.

### Sign Schedule

Allia have submitted the following:

Location	Type	Height (mm)	Length (mm)	Material	Comment
<b>Existing Signage, as listed in the Adopted Signage Strategy</b>					
Reception to Allia Offices	Bill Posting/Wall	650	2400	Colourbond	Support
Grandstand - East Roof Fascia	Advertisement	1000	52000	Colourbond	Support#
Grandstand - North Roof Fascia	Advertisement	1000	26000	Colourbond	Support#
Grandstand - South Roof Fascia	Advertisement	1000	26000	Colourbond	Support#
Western Wall of Grandstand	Bill Posting / Wall	1200	7000	Plastic	Support#
Hoarding near Gate 1 (West)	Hoarding	1000	7000	Metal	Support♦
Hoarding near Gate 1 (East)	Hoarding	1000	7000	Metal	Support♦
Gate 3 - Roof Fascia (Front and Side)	Projecting	600	8000	Metal	Support#
Gate 4 - Roof Fascia (Front)	Projecting	600	8000	Metal	Support#
Gate 4	Ground Based	2200	900	Colourbond	Support#
Lower Eastern Roof of Main Grandstand	Advertisement	8000	45000	Sign write direct to roof	Support♦
<b>Proposed New Signage, as per the Adopted Signage Strategy</b>					
Gate 2	Hoarding	1200	5700	Metal	Support#
Gate 4	Hoarding	1200	5700	Metal	Support#
Gate 5	Hoarding	1200	5700	Metal	Support#
Western Roof of Main Grandstand	Advertisement	8000	45000	Sign write direct to roof	Support
<b>Not Listed in Signage Strategy or in Heads of Agreement</b>					
EEE Stand*	Advertisement	1200	1060000	TBC	Not Supported
<b>Existing Temporary Match Day Signage:</b>					
Pitch Perimeter Fence - Northern Central**	Hoarding	900	6000	Dibond	Not Supported
Pitch Perimeter Fence - Southern Central**	Hoarding	900	6000	Dibond	Not Supported
Pitch Perimeter Fence - Eastern Central x 2**	Hoarding	900	6000	Dibond	Not Supported

\* *A sign was previously approved, however was never erected.*

\*\* *Signage is subject to annual Council approval and location to be determined by the Town.*

# *Heads of Agreement - "Permanent Site".*

♦ *Previously approved by Council*

**CEO's Comment:**

Signage Strategy

At the Council Meeting held on 3 November 2009, a Signage Strategy was adopted for the Stadium. The Council decision requires all signs are to be in accordance with this Signage Strategy. However, it appears that there is some conflict between the adopted Strategy and what is being requested. What is being requested is in addition to what the Sponsor is legally entitled to, under the "Permanent Site" clause of the HOA.

Application for Sign Licence

Allia will be required to submit a separate sign application showing the form, size and proposed sites of any new signage. The Heads of Agreement require all signage to be approved by the Town. Signage is not permitted on Gate No. 1 (Heritage Gates) and this is included in the Heads of Agreement. However, the Council has approved of free standing signs behind the gates.

Eastern Stand

In the proposed Agreement, Allia has requested to place a sign on the Eastern Stand ("EEE" sign). The Eastern Stand is not a "Permanent Site" under the HOA.

This is not acceptable, as the State Government has recently announced that it proposes to redevelop the Stadium and most likely replace the Eastern Stand. The approval of a sign on this temporary stand will cause negotiation problems with the State Government - and this should be avoided. In addition, the placement of a sign on the temporary stand would cause ongoing contractual problems if a staged redevelopment of the eastern stand occurs.

Therefore, the negotiations with the State Government should not be complicated by allowing contractual arrangements to occur, which involve the eastern stand.

Pitch Perimeter Fence (Temporary Match Day) Signage

The display of temporary match day signs on the perimeter fencing is not specified in the HOA. The Council has previously resolved not to approve these as "permanent sites", however has allowed the signs to be displayed in locations specified by the Town's Chief Executive Officer, subject to the Chief Executive Officer reporting to the Stadium Management Committee at the end of the 2009/2010 Financial Year as to how this has worked.

These temporary signs are located in the "TV arc" (which means that they can be seen on television when the television cameras pan out). Rugby WA and Perth Glory Football Club have both strongly objected to these perimeter signs, as they argue that they severely compromise their major Sponsor signage rights - which they are entitled to. During the 2010 Super 14 Season, the Town's Chief Executive Officer had extreme difficulty in trying to reach a satisfactory compromise between all parties - which could not be achieved. Accordingly, as a new Naming Rights Agreement is being proposed, it is strongly recommended that these pitch perimeter fencing signs not be approved.

### **Applicable to all Naming Rights Signs**

The cost of the production and writing of the signage together with the supply, installation and removal costs, will be paid by NIB.

- Signage which needs to be replaced during the Term due to wear and tear will be borne by NIB.
- On each day when a Significant Event (as defined by the Heads of Agreement) is held at the Stadium, that Signage is to be so removed or covered (at NIB's expense).

### **Heads of Agreement - Salient Clauses**

#### **8. Naming Rights Services**

##### 8.1 Allia's rights

*This entitles Allia to sell the naming rights of the Stadium and any permanent sites within the Stadium, e.g. grandstand, scoreboard. The Heritage Gates are excluded from Naming Rights provisions. The "Permanent Sites" are specified as follows;*

- (a) *the Grandstand;*
- (b) *the Shed;*
- (c) *the Function Rooms; and*
- (d) *all entry gates to the Stadium (excluding Gate 1).*

##### 8.2 Allia's obligations

*Allia must obtain the maximum value from the Naming Rights and any proposed name is subject to the approval of the State Government and the Town.*

##### 8.4 Clean Stadium

*This is a State Government condition which requires the Stadium to be free of all advertising and naming rights for the various users and for significant events.*

##### 8.5 Significant Events

*This is a State Government condition requiring a Stadium free of advertising for a significant event and is prescribed in the Financial Assistance Agreement.*

##### 8.8 Cost of Signs

*Allia is required to pay for all costs of signs, including;*

- (a) *cost of materials;*
- (b) *cost of maintaining the signs;*
- (c) *installation and/or removal of signs; and*
- (d) *lighting and electricity for signs, if required.*

##### 8.9 Replacement of Signage

*Allia is required to replace all signs at their own cost if they become damaged or worn out.*

#### 8.10 Western Australian Planning Commission

*This prescribes that Western Australian Planning Commission approval is also required prior to installation of signage.*

#### 8.11 Property of Signage

*This prescribes that the signage becomes the property of the Town at the end of any Agreement.*

#### 8.13 Regulation of Signage

*This Clause restricts the types of signage which involves tobacco, unlawful or illicit drugs, political parties or any other matters prescribed by law, without first obtaining the approval of the Town and State Government.*

### **Pitch Perimeter Signage**

At the Ordinary Meeting of Council held on 22 September 2009, the Council considered the matter of pitch perimeter signage and resolved inter-alia as follows;

"(v) *REFUSES the request from Allia Venue Management Pty Ltd (Allia) for four (4) PERMANENT SITES (as defined by the Heads of Agreement (HOA)) around the perimeter fence, in the following locations;*

*(a) 1m x 6m (1 of) signage area on the northern pitch perimeter fence;*

*(b) 1m x 6m (1 of) signage area on the southern pitch perimeter fence; and*

*(c) two (2) signs (1m x 6m) on the eastern perimeter fence;*

(vi) *APPROVES the request from Allia for "Additional Signage" around the perimeter fence, in the following locations;*

*(a) 1m x 6m (1 of) signage area on the northern pitch perimeter fence;*

*(b) 1m x 6m (1 of) signage area on the southern pitch perimeter fence; and*

*(c) two (2) signs (1m x 6m) on the eastern perimeter fence;*

*as shown on Appendix 14.5A attached, in accordance with the Heads of Agreement (HOA) Clause 8.1(b)(i), subject to;*

*1. the approval of such "Additional Signage" shall only be concurrent for the term of each Naming Rights Agreement;*

*2. the prior approval of the Town (which shall not be unreasonably withheld);*

*3. the Town's Chief Executive Officer being authorised to approve the specific signage locations, in liaison with the Stadium Manager, Rugby WA, Perth Glory Football Club (PGFC), Western Australian Rugby League (WARL) and the Naming Rights holder at the time (currently Members Equity Bank); and*

*4. the approved signs being removed (or covered) to the satisfaction of the Town's Chief Executive Officer, in the event that there is a "Significant Event", as defined by the HOA or other significant conflict (as deemed by the Town's Chief Executive Officer) with the requirements of a Stadium User;"*

### **Redevelopment of the Stadium Clause**

The HOA contain a "Redevelopment of the Stadium" Clause which can be invoked by the Town by giving six months' notice. Subject to the Town reaching agreement with the State Government, this Clause would be invoked.

#### **STRATEGIC IMPLICATIONS:**

Not applicable.

#### **SUSTAINABILITY IMPLICATIONS:**

Not applicable.

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

The Town will not receive any funds from the Naming Rights Agreement.

The Heads of Agreement prescribe that any income derived from sponsorship or Naming Rights is to be paid to Allia. Allia are required to pay the Town \$66,000 per year (increased by CPI) until February 2024 (when the Heads of Agreement terminate). They are also responsible for the Stadium operating and maintenance costs. There are no financial costs to the Town with this Naming Rights proposal.

The Naming Rights Agreement is for an initial period of three (3) years, effective from the date of signing due mid-June 2010. Further three year options are also available.

#### **Sponsorship Fees**

NIB will pay Allia an amount which is "commercial-in-confidence"

#### **Condition**

Payment of the Sponsorship Fee is subject to all necessary council and government approvals being obtained by Allia, to the use of the Stadium Name.

#### **COMMENT:**

The obtaining of a Naming Rights sponsor by Allia Venue Management Pty Ltd will ensure that they receive income. The proposed name is considered acceptable and complies with the Heads of Agreement. Accordingly, it is recommended that the Council approves of the Officer Recommendation.

### **PROCEDURAL MOTION**

**At 8.35pm**     **Moved Cr Topelberg, Seconded Cr Buckels**

*That the Council resume an "open meeting".*

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

**15. CLOSURE**

**The Presiding Member, Mayor Nick Catania, declared the meeting closed at 8.35pm 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
Helen Smith	A/Director Development Services
Rick Lotznicker	Director Technical Services
Mike Rootsey	Director Corporate Services
Anita Radici	Executive Assistant (Minutes Secretary)

No members of the Public were present.

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 8 June 2010.

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

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