



TOWN OF VINCENT

"Enhancing and celebrating our diverse community"

MINUTES

8 APRIL 2008

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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 April 2008, commencing at 6.00pm.

1. DECLARATION OF OPENING

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

2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE

(a) Apologies:

Cr Helen Doran-Wu	North Ward (Arriving late due to work commitments)
Cr Noel Youngman	North Ward (Arriving late due to work commitments)

(b) Present:

Mayor Nick Catania, JP	Presiding Member
Cr Anka Burns	South Ward
Cr Helen Doran-Wu	North Ward (from 7.45pm)
Cr Steed Farrell	North Ward
Cr Ian Ker	South Ward (until 9.14pm)
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Izzi Messina	South Ward
Cr Noel Youngman	North Ward (from 6.09pm)
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Development Services
Rick Lotznicker	Director Technical Services
Mike Rootsey	Director Corporate Services
Dan Hatch	Journalist – “ <i>The West Australian</i> ” (until approx 8.00pm)
Jacqui Bahr	Journalist – “ <i>The Perth Voice</i> ” (until approx 9.00pm)

Approximately 20 Members of the Public

(c) Members on Leave of Absence:

Nil

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

1. Mr Michael Pinches of 95 Hobart Street, Mt Hawthorn spoke on Item 10.1.7 opposing the proposed development at 110-112 Scarborough Beach Road, Mt Hawthorn. Mr Pinches advised that they enjoy living in the area but expressed dismay at this proposal and the impact it will have on their quality of life in the area. Mr Pinches expressed concern that the proposal will affect the value of their property. Requested the Council not approve the application.
2. Ms Andrea Mays of 63 McCourt Street, West Leederville, incoming President of the Leederville Early Childhood Centre spoke on Item 10.4.8. Ms Mays advised that although this proposal will be disruptive to families attending the Centre, they are very supportive of the proposed re-location as it will result in a larger centre that is more capable of meeting the increased demand for quality childcare in the Vincent community. In

summary, very disappointed to learn that the plans to relocate have been deferred yet again while the Council investigates complications with the proposed WALGA building. Believe the re-location of the Centre should proceed independently of the project.

3. Mr Kenneth Raymond Richards of 97 Hobart Street, Mt Hawthorn spoke on Item 10.1.7. Mr Richards expressed serious concerns in regards to this development as it is totally out of character with the area. He is also concerned about the parapet wall at the back fence line in regard to their property, the development may cause the destruction of two long standing Jacaranda trees and with regard to privacy – sundecks which would overlook their yard. Any entertaining they do would need to be closer to back fence so it would not be viewed by people on sun decks. Requested Council consider this plan very carefully.
4. Ms Shelley Grewal of 60 and 62 Randell Street, Perth spoke on Item 10.1.6. Has been dealing with Council for about two and a half years to get approval. Final changes are to the driveway crossover, set back of front stairs, overshadowing is now less than 3%, have introduced wall art facing Randell Place. Propose to have glass blocks for privacy issues. Proposed building is for personal home. Have reduced bulk and scale of proposed building to blend in with area. Property will take into consideration all environmental impacts and all materials used will be environmentally friendly. Requested Council approve the matter.
5. Ms Shelly Blechynden of 59 Ellesmere Street, Mt Hawthorn spoke on Item 10.4.8. Page 129 referring to zoning and land use of Braithwaite Park – The Councils proposal has caused considerable angst to the community and cost tens of thousands of dollars in professional fees. Does Council accept this could have been avoided if only they had done the homework properly?
6. Ms Lyn Hudson of 24 Burt Street, Mt Lawley spoke on Item 10.1.3 objecting to the proposal. Ms Hudson referred to the 12 objections received by residents. She queried the number of staff to be employed and precise use of the Office. No parking for any clientele in the middle of a residential street. Also concerned at the domino effect of this property. Considers this an audacious and cheeky application.
7. Mr John Pintabona of 5 Lynmouth Road, Dianella spoke on Item 10.1.5 raising his concern in regard to screening. Mr Pintabona advised that he is the owner of 30 Fairfield Street, Mt Hawthorn and parents are residents. The main concern is the privacy issue being the height of the building, further issues are streetscape, and how that building would be developed with the other adjacent properties. Some of these places mention they will appropriate place screening, this does not seem to be the case.
8. Mr Jason Rigliotta of Benchmark Projects Australasia spoke on Item 10.1.3 on behalf of applicants (6 Burt Street, Mt Lawley). Acknowledged there have been a number of objections received. Reduced office space down to 20 square metres. Application is primarily a home occupation, which will be low key. Application never intended to be high scale office. Requested Council's favourable consideration.

9. Ms Jody Ferdinando of 114 Egina Street, Mt Hawthorn spoke on Item 10.4.8. Supports the principle behind clauses (iv) and (v), but given the unnecessary circumstances, it is an emotive issue. Suggested amending the clause to explore other options.

There being no further questions from the public, the Presiding Member, Mayor Nick Catania, JP, closed Public Question Time at 6.33pm.

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Refer to IB14 and IB15.

4. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND MEMORIALS

Nil.

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Minutes of the Ordinary Meeting of Council held on 25 March 2008.

Moved Cr Farrell, Seconded Cr Youngman

That the Minutes of the Ordinary Meeting of Council held on 25 March 2008 be confirmed as a true and correct.

CARRIED (8-0)

(Cr Doran-Wu had not arrived at this point in time.)

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

1. **Employee of the Month Award for the Town of Vincent for April 2008**

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. Also their photograph is displayed in the Town's Administration Centre Foyer, in the Library and at Beatty Park Leisure Centre.

For APRIL 2008, the award is presented to Emma Storm, Planning Officer (Statutory) in the Town's Planning Building & Heritage Services Section. Emma was nominated as a result of an email received from Architect Mark Ciesielski of McDonald Jones Architects Pty Ltd, which reads as follows:

"I have dealt with various Planners at the Town over the past years. Today I dealt with a different planner, Emma. Her level of customer service in relation to my query is unprecedented. She was polite, prompt and most informative. I was confident in the information she provided me. Well done to Emma and to the Planning Department for securing such an enthusiastic and helpful Planner."

Congratulations to Emma - and well done!!

2. Proposed Local Law Relating to Standing Orders

Pursuant to Section 3.12 - 3.16 of the Local Government Act, the Town of Vincent hereby gives notice of its intention to carry out a review of its Local Law Relating to Standing Orders and proposes to adopt a new Town of Vincent Standing Orders Local Law 2008 - Item 10.4.7 on tonight's Agenda.

The purpose of this Local Law is to provide rules, procedures and guidelines to assist in the good conduct of the meetings of the Council, Committees and the standards to be observed by persons attending such meetings.

8. DECLARATIONS OF INTERESTS

- 8.1 Mayor Catania declared a financial interest in Item 10.3.1 - Investment Report as at 31 March 2008. The extent of his interest being that he is Chairman of the Board of Directors of the North Perth Community Bank.
- 8.2 Cr Burns declared a financial interest in Item 10.3.1 – Investment Report as at 31 March 2008. The extent of her interest being that she is a shareholder and her father is on the Board of Directors of the North Perth Community Bank
- 8.3 Cr Messina declared an interest in Item 10.3.1 – Investment Report as at 31 March 2008. The extent of his interest being that he is a Director and Shareholder of the North Perth Community Bank
- 8.4 Cr Youngman declared a proximity interest in Item 10.1.1 – No 22 Galwey Street, Dual Frontage to Tennyson Street, Leederville – Proposed Additional Two-Storey Single House to Existing Single House. The extent of his interest being that he resides in a nearby property.
- 8.5 Cr Farrell declared an interest affecting impartiality in Item 10.4.8 - Proposed Relocation of the Leederville Early Childhood Centre and the Margaret Kindergarten; Proposed WALGA Office Building – Progress Report No. 2. He disclosed that he has a child attending the Leederville Early Childhood Centre.

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

Nil.

10. REPORTS

The Presiding Member, Mayor Nick Catania JP, 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 10.1.7, 10.4.8, 10.1.6, 10.1.3 and 10.1.5

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

Item 10.4.2.

10.3 **Items which members/officers have declared a financial or proximity interest and the following was advised:**

Items 10.1.1 and 10.3.1.

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

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

Cr Farrell	Nil
Cr Messina	10.3.2
Cr Youngman	10.1.9
Cr Ker	10.1.10
Cr Doran-Wu	-
Cr Lake	10.1.8, 10.4.6 and 10.4.7
Cr Burns	Nil
Cr Maier	10.1.4 and 10.4.5
Mayor Catania	Nil

The Presiding Member, Mayor Nick Catania JP, 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 10.1.2, 10.2.1, 10.2.2, 10.3.3, 10.4.1, 10.4.3, 10.4.4 and 10.4.9.

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

Nil.

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

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

Items 10.1.2, 10.2.1, 10.2.2, 10.3.3, 10.4.1, 10.4.3, 10.4.4 and 10.4.9.

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

Item 10.1.7, 10.4.8, 10.1.6, 10.1.3 and 10.1.5.

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

Moved Cr Farrell, Seconded Cr Ker

That the following unopposed items be approved, as recommended, en bloc;

Items 10.1.2, 10.2.1, 10.2.2, 10.3.3, 10.4.1, 10.4.3, 10.4.4 and 10.4.9.

CARRIED (8-0)

(Cr Doran-Wu had not arrived at this point in time)

10.1.2 No.53 (Lot: 88 D/P: 6064) Milton Street, Glendalough – Proposed Three (3) Two-Storey Grouped Dwellings

Ward:	North	Date:	31 March 2008
Precinct:	-	File Ref:	PRO4228; 5.2007.454.1
Attachments:	001		
Reporting Officer(s):	S O'Loughlin		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions and powers of both the Local Government (Change of Districts Boundaries) Order 2007 and the Local Government (Constitution) Regulations 1998, allowing the Town of Vincent to, in effect, administer the City of Stirling District Planning Scheme No. 2 as if it were its own Scheme, and the Metropolitan Region Scheme, the Council APPROVES the application submitted by A Cumace on behalf of the owner(s) A Cumace and R & R Maio for proposed Three (3) Two-Storey Grouped Dwellings, at No.53 (Lot: 88 D/P: 6064) Milton Street, Glendalough, and as shown on plans stamp-dated 9 November 2007 and 22 February 2008, subject to the following condition(s):

- (i) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Milton Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. The landscaping of the verge shall include details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months. The Council encourages landscaping methods which do not rely on reticulation. Where reticulation is not used, the alternative method should be described. All such works shall be undertaken prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s);*
- (iii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) *the store to Unit 3 having a minimum internal ~~dimension~~ area of 4.0 square metres with a minimum ~~dimension~~ area of 1.5 metres; and*
 - (b) *the window to bedroom 3 on the first floor of Unit 3 within the 4.5 metre cone of vision to the eastern and southern boundaries, and the balcony of Unit 1 on the eastern elevation, being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole window can be top hinged and the obscure portion of the window openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject*

window not exceeding one square metre in aggregate in the respective subject wall, so that it is not considered to be a major opening as defined in the Residential Design Codes 2002. Alternatively prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of No.51 Milton Street and No.48A Tasman Street stating no objection to the respective proposed privacy encroachments.

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

- (iv) first obtaining the consent of the owners of No.51 Milton Street and No.48A Tasman Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No.51 Milton Street and No.48A Tasman Street in a good and clean condition;*
- (v) no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s); and*
- (vi) any new street/front wall, fence and gate between the Milton Street boundary and the main building, including along the side boundaries within this front setback area, complying with the following:*
 - (a) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (e) the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level.*

***Note: The above Officer Recommendation was corrected and distributed prior to the meeting. Changes are indicated by strikethrough, italic font and underline.**

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED “EN BLOC” (8-0)

(Cr Doran-Wu had not arrived at this point in time).

COUNCIL DECISION ITEM 10.1.2

That;

in accordance with the provisions and powers of both the Local Government (Change of Districts Boundaries) Order 2007 and the Local Government (Constitution) Regulations 1998, allowing the Town of Vincent to, in effect, administer the City of Stirling District Planning Scheme No. 2 as if it were its own Scheme, and the Metropolitan Region Scheme, the Council APPROVES the application submitted by A Cumace on behalf of the owner(s) A Cumace and R & R Maio for proposed Three (3) Two-Storey Grouped Dwellings, at No.53 (Lot: 88 D/P: 6064) Milton Street, Glendalough, and as shown on plans stamp-dated 9 November 2007 and 22 February 2008, subject to the following condition(s):

- (i) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Milton Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. The landscaping of the verge shall include details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months. The Council encourages landscaping methods which do not rely on reticulation. Where reticulation is not used, the alternative method should be described. All such works shall be undertaken prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s);*
- (iii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) *the store to Unit 3 having a minimum internal area of 4.0 square metres with a minimum area of 1.5 metres; and*
 - (b) *the window to bedroom 3 on the first floor of Unit 3 within the 4.5 metre cone of vision to the eastern and southern boundaries, and the balcony of Unit 1 on the eastern elevation, being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole window can be top hinged and the obscure portion of the window openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject window not exceeding one square metre in aggregate in the respective subject wall, so that it is not considered to be a major opening as defined in*

the Residential Design Codes 2002. Alternatively prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of No.51 Milton Street and No.48A Tasman Street stating no objection to the respective proposed privacy encroachments.

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

- (iv) first obtaining the consent of the owners of No.51 Milton Street and No.48A Tasman Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No.51 Milton Street and No.48A Tasman Street in a good and clean condition;*
- (v) no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s); and*
- (vi) any new street/front wall, fence and gate between the Milton Street boundary and the main building, including along the side boundaries within this front setback area, complying with the following:*
 - (a) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (e) the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level.*

Landowner:	A Cumace and R & R Maio
Applicant:	A Cumace
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1)/City of Stirling District Planning Scheme No.2 (COSDPS 2): Residential R50
Existing Land Use:	Vacant
Use Class:	Grouped Dwelling
Use Classification:	"P"
Lot Area:	731 square metres
Access to Right of Way	Not applicable

BACKGROUND:

The site was previously located within the City of Stirling and there is no specific background that directly relates to the proposal.

DETAILS:

The proposal involves the construction of three (3) two-storey grouped dwellings.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to TPS 1 and COSDPS 2
Density	4 Grouped dwellings	3 Grouped dwellings	Noted- no variation
Plot Ratio	N/A	N/A	Noted
Building Setbacks: Ground Floor - Southern boundary			
Unit 3	1.5 metres	Nil – 1.0 – 1.5 – 4.0 metres	Supported - considered to have no undue impact on directly affected neighbour, and staggering of setbacks reduces the impact on directly affected neighbour.
- Eastern boundary			
Unit 1 (garage)	1.5 metres	Nil – 1.5 metres	Supported – no undue impact and no objections received from directly affected neighbouring property.
Unit 2 (alfresco, living and meals)	1.5 metres	1.0 metre	Supported – as above.
Unit 3 (store, laundry, living and alfresco)	1.5 metres	1.2 metres	Supported – as above.
Upper Floor - Eastern boundary			
Unit 1 (balcony, bed 1 and ensuite)	2.9 metres	1.7 metres	Supported – no undue impact and no objections received from directly affected neighbour.

Unit 3 (bed 2 and bed 3)	1.5 metres	1.2 – 4.4 metres	Supported – as above.
Buildings on Boundary	Walls not higher than 3.5 metres with an average of 3.0 metres for 2/3 the length of the boundary behind the front setback, to one side boundary	Two boundary walls: Eastern boundary wall – complies with height and length requirements of the Residential Design Codes. Southern boundary wall – complies with height and length requirements of the Residential Design Codes.	Supported – no undue impact, no objections received from directly affected neighbouring properties and boundary walls comply with the height and length requirements of the Residential Design Codes. Supported – considered to have no undue impact on directly affected neighbour and boundary wall complies with the height and length requirements of the Residential Design Codes.
Privacy Setbacks: Unit 3 - Bedroom 3	4.5 metres	4.3 metres to the eastern boundary. 4.35 metres to the southern boundary.	Not supported – undue impact on directly affected neighbouring property and has been conditioned to comply with the privacy requirements of the Residential Design Codes.
Essential Facilities: - Store (Unit 3)	Minimum internal area of 4.0 metres with a minimum dimension of 1.5 metres	Internal area of 3.78 metres	Not supported – conditioned to comply with the requirements of Clause 3.10.3 of the Residential Design Codes relating to essential facilities.
Consultation Submissions			
Support	Nil		Noted
Objection (1)	<ul style="list-style-type: none"> Overshadowing onto the adjoining rear subdivided lot. 		<ul style="list-style-type: none"> Not supported – overshadowing onto the rear lot is compliant with the requirements of the Residential Design Codes.

	<ul style="list-style-type: none"> • Visual impact as a result of the setbacks to the southern boundary. 	<ul style="list-style-type: none"> • Not supported – the proposed ground floor southern setback is considered to have no undue impact on the directly affected neighbour, the boundary wall complies with the requirements of the Residential Design Codes and the staggering of setbacks reduces the visual impact on directly affected neighbouring properties. In addition, the first floor setback is 1.5 metres from the rear boundary, this complies with the requirements of the Residential Design Codes relating to boundary setbacks to walls with no major openings.
Other Implications		
Legal/Policy	TPS 1/COSDPS2 and associated Policies, and Residential Design Codes (R Codes).	
Strategic 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:

In light of the above, the proposed three (3) two-storey grouped dwellings are supported, subject to standard and appropriate conditions to address the above matters.

10.2.1 Further Report - Proposed Safety Improvements West Parade Outside the Meela Child Care Centre

Ward:	South	Date:	2 April 2008
Precinct:	Banks P15	File Ref:	PRO3577
Attachments:	001		
Reporting Officer(s):	R Lotznicker		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the further report on the proposed Safety Improvements in West Parade outside the Meela Child Care Centre;*
- (ii) *CONSIDERS the submissions received during the consultation as outlined in the report;*
- (iii) *APPROVES the revised proposal as outlined on attached Plan No 2556-CP-01B, estimated to cost \$1,500;*
- (iv) *REQUESTS that the Meela Child Care Centre implement signage to direct parents to the Centre's off street carparking facility; and*
- (v) *ADVISES the respondents of its decision*

COUNCIL DECISION ITEM 10.2.1

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED "EN BLOC" (8-0)

(Cr Doran-Wu had not arrived at this point in time).

PURPOSE OF REPORT:

The purpose of this report is to present a further report to the Council regarding proposed safety improvements outside the Meela Child Care Centre on West Parade.

BACKGROUND:

The Meela Child Care Centre is located on the eastern side of West Parade between Chertsey and Harold Streets. The carriageway width is 10.0m in width and there are currently no deterrents or physical measures in place to highlight to passing motorists that there is a Child Care Centre at this location, i.e. neither line marking/signage etc. to slow passing vehicles.

Following receipt of a letter from the Child Care Centre on 24 August 2007, Technical Services officers met with the Acting Director of the Centre on site in October 2007, to assess the situation and brainstormed some possible solutions. As a result of the meeting, a proposal as outlined on attached Plan No 2556-CP-01 was prepared.

A report was subsequently considered by the Council at its Ordinary Meeting held on 23 October 2007, where the following decision was adopted:

"That the Council;

- (i) RECEIVES the report on the proposed Safety Improvements in West Parade outside the Meela Child Care Centre;*
- (ii) APPROVES IN PRINCIPLE the proposal as outlined on attached plan No 2556-CP-01, estimated to cost \$7,500;*
- (iii) CONSULTS with adjoining residents regarding the proposal, giving 14 days in which to provide a response; and*
- (iv) SHOULD no adverse comment be received, implements the proposal as shown on attached plan 2556-CP-01."*

DETAILS:

Consultation:

On 19 November 2007, twenty (20) letters were distributed to residents in the vicinity of the Child Care Centre. At the close of consultation on 17 December 2007 six (6) responses were received with three (3) in favour, three (3) against the proposal.

The comments were as follows:

Related Comments *In Favour* of proposal

- We have no objections to the proposed measure to implement safety improvements.
- Since the public works in West Parade, the back lane has become a speedway too.
- In favour but no further comments.

Related Comments *Against* the proposal

- Totally disagree with the proposal.
- Council does not need to spend \$7,500 if the Centre and the parents would make use of the Centre's carpark bays as initially intended in Council plans. There is a 14 bay carpark attached to the Centre with 4 bays specifically set aside for set down/pick up use. Connecting the carpark to the Centre is an enclosed walkway designed to separate users from the road. This carpark is also for staff. Today there are only 7 cars in it. There is no signage installed and parents are prevented from entering by a chain across the entrance once staff have parked.
- Parking is at a premium in the area mainly due to TAFE students and local residents' requirements and to introduce further restrictions would be an unfair burden on residents. I have resided in the area for over 10 years and neither I nor other residents have witnessed any near misses or accidents in the area and we are all rather mystified as to who or what has brought about the request for your proposed measures. During recent road restrictions (sewer work) parents managed quite adequately by utilising the carpark

provided on the northern end of Meela. The use of this carpark for drop off and pick up is by far the safest option as there is a fenced pathway leading directly into the Centre, thereby ensuring children have no access to the roadway. The suggestion of installation of a traffic island is unwarranted and absurd.

Officers Comments:

While the comments received indicated a 50/50 split on the requirement for the traffic management at this location the respondents against the proposal were vehemently opposed to the speed humps and the traffic island and any loss of on road parking. They also indicated that there was ample road parking at the Centre for parents and staff.

In February 2008, after the Christmas school holidays, Officers measured the vehicle speeds at this location and the 85% speed was 51kph and the average speed was 41kph.

These speeds are considered to fall well within the streets classification as an access road and no physical intervention measures are warranted. Also, the intersection of Harold Street and West Parade has no recorded accidents. However, it is recommended given the width of the carriageway that line marking be implemented (as has previously been implemented in other streets in the Town of similar width, e.g. View Street, York Street, Bourke Street, etc.) to delineate the parking bays/crossovers and that the existing pickup and set down area outside of the Child Care Centre be made more visible with cross hatching. It is also recommended that the signage be improved by both the Town and the Child Care Centre.

CONSULTATION/ADVERTISING:

Respondents will be advised of the Council decision.

LEGAL/POLICY:

N/A

STRATEGIC IMPLICATIONS:

In accordance with the objective of Strategic Plan 2006-2011 – 1.1.6 Enhance and maintain the Town's infrastructure to provide a safe, healthy, sustainable and functional environment. *“(o) Investigate and implement traffic management improvements in liaison with the Local Area Traffic Management (LATM) Advisory Group.”*

FINANCIAL/BUDGET IMPLICATIONS:

No funds have been specifically allocated in the 2007/2008 draft budget, however, the revised proposal estimated to cost \$1,500 can be funded from the Miscellaneous Traffic Management budget allocation.

COMMENTS:

The previous proposal as presented to the Council has been modified, given the objections received and the results of the traffic survey.

10.2.2 Progress Report No. 2 - Dedication and Lighting of Nova Lane, North Perth

Ward:	North	Date:	2 April 2008
Precinct:	North Perth (P8)	File Ref:	TES0462 & TES0175
Attachments:	-		
Reporting Officer(s):	C Wilson		
Checked/Endorsed by:	R Lotznicker	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the progress report on the dedication and lighting of Nova Lane;*
- (ii) *PROCEEDS with the installation of 'appropriate' solar lighting in Nova lane; and*
- (iii) *NOTES that a further progress report will be submitted to the Council;*
 - (a) *once a formal response has been received from both the Western Australian Planning Commission regarding Western Power Corporation's internal draft "Placement of Streetlights in Laneways" discussion paper; and*
 - (b) *on the lighting implementation/operation in Nova lane*

COUNCIL DECISION ITEM 10.2.2

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED "EN BLOC" (8-0)

(Cr Doran-Wu had not arrived at this point in time).

PURPOSE OF REPORT:

The purpose of this report is to advise Council of the potential to install solar powered street lighting in Nova Lane, North Perth, in lieu of Western Power streetlights, which they (Western Power), have declined to install as a consequence of their change of policy in respect of Rights of Way (ROWS).

BACKGROUND:

At its Ordinary Meeting of 12 February 2008, the Council received a report on Western Power Corporation's change of policy in respect of installing streetlights in dedicated ROWs.

Western Power has recently adopted a policy whereby they will no longer install streetlights in existing ROWs that do not meet very proscriptive criteria. Essentially, this means that no ROWs within the Town will now qualify.

The Town only became aware of the change in policy when applying for streetlights to be installed in Nova Lane, between Knutsford and Fitzgerald Streets.

Having considered the report, Council made the following decision:

"That the Council;

- (i) RECEIVES the progress report on the dedication and lighting of Nova Lane;*
- (ii) NOTES Western Power have advised that they will no longer be installing Lighting in dedicated Rights of Way;*
- (iii) AUTHORISES the Chief Executive Officer to;*
 - (a) write to the Western Australian Planning Commission seeking comment on Western Power Corporation's internal draft "Placement of Streetlights in Laneways" discussion paper;*
 - (b) investigate the installation of solar powered lights and/or private streetlights; including obtaining a quotation from Western Power for the installation of an un-metered supply (UMS) point; and*
- (iv) RECEIVES a further report on the matter was once the actions in clause (iii) have been completed."*

In accordance with clause (iii) (b) above, the Town wrote to the Western Australian Planning Commission (WAPC) seeking their comments on Western Power Corporation's internal draft "Placement of Streetlights in Laneways" discussion paper, but is yet to receive a reply.

However, prior to the Nova Lane report, at its Ordinary Meeting of 4 December 2007 the Council received a report on *Investigation of Solar Powered Light Poles for Rights of Way, Parks and Reserves*.

The report, some of which is reprinted in the main body of this report, provided detailed information on two commercially available systems currently on offer in Western Australia (WA).

DETAILS:

Street lighting is a pre-requisite to the dedication of a laneway as a public road. Other requirements are that the laneway be of a minimum width of 6m, that it is sealed and drained, and named. In respect of *Nova Lane*, all of these requirements have been met, aside from the lighting of the eastern leg between Knutsford and Fitzgerald Streets.

In order to finalise the dedication of *Nova Lane*, the Town wrote to Western Power, requesting a quotation for the installation of street lighting.

Western Power provided a quotation in order of \$30,000, which the Town duly accepted. Western Power subsequently advised that it had developed a new internal draft "Placement of Streetlights in Laneways" policy, under which lighting in *Nova Lane* (or any other laneway within the Town for that matter) will no longer be supported. They then withdrew their quote and refunded the design fee.

As Western Power's new policy contradicts that of WAPC, the Town wrote to WAPC seeking their comments as it has significant implications for all inner city Local Governments.

However, in order to complete the dedication of *Nova Lane*, the Town has investigated solar powered street lighting, the installation of which has several immediate benefits.

- Will expedite the dedication process (as the requirement for streetlight will have been complied with).
- An environmentally sustainable alternative.
- Potential long term cost savings.
- If successful can be used elsewhere within the Town including parks and reserves.

Given Western Power's stranglehold on street lighting in WA, there has been very limited use of solar powered street lighting to date. In those urban locations where it has been used successfully, such as sections of Port Hedland, it was installed by the mining company/developer undertaking the subdivision.

As a consequence, solar streetlights are still very much an emerging technology in WA.

Technical Services staff sought quotations from suitably qualified suppliers to install lighting in *Nova Lane*, resulting in two firm offers from WA based businesses and expression of interest from an Eastern States business keen to establish a presence in Western Australia.

The two systems tendered were significantly different in approach, with a brief overview of each provided below:

WA Solar Supplies

WA Solar Supplies, who installed the solar streetlights in the aforementioned Port Hedland subdivision, submitted a proposal for stand alone *compact fluorescent* installations, each powered by its own solar panel. In order to provide an adequate/compliant level of lighting in *Nova Lane*, either three or four units would be required, depending on the lamp chosen.

The panel has a 25 year warranty, with an anti vandalism backing plate and bird spikes. The solar panel harvests the light energy and stores the power in the battery which is stored underground. The light that is used in conjunction with the Solar panel is the *PL or compact fluorescent tube* which comes in 26, 36 and 42 watts units for different levels of brightness. The unit includes a light inverter to ensure optimum brightness throughout the period of lighting (overnight). The batteries can power the lights for up to five days without solar energy recharge.

In respect of the appropriate lamps for *Nova Lane*, the choice is between the 32 watt compact fluorescent, which is roughly equivalent to the standard 80 watt Mercury Vapour, or the 42 watt version which would provide a light similar to the 70 watt metal halide lamp, as is currently being installed in residential streets in the Highgate East SUPP Project.

The estimated cost for a 3 light installation using 12 hour / 42 watt lamp is \$30,000 (including installation and 10% contingency) which is within the existing budget allocation.

Lightsense Australia

Lightsense Australia's proposal utilises a four (4) pole x 56 watt LED system.

LED streetlights are relatively new and use in the order of 80% less power than the conventional incandescent streetlights. However, the LED lamp cannot be used in existing light fittings and therefore the entire head would need to be changed making retro fitting an expensive exercise, one which is not yet support by Western Power.

An LED lamp can generate 80 lumen per watt, which is 10 times the brightness of traditional globes and has an estimated working life of 50,000 hours (conventional globes average 8,000 to 14,000 hours).

The system also offers a greater degree of flexibility than that of WA Solar Supplies, in that all four lights can be connected to a single solar panel array, or if space is a premium, a panel can be fitted to each light.

Again the warranty is similar to that of WA Solar Supplies with the panel rated for 90% of the rated output for 10 years and 80% for 25 years.

The quoted price to supply and install a 12 hour / 56 watt x 4 pole configuration is \$31,460. This exceeds the current budget allocation by approximately \$1,500 but there is scope to reduce the price by the Town undertaking the reinstatement.

EMRACK Solar Lighting System

While in Sydney in early March 2008, the Director Technical Services met with the Director of this company. They have a comprehensive product range and use gel batteries as opposed to lead acid batteries and use conventional and LED lighting technology powered by solar panels connected to the batteries. The batteries used are fully sealed and can operate in temperatures of over 37 degrees.

The products offered by EMRACK appear to be considerably cheaper than those of their counterparts and a full proposal for the *Nova Lane* lighting upgrade is currently being prepared to determine the cost of the *Nova Lane* proposal

SEDO Grant Application.

Independent of the above, and in accordance with Council's decision at its Ordinary Meeting of 4 December 2007 (item 10.2.1), the Town recently submitted a grant application to Sustainability Energy Development Office (SEDO) to trial solar lighting in the ROW bounded by Harold, Beaufort, Clarence and Curtis Streets, in Mt Lawley.

Officer's Comment

If the Town's SEDO application is successful, and depending on which of the above technologies is chosen, the Town could then install the other/alternative system in *Nova Lane* as comparison trial.

CONSULTATION/ADVERTISING:

N/A.

LEGAL/POLICY:

There are no legal implications to the proposal.

STRATEGIC IMPLICATIONS:

In accordance with the objective of Strategic Plan 2006-2011 – 1.1.6 Enhance and maintain the Town’s infrastructure to provide a safe, healthy, sustainable and functional environment. *“(d) implement infrastructure upgrade programs, including streetscape enhancements, footpaths, rights of way and roads.”*

FINANCIAL/BUDGET IMPLICATIONS:

Funding for the lighting of laneways has been allocated in the 2007/2008 budget.

COMMENTS:

The move to more environmentally sustainable practices is gaining momentum, with street lighting being one area that Local Government can make a significant difference.

So as to finalise the dedication of *Nova Lane*, North Perth, it is recommended that the Council approve the installation of solar powered street lighting in *Nova Lane*. Further, depending upon the success of the SEDO grant application, the Town trial the alternative system to that to be installed in the aforementioned ROW in Mt Lawley.

10.3.3 West Australian Local Government Association (WALGA) Systemic Sustainability Study

Ward:	Both	Date:	31 March 2008
Precinct:	All	File Ref:	
Attachments:			
Reporting Officer(s):	M Rootsey		
Checked/Endorsed by:	John Giorgi	Amended by:	

OFFICER RECOMMENDATION:

That the Council:

- (i) **RECEIVES** the WALGA Systemic Sustainability Study Report “*The Journey: Sustainability into the Future, Shaping the Future of Local Government in Western Australia*”; and
- (ii) **NOTES** that further reports on the progress of this study will be presented to Council as the matter develops.

COUNCIL DECISION ITEM 10.3.3

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED “EN BLOC” (8-0)

(Cr Doran-Wu had not arrived at this point in time).

PURPOSE OF REPORT:

To report to the Council on the WALGA “Systemic Sustainability Study” report.

BACKGROUND:

The Western Australian Local Government Association released its Systemic Sustainability Study Report on 25 February 2008. The Director Corporate Services attended the study launch held at the University Club at the University of Western Australia.

The report is a substantial document, with some four hundred pages including appendices. Below is the executive summary from the report.

“ The public release of this Paper is a concluding stage of the extended research, investigation and consultation process known as the Systemic Sustainability Study for Local Government in Western Australia.

The beginnings of those processes can be dated from 2004 when, as part of the lead-up to the 2005 State election both major political parties made statements heralding the future reform of the Local Government Sector. This resulted in a 2004 AGM motion requesting the WA Local Government Association (WALGA) to conduct a Structural Reform forum. The consequent forum, held in November of 2005 featured Jeff Kennett sharing his experience in

Victoria and Brian Dollery of New England University who presented a number of versions of “cooperative regionalism”, which were positively received by the audience.

The Northern Country Zone of WALGA held its AGM/Conference in March 2005 on the theme ‘Amalgamate. Cooperate or Disintegrate’. The 2005 WALGA AGM passed a resolution for WALGA to lead the development of a framework that would assist individual Councils to review, debate and consider the future sustainability of Local Government and to ensure the framework encompassed the assessment of economic, social capabilities and capacities of individual communities and regions. In late 2005 WALGA appointed a three-member panel chaired by Professor Greg Craven, then of Curtin University of Technology to research and investigate the sustainability of Local Government in Western Australia.

This Systemic Sustainability Study Panel (The SSS Panel) was supported by the commissioning of a report by Access Economics, *Local Government Finances in Western Australia* (June 2008). Based on the analysis by Access Economic and from their extensive consultation with Local Government representatives from throughout WA, the Panel framed 41 Recommendations for further action. The Association formed a Taskforce of its State Council to oversee the process. This Taskforce resolved to carry forward the SSS Panel recommendations. The Panel Report *In your Hands* (The SSS Panel Report) was released in December 2006 and referred for further input from an industry forum ‘The Journey’ in April 2007. The WALGA Taskforce then convened 5 Working Parties made up of Councillors and senior Local Government managers from across the State. These Working Parties addressed the following themes from the SSS Panel Report:

- Leadership for change
- Finance
- Revenue
- Services
- Capability

The working parties concluded their investigations and reported to the WALGA Taskforce in December 2007 and January 2008. This paper is constructed around the outputs of these working parties, with Sections dealing with each of the identified themes.

This unique exercise in the experience of Local Government in Australia. It is the first time that such an extensive evidence based evaluation of the Local Government sector has been initiated and concluded by the sector.

It arises in a particular context. In all other States of Australia (and in New Zealand) there has been externally imposed reform of Local Government. In Australia, this reform has been driven by State Governments. The common characteristic in all cases has been structural reform and forced amalgamation of Local Governments to generate greater efficiency through the creation of economies of scale.

The window of opportunity for Local Government in Western Australia has been narrowing throughout the duration of the Systemic Sustainability Study. The WA State Government has honoured its commitment to refrain from imposing reform during the current term of government. But with an election due no later than the first quarter of 2009, the threat of external intervention is renewed. WALGA has also been aware that failing to initiate a determined and disciplined response by Local Government risks testing the patience of the State Government. In April 2007, despite a State Government agreement to fund a voluntary reform process within Local Government, the Queensland Government moved with enforced change.

The five working parties achieved high levels of agreement around the direction for reform in Local Government. In July 2007 a workshop consisting of the WALGA Executive Team and working party members was convened to establish the level of alignment between the frameworks emerging from their respective areas. The result of the discussion was a Vision Statement to guide the continuing efforts of the working parties:

“Local Government will implement and maintain a governance model that integrates effective service delivery (on a regional basis) with appropriate political representation (on a local basis).”

The Vision was based on the outcome of consultations to that point which had been reported in the SSS Panel Report, confirmed at the April 2007 Forum, and repeatedly expressed in the course of the working parties’ efforts.

The firmly held view, based on this combined effort, was that the core strength of Local Government lies in its representational base for the aspirations and expectations of local communities.

While for numerous and pressing reasons reform was absolutely necessary, measures which sacrificed this strength should not be advocated.

This conviction, based as it is on a combination of evidence and opinion, has led to the proposal for a major shift in the functional arrangements for delivery of services by Local Government. In this plan that major shift in the platform for delivery of services and functions is designated ‘The Regional Model’. A separate Section of this paper elaborates on the framework for this model and includes three pre-feasibility analyses evaluating the model for its usefulness in service areas common to Local Governments. Each of the Sections arising from the working parties explores the implications of failing to undertake decisive reform built around a combination of local, regional and state-wide service platforms.

A key driver for a move to The Regional Model is the recognition of the increasing difficulties faced by Local Governments in securing the numerous skills sets, many of them required as a prerequisite for delivery of services and functions stipulated by law as the responsibility of Local Government as a sector. This dynamic and the internal and external pressures of an increasingly competitive labour market in WA were matters focused upon by the SSS Panel in its report.

The Capability Section addresses these drivers for change. The Section introduces a Discussion Paper, which appears as an appendix to the paper, on the possible creation of a Local Government Standards Office to pursue best practice in ethical and operational performance.

Associated with the capability issues confronting the sector are the mounting pressures surrounding service expectations in the community to which Local Governments owe primary loyalty. Arising from a variety of sources, Local Governments are under increasing pressure to improve quality of existing services and to assume responsibility for an increasing range of services into the future. These pressures are evidenced by the extraordinary efforts of individual Local Governments to respond to their communities needs for services as diverse as primary health care to telecommunications, none of which lie within the traditional range of services delegated to Local Government. The shift to The Regional Model and its potential benefits from this perspective are canvassed in the Services Section of this paper.

Of central importance to the capacity of Local Government to meet its obligations for delivery of a wide range of services of high quality, is the all important matter of resourcing. At the core of this discussion is the revenue raising capacity of the sector. The Revenue Section discusses these matters at length and proposes a range of innovations as part of The Regional Model. These include:

- Enhanced capacity for Local Governments to create trading entities to generate income from services delivery.
- Adoption of best practice models for rate setting; the fixing of fees and charges; and the administration of grants.
- New best practice for the setting of development charges.
- Increased use of prudentially managed debt as a means to address appropriate issues such as replacement and renewal of community infrastructure.
- The creation of a Local Government Independent Assistance Commission to support and advise Local Governments in their efforts to achieve best practise standards in all areas.

These recommendations are closely linked with a range of measures discussed in the Finance Section. The proposed Assistance Commission is seen as supporting significant improvement in the ability of Local Government to achieve:

- Sector wide adoption of long term (10 year) financial plans.
- Increased transparency by annual reporting to communities on achievements against these plans
- Markedly improved standards of infrastructure and asset management with mapping, management and funding to be achieved through adoption of The Regional Model.

This Section also contains the proposal for a Local Government Finance Authority to operate state-wide as a financial vehicle to leverage the significant 'buying power' of Local Government and to apply resourcing to key strategic areas, most notably addressing the infrastructure backlog which presents as a major vulnerability and challenge to the credibility of Local Government.

The achievement of change to The Regional Model will entail significant ongoing leadership. The range of associated issues and suggested mechanisms are explored in the Leadership For Change Section of the paper. This section also contains an outline of the final opportunity for input on the final form of this paper which is summarised here:

- Whilst further discussion and input is encouraged on this Draft Paper, further extensive debate on the contents of the Final Paper is not proposed.
- Opportunity for the details of specific proposals and the manner of their implementation to be discussed and agreed.
- The proposals in this paper should be taken as clear statements of intent.
- As with the SSS Panel Report this paper represents public disclosure on the state of Local Government in WA. It cannot now be undone.
- The paper will be open for comment for a period of 6 weeks concluding April 15, 2008.
- Suggestions for the amendment and enhancement of proposals for achievement of their intended purpose are most welcome, as are additional proposals directed to the identified issues.
- Local Governments will be offered opportunity for input through WALGA processes. Members of the public may comment in writing to Tim Lane at tlane@walga.asn.au or via telephone to 9213 2029

- Comments will be considered and the final draft paper submitted to the WALGA State Council meeting of June 4, 2008 seeking endorsement of the final document.

Achievement of The Regional Model will not occur without genuine commitment by Local Governments to properly support and strategically engage with the Regional Model. For this reason it is positioned as the key outcome of the 10 Year Plan. Many of the recommendations in this paper entail amendment to the Local Government Act 1995 and Regulations. Others propose the creation of new institutional arrangements to support the change process and to consolidate its outcomes. To assist Local Governments in confronting the challenges posed in the 10 Year Plan a Sustainability Checklist has been developed and appears in the Models and Tools Section of the paper. Appendices include a number of substantial reports upon which major recommendations are based.

A summary of Recommendations is also provided as a reference. These recommendations are organised according to theme area; identifying a provisional order for their delivery across the 10 Year Plan; and highlighting those requiring legislation change.

The challenges to Local Government embodied in the 10 Year Plan and its Regional Model are not avoided in this paper. They are substantial but overcoming them is considered central to the retention of quality of life for the community served by Local Government. While acknowledging the excellent efforts of many Local Governments in grappling with identified issues, the approach to date is in the nature of ad hoc responses to endemic issues of great significance to the current and future generations.

A hidden feature of external intervention by State Governments to force structural change, usually through amalgamations of Local Governments, is their distraction value. The focus is upon Local Government by rarely upon the deficiencies in planning and funding of services by the State and Commonwealth Governments and the private sector. Repeatedly in this paper the fiscal imbalance impacting upon Local Government and associated increasing cost transfers and service demands raised as key issues requiring debate and resolution. The Regional Model poses a significant opportunity by advocating Local Government's role as a catalyst for change in these underlying dynamics.

By avoiding the challenges poses in this paper Local Government will fail to consolidate its position as a responsible and competitive partner in the collaborative effort required to reverse current trends and secure greater sustainability into the future.”

DETAILS:

The Study outlines a ten (10) year plan for the re-imaging of Local Government in Western Australia based on the implementation of a Regional Model.

The Regional Model will see the creation of a Regional Council, proposed to be based on the current WALGA Zones with existing Local Government Councils.

Each Local Government Council will have five (5) members, with one (1) serving on the Regional Council.

Viable Local Councils covered under the Model still operate independently.

The Local Government Council will be responsible for sporting facilities, rubbish and licensing.

The Regional Local Government Council will be responsible for:

- Sharing resources
- Political representation
- Regional infrastructure
- Regional Planning
- Rates and Debts
- Fee for service
- Carrying out State/Federal Government services

Listed below are the recommendations from the Study. (Note, * indicates a recommendation considered vital to the implementation of the Model)

Recommendation 1

Amend the Local Government Act to require Local Governments to:

- Prepare and publish a Strategic Plan for a minimum of ten years, with a review required after each general election of Council;
- Create Asset Management Plans linked to the Strategic Plan;
- Prepare, as part of the published Strategic Plan, Financial Plans that allow for the implementation of the Strategic and Asset Management Plans;
- Create key performance indicators that are published as part of the planning process; and
- Report performance against these KPI's to their community on an annual basis.

Recommendation 2

Councillor and officer training to be developed to incorporate strategic planning issues and their relationship to asset management and long term financial plans.

Recommendation 3

That the current operating revenue classes for nature/type;

- a) Grants and subsidies
- b) Contributions, reimbursements & donations

Be changed as follows:

- a) Operating grants, subsidies and contributions
- b) Non-operating grants, subsidies and contributions

Revenue received for reimbursements and donations that cannot be classified as operating/non-operating contributions or fees and charges are to be classified as 'Other Revenue'.

Recommendation 4

The disclosure notes required under the *Local Government (Financial Management) Regulations 1996* are to be expanded to show the application of these revenues for operating, capital, reserve transfers and or debt servicing.

To support these changes to Sections 23, 24, 39, and 40 of the *Local Government (Financial Management) Regulations 1996* be amended to require these disclosures.

Recommendation 5

That the model financial reports disclose the restricted assets, by way of a note, so that funds not applied can be aligned with the appropriate financial year.

Further, that the effects of restricted assets such as unspent operating grants are considered in assessing the operating result of Local Governments in preparing comparative financial indicators.

Recommendation 6

That the model financial reports disclose extra-ordinary financial transactions, by way of a note, so that funds not applied can be aligned with the appropriate financial year.

Further, that the effects of extra-ordinary financial transactions are considered in assessing the operating result of Local Governments in preparing comparative financial indicators.

Recommendation 7

That the first release of an Industry Accounting Manual include a detailed guidance note on useful life, residual values and the resultant depreciation rates for all classes of fixed assets.

Recommendation 8

That disclosure notes required under the *Local Government (Financial Management) Regulations 1996* should be expanded to show the application of reserves for operating, capital and/or debt servicing.

The data collection sets include the classification of reserves held for the purpose of current liabilities, non-current liabilities, asset renewal, new assets, restricted funds (Special Area Rates/service charges, unspent grants) or future operating outlays.

Amendments be made to Sections 27(h) and 38 of the *Local Government (Financial Management) Regulations 1996* to require these disclosures.

Recommendation 9*

In order to support the function of an independent Local Government Independent Assistance Commission a partnership arrangement to be entered into between the Department and WALGA to facilitate the production of comparative information for financial transactions for the sector. This information is to be compiled utilising a web based collection system that allows direct input and amendment of the information.

An investment is required to enable data collection to commence in 2008.

Recommendation 10

That the *Local Government Act 1995* be amended to require the production of annual community financial reports on terms equivalent to those currently applying in Queensland.

Recommendation 11*

That from the collection of Local Government financial information a set of industry comparative financial indicators associated with financial sustainability be provided to the industry by July 2009.

To support this development WALGA develop training programs for Councillors on the importance and interpretation of financial sustainability indicators.

Recommendation 12

That suitable debt management indicators for Local Government be developed in consultation with the WA Treasury Corporation to form part of the proposed comparative data set for Local Government. Each debt indicator should include a range by which local Governments can manage debt in a prudent fashion.

Recommendation 13*

That comparative information be reported for debt and debt management. This information is to be compiled using a web based collection system that allows direct input and amendment of the information.

The information is to provide state, region and size analysis online for the following debt matters:

- General statistics to include amount of new debt raised, refinancing amounts, debt service amounts and outstanding debt
- Performance indicators be published for :
 - Debt service costs as a percentage of general funds
 - Debt service costs as a percentage of LG revenue
 - Debt outstanding as a percentage of general funds
 - Debt outstanding as a percentage of LG revenue
 - Weighted average interest rate of debt
 - Gross debt to economically realisable assets
 - Untied cash reserves as a percentage of outstanding debt
 - Net financial liabilities

Performance indicators for debt management be incorporated in the disclosure requirements for the long term financial plan, the annual report and the annual budget.

Recommendation 14*

That the roll out of an asset management program to all Local Governments is recommended. The process should be facilitated on a regional basis for smaller Local Governments.

- The implementation of the program needs to be supported with resources that permit the timely implementation of the program.
- Consistent with the proposed practices included in the accounting manual, industry guidance be provided on service standards and intervention levels.

Information for the annual road survey by WALGA should be collated through a web based collection portal and undertaken in conjunction with information collected through the proposed industry bureau.

Recommendation 15

That a partnership to be established with the Department of Local Government and Regional Development, Main Roads WA, and WALGA for a bureau to be established or the collection and management of road infrastructure data for all Local Governments.

The establishment costs of the bureau to be initially funded from the State road fund allocations. Following the first five years the cost of the bureau is to be met from Local Government contributions.

Recommendation 16

That a schedule of recommended depreciation rates for each class of fixed assets be incorporated into the first release of the accounting manual.

Disclosure requirement for asset acquisitions be expanded to show the value of acquisitions for new assets and outlays on the renewal of existing assets. The definitions used in the WAAMI model will be used as the basis for defining 'new' or 'renewal'.

Recommendation 17

That a system of revaluation of assets such as buildings and infrastructure on a five yearly basis be incorporated into the annual financial accounts prepared by a Local Government.

Recommendation 18

That WALGA continue investigation of the possible creation of a Local Governments Finance Authority.

Recommendation 19

That WALGA support the rate setting process as outlined in Section 6.22 as an example of best practice in rate setting.

Recommendation 20

- a) That WALGA in conjunction with the ABS constructs and maintains a revised WA Local Government Cost Index using average actual expenditure and appropriate cost and price indices.
- b) That the WA Local Government Cost Index be delivered via a website that allows members to input individual expenditure to customise their weightings and develop and index tailored to their circumstances.
- c) That Local Governments use a revised WA Local Government Cost Index as part of their budget calculations and communications.

Recommendation 21

That Local Governments use the principles of: transparency, timeliness, comparability and pricing policy as key elements of best practice in setting fees and charges.

Recommendation 22

The LGIAC is the reference panel for the purpose of setting standard costs for like goods and services provided by Local Governments. The LGIAC to include representation for the Department of local Government and Regional Development, Industry Organisations including WALGA and the WA department of Treasury and Finance to overview the relativity, accuracy, applicability and methodology of standard costs, which would be available for Local Governments to adopt.

The LGIAC would conduct reviews of best practice in pricing policy and suggest methodologies for setting discounted community fees and charges to ensure industry consistency. The default unit for analysis and fee setting should be regional.

Recommendation 23

That Section 6.16 of the *Local Government Act 1995* be amended to allow Local Governments to set fees and charges other than at the time of adopting the annual budget and provide sufficient time to be applicable from 1 July each year.

Recommendation 24

That Section 6.16 of the *Local Government Act 1995* be amended to cater for circumstances where Local Governments operate a commercial undertaking selling fast moving consumer goods and where marketing imperatives require line managers to make pricing and discounting decisions.

Recommendation 25

That Local Governments use the WA Local Government Cost Index (as enhanced by Recommendation 20) to approximate cost increases as part of their annual review of fees and charges cost levels.

Recommendation 26

That LGIAC establishes a website for the purpose of providing Local Governments with access to comparable information on rates in terms of the ratios outlined in this report.

Recommendation 27

That WALGA continue supporting ALGA in their push for Financial Assistance Grants to be allocated based upon a percentage of Commonwealth Taxation as the most effective way of increasing financial assistance to WA.

Recommendation 28

WALGA and LGMA seek approval to present a joint submission to State Government focusing on the benefits gained from the \$3m investment and seeking to expand the scope of the fund, as set out in this report, to cover sustainability issues and increase the amount of the financial allocation to an indicative \$6m per annum for 5 years.

Recommendation 29

That WALGA endorse the Principles and methodologies contained in the document *Guidelines: levying Development Contributions for Community Infrastructure* and seek funding from the State Government for the expansion of the Community Infrastructure Planning framework proposed in that document.

Further, WALGA recommend that Councils experiencing significant levels of growth and development should prepare as part of their strategic planning process Community Infrastructure Plans.

Recommendation 30

That WALGA advocate change to Sections 6.41(2) (b) of the Local Government Act (1995) to increase a Local Government's flexibility to offer a monthly payment of property rates without a individual instalment notice.

Recommendation 31

- a) That the *Local Government Act (1995)* be amended to mandate implementation of formal standardised long term asset management planning for Local Governments as soon as possible, and as part of that implementation confirm the annual preservation maintenance gap and establish the extent of the infrastructure backlog.
- b) That the *Local Government Act (1995)* be amended to require Local Governments to publish the result of their asset management plans in their annual report in a prescribed format.
- c) That WALGA advocate for the current Roads to Recovery program to be established as a permanent funding source and escalated each year based upon the increase in Commonwealth Taxation Revenue.

Recommendation 32

That the proposals contained in the Report *Achieving Best Practice in Urban Regeneration: A review of statutory constraints to Local Government guided outcomes* be adopted and the *Local Government (Functions and General) Regulations 1996* be amended as proposed in the Report to enable a Local Government to form a corporate entity (such as a company, partnership or joint venture) providing that any amendment contains restrictions and safeguards, as outlined in this discussion, in relation to an appropriate governance model.

Proposals are outlined as follows:

For insertion in the Local Government (Functions and General) Regulations 1996

32A. Local government permitted to form corporate entities

(1) In this regulation:

Approved commercial enterprise means an enterprise to which sub regulation (8) applies and which has been approved by the Minister.

Approved development project means a project approved by the WA Planning Commission as meeting the criteria for an Improvement Plan under section 37A of the Metropolitan Region Planning Scheme Act, and by the Minister for the purposes of this Act.

Control and *Controlled* have the meanings contained in (Corporations Law)

Independent Board member means a person other than an elected member of the local government, or an employee of the local government, who is appointed to the Board of a local government corporate entity

Local government corporate entity means a corporate entity (including and incorporated company or a trust) that is owned or controlled by a local government and has been approved by the Minister in accordance with this regulation.

(2) Where a local government wishes to undertake or participate in commercial activities (including ownership of commercial property or participation in a property development project primarily for investment or income-producing purposes) within its boundaries that involve, or have the potential to involve or to create the impression of, a conflict of interest between the regulatory and investment activities of the local government, the local government shall have regard to such measures as may be necessary to remove the existence or appearance of a conflict of interest.

(3) A local government may form, or participate in forming, or control a local government corporate entity established in accordance with this regulation with the approval of the Minister on such terms as the Minister may see fit to impose for any of the following purposes:

- (vii) to participate in an approved development project; or
- (viii) to participate in an approved commercial enterprise; or
- (ix) to participate in an approved investment scheme.

(4) Every local government corporate entity established in accordance with this regulation shall be placed under the control of a Board appointed by the local government and shall:

- (x) be governed by the applicable law governing the type of entity to which it conforms; and
- (xi) have a Constitution approved by the Minister; and
- (xii) operate in accordance with an annual Statement of Intent agreed between the Board and the local government; and
- (xiii) be subject to (Public Sector Finance provision)

- (5) The Board of a local government corporate entity shall comprise not fewer than 3 nor more than 5 persons appointed for their expertise, knowledge and experience relevant to the nature of the business of the local government corporate entity.
- (6) A person who is an elected member of the local government, or an employee of the local government, may be appointed to the Board of a local government corporate entity if he has the requisite expertise, knowledge and experience to qualify for appointment under sub regulation (5). However, under no circumstances may the number of independent Board members be fewer than one half of the total membership of the Board.
- (7) Every local government corporate entity must prepare an annual Statement of Intent describing its proposed business activities for the following year, including the performance measures by which it proposes to measure the success of those activities. The Statement of Intent must be approved by the local government and thereafter made available for public inspection.
- (8) If a local government believed that an enterprise is:
 - (i) essential to the well-being of its local community; and
 - (ii) but for the intervention or participation of the local government, the services and facilities provided by that enterprise would not be reasonably available or accessible to residents of its area.

The local government may apply to the Minister stating reasons why, in the opinion of the local government, the enterprise should be declared an approved commercial enterprise for the purposes of this Act.

- (9) Where a local government wishes to hold investments that involve, or have the potential to involve or to create the impression of, a conflict of interest between the regulatory and investment activities of the local government, the local government may apply to the Minister stating reasons why, in the opinion of the local government, the enterprise should be declared an approved investment scheme for the purposes of this Act
- (10) The approval of the Minister to the formation or control of a local government corporate entity may be given on such terms as the Minister sees fit, and may be limited as to term. The Minister may direct that the local government seek the views of its ratepayers by the conduct of a poll on the proposed establishment of the local government corporate entity, and may take the results of such a poll into consideration, although not bound to do so.
- (11) Where more than one local government jointly forms, or participates in forming, or controls a local government corporate entity, the provisions of this regulation apply jointly and severally to each local government.
- (12) The transfer of property to a local government corporate entity is an exempt transaction under section 3.58 (5)(d) and section 3.59 (10) of the Act.
- (13) The approval of the Minister to participate in an approved investment scheme meets the requirement for approval under section 6.14 (10(b) of the Act.

Recommendation 33

That WALGA seek to establish a Local Government Independent Assistance Commission for the purposes outlined in this discussion and seeks funding from the nominated sources to achieve this task.

Recommendation 34

That when discussing the future of Local Government the definition of sustainability of Local Government should include social, environmental, economic, financial and cultural factors.

Recommendation 35

That the diversity of Local Government not be used as a reason to avoid taking responsibility to address issues impacting on sustainability and to improve outcomes through innovation and change, and determine the future direction and sustainability of the sector.

Recommendation 36

That each Local Government must place emphasis on achieving good value in the use of the community's resources entrusted to it through continually improving service delivery.

Recommendation 37

That each Local Government conduct a self assessment of its sustainability by 30 June 2009 and thereafter annually utilising the Sustainability Checklist in Section 10.1.

Recommendation 38

That the following amendments be made to the *Local Government Act 1995*(LGA) and the *Local Government (functions and General) Regulations 1996*

e. Local Government Act

Issue: Principle of LGA is supposed to be 'general competence'. The level of prescription in the Act and regulation limits the degree of flexibility to a level which is more like *ultra vires*.

Proposal: Review or evaluation of the Act in relation to 'general competence' powers.

f. Local Government Act

Issue: To implement improved service delivery initiatives will quite probably create a 'major trading undertaking'. Local Government is then required to prepare and publish business plans. Disadvantages community by requiring disclosure of commercially significant information. Limits the potential to be innovative in seeking different and more effective ways to do LG business.

Proposal: Clarify Act to remove any requirement where the initiative is for delivery of Local Government services by an individual Local Government or by joint arrangements. Review the requirements to remove any requirements which requires disclosure of commercially important information (including to potential competitors).

g. Local Government Act

Issue: A Local Government must employ a person to be the CEO. Other provisions relate to annual review and contract of employment. The provisions are drafted envisaging one CEO working for one LG. New opportunities such as sharing a CEO between two or more Local Governments, including on a regional or district basis, require a new approach in the act.

Proposal: Revise the LGA so that is recognises the shared CEO option and reduce the level of direction so that local arrangements can be made and entered into by contract.

h. Local Government (Functions and General) Regulations

Issue: Local Government is required in prescribed circumstances to call competitive tenders. The assumption of the requirement is a competitive market place. In reality this is often not the case where a number of supplies are either monopolised or oligopolised, particularly in regional areas. The Regulations may also place impediments on innovated service arrangements by Local Government, especially if they involve some form of long term commercial arrangements. Although the tender threshold was recently lifted to \$100,000 this amount varies across Local Governments and is not defined to the extent that minor purchasing will not eventually be subject to competitive public tender.

The tender provisions of the Functions and General Regulations require revision to remove obstacles to innovative service delivery options and foster sustainability.

Proposal: Amendments to the Local Government Functions and General Regulations that focus on the underlying purpose and effect of Local Government Purchasing:

- Establishment of varying tender thresholds based on organisational size and turnover, or alternatively the ability for each Local Government to nominate and submit its tender threshold through its purchasing policy which is lodged with the Department for approval.
- Enhanced exemptions to competitive public tendering in areas of limited supply, and the establishment of the capacity for Local Governments to issue closed tenders (non-public requests) in specialised areas.
- Foster regional cooperation and shared service delivery by creating new regulatory provisions which provide for the establishment of panel contracts, and regional buying groups.
- Establish regulatory capacity to directly source market suppliers in the instance that no tenders are received, or that no compliant submissions within 20% of the Council's budget are received.

Recognition of the advisory services, model documentation, training, and managed tender services of WALGA through its procurement program by enhancing the definition of (11) (2) (b) of Part 4 of the current regulations.

Recommendation 39

That WALGA seek a partnership with the Department of Local Government and Regional Development so that stakeholders work together in pursuing the goal of achieving a long term sustainable Local Government model, with particular emphasis on reviewing and modernising the Local Government Act to remove obstacles and foster sustainability.

Recommendation 40

That WALGA proceed to establish a bureau service (potentially on a fee for service basis) which draws together expert teams to support members to examine and progress service options.

Recommendation 41

That WALGA provide leadership and support by:

- Continuing to encourage and promote the reform of the sector by the sector
- Developing resources to support members in identifying and investigating opportunities including:
 - A website which has examples of alternatives with case studies and contact details for more information.

- A range of 'toolkits' for the range of options available (similar to the Department of Local Government and Regional Development handbook for Local Governments *Implementing Amalgamations*)

Recommendation 42

That the *Local Government Act 1995* be reviewed with the objective of amending unnecessary impediments and existing sources of inflexibility for regional Local Government structures.

Recommendation 43

That WALGA seek funding to develop a pilot Regional Council to progress the Regional Model concept.

Recommendation 43

That WALGA commence negotiation with State and Commonwealth Governments to secure funding for Local Governments to establish regional service provision (software costs, shared service agreements, etc)

Recommendation 44

That the WALGA State Council initiate quarterly reviews of progress in achievement in the shift to regional platforms to support and review ongoing dialogue with State and Commonwealth Governments.

Recommendation 45

That WALGA engage regional workforce planning processes for the Local Government sector in collaboration with Regional Development Commissions (RDC's). The engagement should extend to involvement in regular reviews of existing plans.

Recommendation 46

That WALGA develop a policy where recruitment is undertaken using the Regional Model framework and not purely based on a local model framework.

Recommendation 47

That WALGA request the State Government to amend the *Local Government Act 1995* to require Councillors to undertake the training within their first term.

Recommendation 48

That WALGA urgently pursue State Council endorsement of the mandatory four core training modules.

Recommendation 49

That WALGA develop on-line delivery of the core modules required for Councillor accreditation.

Recommendation 50

That WALGA establish and support regional training programs for Councillors.

Recommendation 51

That WALGA implement information sessions for prospective candidates and non-mandatory networking for new Councillors. These events to be delivered on a regional/WALGA zone basis.

Recommendation 52

That 'New Councillor Weekends' be re-established.

Recommendation 53

That WALGA request the State Government to amend the *Local Government Act 1995* to require Councillors to undertake 'refresher' training every four years after initial training to ensure that Councillors are familiar with any changes in compliance requirements and best practice models.

Recommendation 54

That formal mentoring arrangements, and supporting training, be established to support new Councillors and be delivered on a regional/WALGA Zone basis.

Recommendation 55

WALGA produce a discussion paper on the creation of an Industry Training Fund during 2008, with full implementation by 2010.

Recommendation 56

That WALGA develop an appropriate Local Government 'work experience' program and/or explore other relevant labour force interventions.

Recommendation 57

That WALGA immediately develop a discussion paper on the creation of an Industry Training Council focused on the needs of Local Government.

Recommendation 58

That WALGA seek to work with the State Government to develop a training fund specifically designed to work with Indigenous communities increasing the pool of employees

Recommendation 59

That a key theme for industry promotion in 2010-2011 be flexible employment options. WALGA to showcase and promote through industry forums models an options which have demonstrated success.

Recommendation 60

That should State Government engage in external intervention to restructure Local Government prior to completion of the voluntary change process by Local Government, the 10 Year Plan explored in this paper should be used as the WALGA negotiating position.

Recommendation 61

That WALGA advocate and seek initial funding to develop a pilot Regional Council and \$30m to progress the Regional Model concept.

STRATEGIC IMPLICATIONS:

Plan for the Future

Strategic Plan 2006-2011 – Objective 4, Leadership, Governance and Management

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

ADVERTISING/CONSULTATION:

The consultation and advertising of this study is to be controlled by WALGA.

It is envisaged that WALGA will hold Information Sessions, as matters progress.

COMMENT:

The Systemic Sustainability Report is a significant document as its recommendations are to shape the future of Local Government in Western Australia for the future.

It is a sizeable document with sixty-one recommendations. The Council over time will have to adopt a position on where the Council stands in regard to the Regional Model.

WALGA have advised that participation is voluntary, on the provision that the Council is sustainable.

The progress of the implementation and the acceptance or otherwise of the proposal and recommendations will be important in this ensuing period.

10.4.1 Use of the Council's Common Seal

Ward:	-	Date:	1 April 2008
Precinct:	-	File Ref:	ADM0042
Attachments:	-		
Reporting Officer(s):	M McKahey		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council ENDORSES the use of the Council's Common Seal on the documents listed in the report, for the month of March 2008.

COUNCIL DECISION ITEM 10.4.1

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED “EN BLOC” (8-0)

(Cr Doran-Wu had not arrived at this point in time).

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:

Date	Document	No of copies	Details
6/03/08	Memorandum of Understanding	2	Town of Vincent and City of Bayswater regarding Boundary Roads - <i>the City of Bayswater and the Town of Vincent agree to the division of works responsibilities for boundary roads shared by the two Local Governments as detailed in the explanatory notes and schedule.</i>
10/03/08	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta 6021 and Spotless Services Ltd of Gate 7, Subiaco Oval, Subiaco Road, Subiaco 6008 re: Western Power BodyFit Workshop - 11 March 2008 (Gareth Naven Room)

Date	Document	No of copies	Details
10/03/08	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta 6021 and Spotless Services Ltd of Gate 7, Subiaco Oval, Subiaco Road, Subiaco 6008 re: Western Power Workshop - 14 March 2008 and 18 March 2008 (Gareth Naven Room)
11/03/08	Contact Documents	2	Town of Vincent and Leederville Gardens Retirement Estate of 37 Britannia Road, Leederville and Mr and Mrs Mungar re: Unit 57, Leederville Gardens (<i>N.B. Former purchasers withdrew from contract.</i>)
12/03/08	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta 6021 and BHP Billiton Ltd of BHP Billiton Centre, 180 Lonsdale Street, Melbourne Victoria 3000 re: BHP Billiton Community Event - 16 March 2008 (Stadium: Western Side only - Community Mode)
19/03/08	Scheme Amendment Documents	3	Town of Vincent Town Planning Scheme No. 1 District Zoning Scheme Amendment No. 24 - <i>Relating to land coded R20 within the Eton Locality, which have been modified to reflect the administrative matters outlined in the Western Australian Planning Commission's letter dated 12 March 2008</i>
19/03/08	Financial Assistance Agreement	2	Town of Vincent and the State of Western Australia acting through its Minister for Sport and Recreation relating to Members Equity Stadium - Stage 3 Redevelopment Additional Minor Upgrade Works
26/03/08	Deed of Covenant	4	Town of Vincent and Heal & Brandli Services Pty Ltd of 1st Floor, 98 Cambridge Street, West Leederville and A and J Matta of 55 Lanchester Way, Stirling re: No. 356 (Lot 1 D/P: 1471) Oxford Street, Leederville - <i>Demolition of Shed and Construction of a Three-Storey Mixed Use Development comprising offices, shop, five (5) multiple dwellings and basement car park - Deed of Covenant for Amalgamation</i>
26/03/08	Deed of Priority	4	Town of Vincent and Commonwealth Bank of Australia (ABN 48 123 123 124) of Level 3, 150 St Georges Terrace, Perth and Heal & Brandli Services Pty Ltd of 1st Floor, 98 Cambridge Street, West Leederville re: Lot 1 (Plan No. 1471, Certificate of Volume 1412, Folio 312) and Lot 2 (Plan No. 1471, Certificate of Title Volume 1412, Folio 313), 356 Oxford Street, Leederville
28/03/08	Legal Agreement	2	Town of Vincent and D J Fleming and P A Whitmore both formerly of 80 Whatley Crescent, Mount Lawley and now both of 21 Waugh Street, North Perth re: No. 21 (Lot 17 D/P: 3002) Waugh Street, North Perth - <i>Council Resolution dated 28 August 2007 approving a proposed two storey single bedroom dwelling to existing single house, subject to conditions, including entering into a legal agreement, which is secured by a caveat on the Certificate(s) of Title of the subject land for the conservation of the existing dwelling</i>
28/03/08	Section 70A Notification	3	Town of Vincent and D J Fleming and P A Whitmore both formerly of 80 Whatley Crescent, Mount Lawley and now both of 21 Waugh Street, North Perth re: No. 21 (Lot 17 D/P: 3002) Waugh Street, North Perth
31/03/08	Deed of Licence	3	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Chugg Entertainment Pty Ltd of PO Box 537 Surry Hills, NSW 2010 re: Elton John Concert – 10 and 11 May 2008 (Stadium)

10.4.3 Loftus Recreation Centre Management Committee - Receiving of Unconfirmed Minutes

Ward:	South	Date:	27 March 2008
Precinct:	Oxford Centre, P4	File Ref:	PRO3830
Attachments:	001		
Reporting Officer(s):	M Rootsey, John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council RECEIVES the Unconfirmed Minutes of the Loftus Recreation Centre Management Committee Meeting held on 28 February 2008, as shown in Appendix 10.4.3.

COUNCIL DECISION ITEM 10.4.3

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED “EN BLOC” (8-0)

(Cr Doran-Wu had not arrived at this point in time).

PURPOSE OF REPORT:

The purpose of the report is for the Council to receive the Unconfirmed Minutes of the Loftus Recreation Centre Management Committee meeting held on 28 February 2008.

BACKGROUND:

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

“That the Council APPROVES BY AN ABSOLUTE MAJORITY;

- (i) pursuant to Section 5.9(2)(c) of the Local Government Act 1995, to establish a Committee to supervise the Loftus Recreation Centre, 99 Loftus Street, Leederville;*
- (ii) in accordance with the Deed of Contract between the Town and Belgravia Leisure Pty Ltd, to APPOINT the Chief Executive Officer and Executive Manager Corporate Services, with the Manager Community Development as Deputy to both, to the Committee; and*
- (iii) to delegate the following functions to the Committee;*
 - (a) to supervise the performance of the Services by the Contractor and to ensure that the Contractor performs the Services in accordance with the KPIs and the Contract;*
 - (b) to establish and review the Key Performance Indicators (KPIs) in conjunction with the Contractor;*

- (c) *to receive and consider Performance Reports;*
- (d) *to advise the Town on Capital Improvements required for the Recreation Centre and the Premises and to make recommendations to the Town about the use of the Reserve Fund; and*
- (e) *to review the Risk Management Plan for the Premises."*

CONSULTATION/ADVERTISING:

N/A.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

This is in keeping with the Town's Strategic Plan 2006-2011 - "*Leadership, Governance and Management*", in particular, Objective 4.1.2 - "*Manage the Organisation in a responsible, efficient and accountable manner.*"

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

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

10.4.4 Loftus Centre Redevelopment, 99 Loftus Street, Leederville - Progress Report No. 25

Ward:	South	Date:	2 April 2008
Precinct:	Oxford Centre; P4	File Ref:	RES0061
Attachments:	001		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council RECEIVES the Progress Report No. 25 as at 2 April 2008, relating to the Loftus Centre Redevelopment, 99 Loftus Street, Leederville;

COUNCIL DECISION ITEM 10.4.4

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED “EN BLOC” (8-0)

(Cr Doran-Wu had not arrived at this point in time).

PURPOSE OF THE REPORT:

The purpose of the report is to update the Council on the progress of the Loftus Centre Redevelopment, 99 Loftus Street, Leederville, as at 2 April 2008.

BACKGROUND:

At the Ordinary Meeting of Council held on 23 January 2007, the Council considered this matter and resolved to award the building tender to Perkins Builders and for the project to proceed.

PROGRESS OF WORKS

Documentation

1. Belgravia Leisure Group Pty Ltd (Belgravia) - Lease and Contract

The Contract and Lease were signed on 23 February 2007 and is still with the Minister for Lands, awaiting consent (as the Loftus land is a Reserve - vested in the control of the Town).

2. Gymnastics WA- Lease

This lease was signed on 16 March 2007 and is still with the Minister for Lands awaiting consent.

Landgate has requested the Town to review the Leederville Oval Reserve cadastral layout and provide comment. This is being carried out and meetings are still being held. A surveyor has now been engaged to prepare the necessary plans and these are being refined for the approval of Landgate.

3. Loftus Community Centre Lease

A draft lease has been prepared, based on previous discussions held with the Loftus Community Centre and as reported to the Ordinary Meeting of Council held on 12 September 2006. A report has been issued under Delegated Authority to approve of the draft lease and authorise the Chief Executive Officer to finalise the documentation. A draft lease has been received. Still awaiting the final lease document from the Town's solicitors.

The Chief Executive Officer and Director Development Services met with State Land Services on 31 March 2008 to progress the matter. State Land Services have advised that they do not have any objection to the revised Lot shapes. It is anticipated that this will be finalised in early/mid 2008.

Program and Progress

Regular site meetings between the Builder, Consultants, Architect and Town are still being held. In addition, site inspections are carried out on a weekly basis and as required. Contact with the Site Supervisor, Architect and Consultants is occurring on a daily basis.

Construction - (See Photographs attached)

Earthworks

The earthworks are completed. Work has commenced on the walkway between the Centre and the Leederville Early Childhood Centre. Retaining walls have been completed. Landscaping is to be carried out by the Town.

Underground Car Park

The underground car park has been completed. Installation of sensor cards is yet to be carried out.

The underground car park will not be handed over to the Town until late April/early May 2008, due to this area being part of the builder's compound.

Medibank Stadium (Leederville Oval) Public Open Space

The public open space works immediately adjoining Leederville Oval was approved at the Ordinary Meeting of Council held on 28 August 2007. Works commenced in early October 2007 and are now completed. (See photographs.) The main path is approximately 75% completed. Final asphaltting to be carried out in early April 2008.

External Soccer Pitch

Belgravia Leisure Services have commenced scheduling games from Tuesday 4 March 2008.

Netting above the perimeter fencing is yet to be installed. (Further quotes are currently being obtained.)

Library and Local History Centre

All works were completed and the Town took possession at 3pm on Friday 15 February 2008. The "snag list" of minor items requiring attention is being progressively completed. External signage is yet to be erected.

LOFTUS COMMUNITY CENTRE

All works completed.

Public address system - quote approved. Yet to be installed.

"Snag" list of items requiring attention have mainly been completed. Several minor items being progressively attended to.

RECREATION CENTRE

New Gymnasium (*Located in former Library due to be completed mid to late April*)

This is Stage 2 work and is well advanced.

- Timber flooring has commenced. (80% completed.)
- Leisure equipment ordered.
- New offices have been completed.

Café and Reception Upgrade

Work has commenced.

Toilet Upgrade / Universal Access Toilet

The toilet upgrade has been delayed due to the exorbitant costs for a universal access toilet (which was well above the budget).

The Architect has prepared a revised layout plan. Revised quote has been accepted. Work to commence in early April 2008.

Main Sports Hall - *Due for handover to Town in late April/early May 2008*

All works completed, other than;

- Sealing of main floor yet to be carried out.
- Carpeting of the viewing area is yet to be completed.
- Spectator seating currently being installed.

Additional Works

1. Carpets - quotes currently being obtained.
2. Internal Painting - colour scheme being prepared.
3. Spinning (cycling) Room carpet - quotes currently being obtained.
4. Outdoor Soccer Court netting - design and costings being obtained.
5. Indoor Soccer Court - repairs to wall cladding - quotation currently being obtained.
6. Public Address System – Upgrade - works in progress.

STATE GYMNASTICS CENTRE (STAGE 2 WORKS)

Security Partitioning - Recreation Centre / State Gymnastics Centre - work to be carried out as Stage 2 works.

Offices

Office works are completed. Furniture has arrived. Gymnastics WA to relocate in week commencing 7 April 2008.

Rhythmic Gymnastics Hall

All works have been completed, other than;

- Retractable seats have been ordered and are due for delivery in late March 2008.

It is currently being used by Gymnastics WA. Temporary access has been provided.

Exhibition / Performance Hall

Work not yet commenced.

LOFTUS CENTRE

1. Refuse Receptacle enclosure - location determined - work to be carried out in April 2008.
2. Street Signage - design currently being prepared.
3. External Painting of existing Centre - colour schedule prepared and quote obtained.
4. The car park asphaltting will occur in late April, after the Builder has vacated the site.

Opening Ceremonies / "Open Days"

Dates are yet to be determined. Liaison with Minister for Sport and Recreation is occurring for a suitable date.

Matters still to be addressed

Options to minimise the Operating Deficit

The Council requested a report on the findings to minimise the operating deficit to be submitted, however due a lack of resources, investigation of this matter is still in a preliminary stage. Cost options currently being explored include;

- Investigation of energy efficient fixtures and fittings, e.g. lights, hot water, air conditioning. The investigation of the light fittings has been completed.
- Investigation of sponsorship, including naming rights, external signage on the Recreation Centre facing Leederville Oval.
- Investigation of Government grants and funds, e.g. Healthways, Lotteries, Heart Foundation, State Library Services.

Comment:

This matter is still slowly being progressed, however due to a lack of resources and a heavy workload, slow progress is being made.

ADVERTISING/COMMUNITY CONSULTATION:

Not applicable. The Town's Public Relations Officer has created a "Corporate Projects" site on the Town's web page and background information, together with weekly photographs are included on this site. The web-site is being updated on a regular basis.

LEGAL/POLICY IMPLICATIONS:

N/A.

STRATEGIC IMPLICATIONS:

This project is in keeping with the Town's Strategic Plan 2006-2011, Objective 1 - "Natural and Built Environment", in particular, 1.1.6(j) - "Carry out redevelopment of the Loftus Centre...."

FINANCIAL/BUDGET IMPLICATIONS:

At the Ordinary Meeting of Council held on 23 January 2007, the Council approved this project at a cost of \$13,444,664. The building tender is \$11,901,664 (excluding GST). This does not include the approved variations.

Builder Progress Claim Payments

Progress Payment Number	Date Received	Amount Requested (excl GST)	Amount Paid (excl GST)	Date Paid
No. 1	17/04/07	\$247,568.00	\$247,568.00	26/04/07
No. 2	16/05/07	\$979,312.00	\$979,312.00	22/05/07
No. 3	18/06/07	\$1,158,441.86	\$1,158,441.86	25/06/07
No. 4	12/07/07	\$1,072,606.68	\$1,072,606.68	18/07/07
No. 5	10/08/07	\$1,145,259.15	\$1,145,259.15	20/08/07
No. 6	17/09/07	\$1,080,029.70	\$1,080,029.70	25/09/07
No. 7	30/09/07	\$1,345,370.12	\$1,345,370.12	10/10/07
No. 8	14/11/07	\$1,042,313.27	\$1,042,313.27	28/11/07
No. 9	20/12/07	\$1,173,472.88	\$1,173,472.88	30/12/07
No. 10	17/01/08	\$848,772.81	\$848,772.81	22/01/08
No. 11	15/02/08	\$607,033.21	\$607,033.21	20/02/08
No. 12	19/03/08	\$532,401.63	\$532,401.63	25/03/08

Total Paid \$11,232,581.31

Cost Variations/Additional Scope of Works

As expected, a number of cost variations have been received from the Builder for works outside the Project Brief. These mainly relate to unforeseen items relating to Stage 2 works. These are within Project Contingency Funds.

COMMENTS:

It is pleasing to report that good progress is still being made with the Loftus Centre Redevelopment Project and no major problems have occurred or been identified at this stage. The builder has been most accommodating and has worked with the Town's Officers and the Recreation Centre and Community Centre staff to minimise inconvenience.

Monthly progress reports will be provided to the Council as the project progresses.

10.4.9 Information Bulletin

Ward:	-	Date:	2 April 2008
Precinct:	-	File Ref:	-
Attachments:	001		
Reporting Officer(s):	G van den Bok		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Information Bulletin dated 8 April 2008, as distributed with the Agenda, be received.

COUNCIL DECISION ITEM 10.4.9

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED “EN BLOC” (8-0)

(Cr Doran-Wu had not arrived at this point in time).

DETAILS:

The items included in the Information Bulletin dated 8 April 2008 are as follows:

ITEM	DESCRIPTION
IB01	Dog Needs Study Progress Report
IB02	Safe Food Handling Training Programme (ENS0073)
IB03	Town of Vincent Heritage Advisory Group Meeting held on 26 March 2008 (PRO0689)
IB04	Letter from Department of the Premier and Cabinet regarding Northbridge History Studies Day – Town of Vincent Sponsorship
IB05	Letter from State Administrative Tribunal (SAT) regarding Matter No. DR/431 of 2007 – Thyer v Town of Vincent (No. 141 Joel Terrace, Mount Lawley)
IB06	Letter from Department for Communities thanking the Town for their nomination of AMPFEST for the WA Youth Awards 2008
IB07	Register of Petitions - Progress Report - April 2008
IB08	Register of Notices of Motion - Progress Report - April 2008
IB09	Register of Reports to be Actioned - Progress Report - April 2008
IB10	Register of Legal Action
IB11	Register of State Administrative Tribunal Appeals

ITEM	DESCRIPTION
IB12	Forum Notes - 18 March 2008
IB13	Notice of Forum - 15 April 2008
IB14	Letter to Ms Maria Dissidomino of 100 Avocado Drive, Dianella – Response to Questions taken on Notice at the Council Meeting held on 25 March, 2008
IB15	Letter to Ms M Styles of Harold Street, Mt Lawley – Further response to Question taken on Notice at the Council Meeting held on 26 February, 2008

10.1.7 Nos. 110-112 (Lot: 442 D/P: 2334, Lot: 443 D/P: 2334, Lot: 444 D/P: 2334) Scarborough Beach Road, corner Edinboro Street, Mount Hawthorn - Proposed Demolition of Existing Building (Hire Yard/Open Air Display) and Construction of a Four-Storey Mixed Use Development Comprising Three (3) Multiple Dwellings, Seven (7) Offices and Associated Basement Car Parking

Ward:	North	Date:	1 April 2008
Precinct:	Mount Hawthorn;P01	File Ref:	PRO4094; 5.2008.18.1
Attachments:	001		
Reporting Officer(s):	R Narroo, K Jackson		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by Lou Marchesani and Associates on behalf of the owner B & V Ristevski for proposed Demolition of Existing Building (Hire Yard/Open Air Display) and Construction of a Four-Storey Mixed Use Development Comprising Three (3) Multiple Dwellings, Seven (7) Offices and Associated Basement Car Parking, at Nos.110-112 (Lots: 442, 443 and 444 D/P: 2334) Scarborough Beach Road, corner Edinboro Street, Mount Hawthorn, and as shown on plans stamp-dated 5 February 2008 , for the following reasons:

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) the non-compliance with the plot ratio, building setbacks, number of storeys, building height, boundary walls and privacy requirements of the Residential Design Codes, and the Town's Policy No. 3.1.1- Mount Hawthorn Precinct; Policy No. 3.4.3 Non-Residential/Residential Development Interface; and Policy No. 3.2.1 Residential Design Elements;*
- (iii) the non-compliance with the objectives of the Town's Economic Development Strategy and Town Planning Scheme No.1; and*
- (iv) consideration of the objections received.*

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

COUNCIL DECISION ITEM 10.1.7

PROCEDURAL MOTION

Moved Cr Messina, Seconded Cr Farrell

That the Item be DEFERRED for further consultation and consideration of the items raised by speakers during public question time.

**PROCEDURAL MOTION PUT AND CARRIED
ON THE CASTING VOTE OF THE PRESIDING MEMBER (5-4)**

(Cr Doran-Wu had not arrived at this point in time).

<u>For</u> Mayor Catania (two votes – deliberative and casting vote) Cr Farrell Cr Messina Cr Youngman	<u>Against</u> Cr Burns Cr Ker Cr Lake Cr Maier
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A copy of the eastern and northern elevations was distributed prior to the Meeting.

Landowner:	B & V Ristevski
Applicant:	Lou Marchesani and Associates
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R 60
Existing Land Use:	Hire Yard and Open Air Display
Use Class:	Office Building, Multiple Dwelling
Use Classification:	"SA" and "P"
Lot Area:	1018 square metres
Access to Right of Way	Not applicable.

BACKGROUND:

The hire yard/open air display use at the subject property is a non-conforming use listed on the Town's "Non-Conforming Uses Register".

DETAILS:

The proposal involves demolition of the existing building and construction of four storey mixed use development comprising three (3) multiple dwellings, seven (7) offices and associated basement car parking.

Recent discussions were held with the applicant about the non-compliance issues relating to the proposal. However, the applicant requested that the proposal as it is be referred to the Council for its consideration and determination.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	6 multiple dwellings- R 60	3 multiple dwellings	Noted- no variation.

<p>Plot Ratio</p>	<p>Multiple Dwellings=0.7= 712.6 square metres</p> <p>Any development in a Residential zone is required to comply with the required plot ratio. Therefore, the areas of the offices on first and second floors are included in the plot ratio as the site is located within a Residential zone.</p>	<p>1.9 = 1949 square metres</p>	<p>Not supported- the variation to the plot ratio is excessive which will result in the building being bulky which will unduly impact on the streetscape and on the amenity of the surrounding area.</p>
<p>Building Setbacks:</p> <p>Ground Floor-</p> <p>South (Front-Scarborough Beach Road)</p> <p>North</p> <p>West (secondary Street-Edinboro Street)</p> <p>East</p>	<p>4 metres or where the predominant setback pattern requires a setback distance that exceeds or is less than the required 4 metres, the greater or lesser setback required to maintain the character of the street will apply.</p> <p>Non-residential/residential development interface= 6 metres</p> <p>1.5 metres</p> <p>Boundary Wall Average Height= 3 metres Maximum Height= 3.5 metres</p>	<p>Nil to 1 metre-1.5 metres</p> <p>Nil to 5 metres</p> <p>1 metre</p> <p>Average Height= 8.9 metres Maximum Height= 10.2 metres</p>	<p>Not supported- though the adjacent two storey buildings have a nil setback, this 4 storey proposal will occupy approximately sixty per cent of the frontage which will have an undue impact on the streetscape.</p> <p>Not supported- the boundary wall will have an undue impact on the neighbouring properties in terms of visual impact, ventilation and sunlight.</p> <p>Not supported- undue impact on the streetscape.</p> <p>Not supported- undue impact on the neighbouring properties in terms of visual impact, ventilation and sunlight.</p>

First Floor-			
South-Scarborough Beach Road	6 metres	Nil to 11.5 metres	Not supported- undue impact on the streetscape.
North	Non-residential/residential development interface= 6 metres	Nil to 5 metres	Not supported- the boundary wall will have an undue impact on the neighbouring properties in terms of visual impact, ventilation and sunlight.
West(secondary street-Edinboro Street)	2 metres	Nil	Not supported- undue impact on the streetscape.
East	Boundary Wall Average Height= 3 metres Maximum Height= 3.5 metres	Average Height= 8.9 metres Maximum Height= 10.2 metres	Not supported- undue impact on the neighbouring properties in terms of visual impact, ventilation and sunlight.
Second Floor-South-Scarborough Beach Road	6 metres	Nil to 11.5 metres	Not supported- undue impact on the streetscape.
West (Edinboro Street)	2 metres	Nil	Not supported-undue impact on the streetscape.
North	Non-residential/residential development interface= 6 metres	Nil	Not supported- undue impact on the neighbouring properties in terms of visual impact, ventilation and sunlight.
East	9 metres	Nil to 4 metres	Not supported- undue impact on the neighbouring properties in terms of visual impact, ventilation and sunlight.

Third Floor	6 metres	Nil to 11.5 metres	Not supported- undue impact on the neighbouring properties in terms of visual impact, ventilation and sunlight.
South-Scarborough Beach Road			
West -Edinboro Street	2 metres	1.5 metres	Not supported- undue impact on the streetscape.
North	9 metres	2.7 metres to 6 metres	Not supported- undue impact on the neighbouring properties in terms of visual impact, ventilation and sunlight.
East	9 metres	4 metres	Not supported- undue impact on the neighbouring properties in terms of visual impact, ventilation and sunlight.
Number of Storeys	A general height limit of two storeys	Four storeys	Not supported- the surrounding residential buildings are characterised by single storey to two storeys. It is considered that a four storey development will have an undue visual impact on the surrounding area.
Building Height	Wall Height = 6 metres Maximum height to top of pitched roof= 9 metres	Wall Height=14.8 metres Pitched Roof Height= 15.2 metres	Not supported- the height will have an undue visual impact on the surrounding area.
Privacy Setbacks	Cone of vision from office to be setback 6 metres.	First Floor Office Windows- 2 metres to 5 metres to the northern boundary. First Floor Office Windows- 1.8 metres to the eastern boundary.	Not supported- undue impact on neighbouring property, and windows should be screened if proposal is supported. Not supported- undue impact on neighbouring property, and windows should be screened if proposal is supported.

		Second Floor Office Windows- 2 metres to 5 metres to the northern boundary.	Not supported- undue impact on neighbouring property, and windows should be screened if proposal is supported.
		Second Floor Office Windows- 4 metres to eastern boundary.	Not supported- undue impact on neighbouring property, and windows should be screened if proposal is supported.
	Cone of vision from bedroom to be setback 4.5 metres	Third Floor- cone of vision from bedroom 2 window is 4 metres to eastern boundary	Not supported- undue impact on neighbouring property, and windows should be screened if proposal is supported.
		Third Floor-cone of vision from bedroom 1 window is 3.2 metres to northern boundary	Not supported- undue impact on neighbouring property and window should be screened if proposal is supported.
	Cone of vision from sundeck to be setback 7.5 metres	Third Floor - cone of vision from sundeck to Unit 3 is 4 metres to the eastern boundary.	Not supported- undue impact on neighbouring property, and sundeck should be screened if proposal is supported.
		Third Floor-cone of vision from sundeck to unit 2 is 4.4 metres to the northern boundary.	Not supported- undue impact on neighbouring property and sundeck should be screened if proposal is supported.
		Third Floor- cone of vision from sundeck to unit 1 is setback at 6 metres to the northern boundary.	Not supported- undue impact on neighbouring property and sundeck should be screened if proposal is supported.
	Cone of vision from balcony to be setback 7.5 metres	First Floor- cone of vision from balcony is 4 metres to the eastern boundary.	Not supported- undue impact on neighbouring property and balcony should be screened if proposal is supported.
		Second Floor- cone of vision from balcony is 4 metres to the eastern boundary.	Not supported- undue impact on neighbouring property and balcony should be screened if proposal is supported.

		<p>Third Floor- cone of vision from balcony to unit 3 is 4 metres to the eastern boundary</p> <p>Third Floor- cone of vision from balcony to unit 1 is 5 metres to the northern boundary.</p>	<p>Not supported- undue impact on neighbouring property and balcony should be screened. if proposal is supported.</p> <p>Not supported- undue impact on neighbouring property and balcony should be screened if proposal is supported.</p>
Consultation Submissions			
Support(2)	<p>The constant redevelopment of the area has been very good and this new proposed development for the corner of Edinboro Street and Scarborough Beach Road is going to be another improvement to the ever-changing suburb of Mount Hawthorn, also increasing the value of the area.</p> <p>The proposed development will represent a new landmark in the area and a vast improvement to the existing site.</p>		<p>Noted</p> <p>Noted</p>
Objections(7)	<p>Plot Ratio The scale of the proposed development is out of character for this area and will impact on the surrounding properties.</p> <p>Setbacks By not complying with the setbacks the proposal would create a feeling of being closed and under surveillance.</p> <p>Boundary Walls The boundary walls will create a feeling of confinement and will impact on surrounding area.</p> <p>Height and Number of Storey's A three or four storey structure would block the adjoining neighbours' views. The Four storeys will unduly impact on the existing streetscape which comprises single and two storey developments.</p> <p>Privacy Development will impact on the privacy of adjoining neighbours.</p> <p>Parking The proposal does not comply with the parking requirements.</p>		<p>Supported- refer to above comments.</p> <p>Supported- refer to above comments.</p> <p>Supported- refer to above comments</p> <p>Supported- refer to above comments Supported- refer to above comments</p> <p>Supported- refer to above comments</p> <p>Not supported- minor variation to parking requirements and refer to</p>

	<p>Zoning The proposal does not comply with the current zoning.</p> <p>Noise <i>“Office space is likely to introduce significant new noise into what until now has been a quiet protected residential space”.</i></p> <p>Traffic Congestion <i>“Entry to the underground car park from Edinboro Street will result in more traffic congestion.”.</i></p>	<p>“Comments”.</p> <p>Not supported-Office is classified as an “SA” use in Residential Zone, which means that the use is not permitted unless the Council has exercised its discretion by granting planning approval.</p> <p>Not supported-development will have to comply with the Noise Regulations.</p> <p>Not supported-Technical Services have no objection to the vehicular entry from Edinboro Street.</p>
Other Implications		
Legal/Policy	TPS 1 and associated Policies, and Residential Design Codes (R Codes).	
Strategic 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.

Residential Car Parking

Car parking requirements for the residential component of the development have been calculated using the requirement for mixed use development in the Residential Design Codes (R Codes). The residential component requires 3 car bays, based on the standard of one (1) car bay for each of the 3 proposed multiple dwellings and the remaining bays will be for the commercial (office) component and visitors. A total of 29 car bays have been provided for the entire development; therefore, resulting in twenty-six (26) car bays available for the commercial (office) component.

Commercial Car Parking

Requirements as per Parking and Access Policy	Required
Total car parking required before adjustment factor (nearest whole number) Office-1 car bay per 50 square metres gross floor area (proposed 1651 square metres) = 33.02 car bays.	33 car bays
Apply the parking adjustment factors:	(0.8075)

Requirements as per Parking and Access Policy	Required
<ul style="list-style-type: none"> ▪ 0.85 (within 400 metres of a bus stop) ▪ 0.95 (within 400 metres of public car park with more than 75 bays) 	26.65 car bays
Car parking provided on-site for commercial component	26 car bays
Minus the most recently approved on-site parking shortfall on-site	Nil
Resultant shortfall	0.65 car bay

Bicycle Parking

Requirements	Required	Provided
Office 1 per 200 square metres (proposed 1651 square metres) of gross floor area for employees (class 1 or 2).	8.2= 9 spaces	Bicycle parking shown on plans, within the car park at the basement level.
1 space per 750 square metres (proposed 1651 square metres) over 1000 square metres for visitors (class 3).	0.868 = 1 space	Bicycle parking shown on plans, within the car park at the basement level.

COMMENTS:

Demolition

The place at Nos. 110-112 Scarborough Beach Road, Mount Hawthorn, was built circa 1956, and operated as a Shell service station until 1984. It then operated as a caryard, and more recently as an equipment hire and handyman business. It occupies a prominent location on the northeast intersection of Scarborough Beach Road and Edinboro Street. The current structure replaced an earlier service station and motor garage that operated there from around 1929. There is no evidence, however, that any of the earlier structure remains.

A preliminary check indicates that the subject place at Nos. 110-112 Scarborough Beach Road has little aesthetic, historic, scientific or social heritage significance. In accordance with the Town's Policy relating to Heritage Management – Assessment, the place does not meet the threshold for entry on the Town's Municipal Heritage Inventory.

In light of the above, it is considered that approval should be granted for the demolition subject to standard conditions.

Strategic Planning

The location and zoning (Residential R60) of the site do not make it a gateway into the Mount Hawthorn District Centre. In this context, the site is not considered to have the potential for much higher and proficient uses. The site is more appropriate for residential development given it is surrounded by residential development.

The office component is major in nature and is considered to compromise the overall intent and objective of the Town's Economic Development Strategy 2005-2010 and is also not supported for the following reasons:

- will create an unwarranted precedence which will impact on the existing surrounding residential area;
- the proposal in this instance is considered not to be compatible with the uses of the immediate surrounding area and will unduly intrude on the amenity of the neighbouring residential properties;
- the proposal is considered not to display an appropriate transitional mix of use as it is in a residential area;
- the office component is the predominant use on-site; and
- the Economic Development Strategy discourages commercial development outside of the established Town Centres and it is considered that the proposal will detrimentally alter the encouragement of commercial uses in the Mount Hawthorn or Leederville Town Centres.

Cash-in-lieu of Car Parking

The Town's Parking and Access Policy No. 3.7.1 states that if the resultant shortfall parking is less than or equal to 0.5 bay, no parking bays or cash-in-lieu of parking is required for the shortfall. However, for this application, the parking shortfall is 0.65 bays. The Town's Officers are supportive of cash-in-lieu of car parking provision on the basis that the variation is minor and the subject site is within 400 metres from public car parks.

Summary

The variations to the plot ratio, number of storeys, building setbacks, building height, boundary walls and privacy requirements are considered excessive and will unduly impact on the amenity of the surrounding area. The height, bulk and scale of the proposal will result in a dominating structure in this location along Scarborough Beach Road and not be compatible with the scale of development in the immediate area. The proposal will also have a visual intrusion on the adjoining residential properties and will be non-compliant with the objectives of the Town's Economic Development Strategy. On this basis, the subject planning application is recommended for refusal.

10.4.8 Proposed Relocation of the Leederville Early Childhood Centre and the Margaret Kindergarten; Proposed WALGA Office Building – Progress Report No. 2

Ward:	North Ward	Date:	2 April 2008
Precinct:	Mount Hawthorn, P1	File Ref:	TEN0386
Attachments:	001		
Reporting Officer(s):	R Boardman, John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the Report relating to the Proposed Relocation of the Leederville Early Childhood Centre and the Margaret Kindergarten - Outcomes of the Public Meeting and proposed WALGA Office Project;*
- (ii) *NOTES that;*
 - (a) *a number of titles for the lots comprising Braithwaite Park have caveats and encumbrances which state that these lots are endorsed to;*
 - *“maintain and keep the said land as a reserve, public ground or garden for the recreation of the public”;*
 - *and the Council ... "shall not at any time hereafter use, permit or suffer to be used said land or any part thereof say for the purpose of a recreation reserve or garden”;*
 - *and a Declaration of Trust pertaining to the entirety of Braithwaite Park (except Lots 273 and 274) which states that the land is held in trust for “the purpose of recreation for the people ...”;*
 - (b) *Lots 273 and 274 at Braithwaite Park are unencumbered and these currently contain the Mount Hawthorn Community Centre;*
 - (c) *the Town's legal advice concerning Braithwaite Park states that the land (other than Lots 273 and 274) cannot be used for purposes other than that specified in (ii)(a) above (and this would preclude a building being constructed on the park);*
 - (d) *the Town holds three current leases for Kindergarten purposes with the Department of Education and Training (DET) as follows;*
 - (1) *the lease for the Margaret Kindergarten at No. 45 (Lot 10349 D/P: Swan L) Richmond Street, Leederville, (lease expires on 30 June 2010);*
 - (2) *the lease for the Mount Hawthorn Pre – Primary School at No. 202 (Lot 1 D/P: 7898, Lot 226 D/P: 3845, Lot 227 D/P: 3845 and Lot 7681 D/P: 169433) Scarborough Beach Road, Mount Hawthorn, (lease expires on 24 September 2011); and*
 - (3) *the lease for the Highgate Pre-Primary (Little Citizens) at No 4 (Part Lot 141 and Part of Land D12533) Broome Street, Highgate (lease expires on 30 June 2011); and*

- (e) *the Mount Hawthorn Pre-Primary School site at No. 202 (Lot 1 D/P: 7898, Lot 226 D/P: 3845, Lot 227 D/P: 3845 and Lot 7681 D/P: 169433) Scarborough Beach Road, Mount Hawthorn comprises of 2,061 square metres and is encumbered to be used solely for "kindergarten purposes";*
- (iii) **DOES NOT PROCEED with;**
- (a) *the proposal to relocate the Margaret Kindergarten on any portion of Braithwaite Park, as a result of the encumbrances and restrictions placed on the Certificate(s) of Title for the subject lots that comprise Braithwaite Park; and*
- (b) *the construction of a new Kindergarten building on the current site at No. 45 Richmond Street, Leederville;*
- (iv) **RESOLVES** *that effective from the date of expiry of current leases between the Town and the Department of Education and Training that it shall no longer be responsible for the provision and maintenance of buildings and lands for kindergarten purposes as it considers this to be a responsibility of the State Government (Department of Education and Training);*
- (v) *subject to (iv) being approved, ADVISES the State Government (Department of Education and Training) that the provision and maintenance of buildings and lands for kindergarten purposes is a responsibility of the State Government and hereby gives ADVANCE NOTICE that the current Kindergarten Leases will NOT be renewed upon their current expiry dates and therefore it should commence appropriate actions to assume responsibility for this and make suitable provision for the future needs of kindergarten purposes within the Town;*
- (vi) *subject to compliance with section 3.58 of the Local Government Act 1995, RESOLVES to sell the land currently being used by the Mount Hawthorn Pre – Primary School at No. 202 (Lot 1 D/P: 7898, Lot 226 D/P: 3845, Lot 227 D/P: 3845 and Lot 7681 D/P: 169433) Scarborough Beach Road, Mount Hawthorn to the State Government (Department of Education and Training) (who support the consolidation of this parcel of land into the Mount Hawthorn Primary School site) at market valuation;*
- (vii) *subject to (vi) above being approved, AUTHORIZES the Chief Executive Officer to;*
- (a) *obtain valuations for the Mount Hawthorn Pre-Primary School site and the Highgate Pre-Primary School sites; and*
- (b) *enter into negotiations with Department of Education and Training to facilitate the termination of the existing leases and sale of the Mount Hawthorn Pre-Primary School and Highgate Pre-Primary School; and*
- (viii) **DEFERS** *its decision concerning the relocation of the Leederville Early Childhood Centre until further investigations have been carried out concerning the WALGA Office Building Project;*

- (ix) *NOTES that the State Land Services have advised the Town that;*
- (a) *it is State Government Policy that any reserve land which is to be used for commercial purposes is to be purchased at market value and held freehold; and*
 - (b) *should the Town wish to proceed with an office building for WALGA on the existing land currently being used by the Leederville Early Childhood Centre, it should make a submission to the State Land Services for approval to purchase (and thereafter appropriately re-zone if necessary);*
- (x) *AUTHORISES the Chief Executive Officer to;*
- (a) *investigate the acquisition of 3,100 square metres of the land currently occupied by the Leederville Early Childhood Centre for the proposed WALGA office complex;*
 - (b) *prepare a Business Case for the proposed WALGA office building project (either free of cost or if necessary to be purchased at market value);*
 - (c) *engage the necessary property consultants to assist in the preparation of the Business Case (if necessary); and*
 - (d) *enter into further discussions with WALGA concerning the proposed land acquisition and office building;*
- (xi) *ADVISES the Western Australian Local Government Association;*
- (a) *of the recent developments relating to the proposed office building project; and*
 - (b) *their requested timeline of acquiring the site, design and construction of an office building by December 2010 cannot be achieved due to delays for the finalisation of the acquisition of the subject land and associated projects; and*
 - (c) *that unless the subject land is acquired free of cost from the State Government, the previous indicative terms and conditions cannot be met and will need to be renegotiated if the proposal is to proceed; and*
- (xii) *NOTES that the timeline for the Leederville Early Childhood Centre, Margaret Kindergarten and proposed WALGA office project cannot be achieved (due to delays in finalisation of the land and associated projects) and will need to be revised;*
- (xiii) *NOTES an amount of \$730,000 will be required in future Budgets for the refurbishment and upgrade of the Mount Hawthorn Community Centre, as detailed in this report; and*
- (xiv) *NOTES that a further report will be submitted to the Council after the further investigations have been carried out.*

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

Moved Cr Farrell, Seconded Cr Ker

That the Item be "Laid on the Table" until full Council is present.

CARRIED (8-0)

(Cr Doran-Wu had not arrived at this point in time).

(Also refer to Page 138.)

PURPOSE OF REPORT:

The purpose of the report is to provide the Council with a recommendation on the appropriate course of action in relation to the proposed relocation of the Leederville Early Childhood Centre and the Margaret Kindergarten as a result of the Council resolution at the Ordinary Meeting of Council held on 26 February 2008 and the public meeting held on Wednesday, 19 March 2008 and provide an update on the proposed WALGA office building project.

BACKGROUND:

6 November 2007

The Council at its Ordinary Meeting resolved the following in relation to the Confidential Report – Approval for Western Australian Local Government Association (WALGA) Future Accommodation Options, 244a Vincent Street, Leederville; Leederville Early Childhood Centre and Margaret Kindergarten Buildings:

“That the Council;

- (i) RECEIVES the information concerning the Western Australian Local Government Association's future accommodation needs;*
- (ii) APPROVES IN PRINCIPLE;*
 - (a) the proposal for the Town to construct office accommodation for the Western Australian Local Government Association (WALGA) at 244A Vincent Street, Leederville, and new premises for the Leederville Early Childhood Centre (LECC), as shown in Confidential Concept Plans, attached at Appendix 14.1(A);*
 - (b) the proposal for the Town to investigate in consultation with the Department of Education and Training, North Perth Primary School and other stakeholders, with a view to constructing new premises for Margaret Kindergarten, to be located either on Braithwaite Park, Mount Hawthorn (preferably along Scarborough Beach Road frontage) as shown in tabled Confidential Concept Plan 14.1(C) or other appropriate*

location closer to the School, or on the current site, adjacent to the Richmond Street frontage, as shown in Confidential Concept Plans, attached at Appendix 14.1(A) and report back to Council; and

- (c) *the terms and conditions (other than the financial matters) as shown in Confidential Appendix 14.1(B) and AUTHORISES the chief Executive Officer and the Mayor to further negotiate the financial terms and conditions and report back to Council*

(iii) *AUTHORISES the Chief Executive Officer to;*

- (a) *prepare and call a tender for Architectural and Consultant Services for the proposed WALGA, LECC and Margaret Kindergarten buildings;*
- (b) *prepare an Agreement to Lease and Lease Document based on the terms and conditions shown in Appendix 14.1(B) for the consideration and approval of the Council;*
- (c) *prepare and advertise (at the appropriate time) a Major Land Transaction Business Plan, in accordance with Section 3.59 of the Local Government Act;*
- (d) *engage necessary consultants to assist in the Major Land Transaction;*
- (e) *enter into negotiations with the LECC Margaret Kindergarten and other interested parties with the Departments of Education and Community Development (State and Federal) concerning the proposal and funding of the new LECC and Margaret Kindergarten buildings; and*

(iv) *NOTES that;*

- (a) *the Council's approval for the WALG LECC and Margaret Kindergarten buildings is subject to approval of the Western Australian Planning Commission (WAPC) and State Land Services (SLS); and*
- (b) *a further report will be submitted to the Council."*

18 December 2007

The Council at its Ordinary Meeting resolved the following in relation to the financial terms of Conditions for the Local Government House Trust (Western Australian Local Government

(WALGA)) Office Building, at No. 244A Vincent Street, Leederville:

“That the Council;

- (i) RECEIVES the information concerning the Local Government House Trust’s (Western Australian Local Government Association) future accommodation needs as at 12 December 2007;*
- (ii) APPROVES the financial terms and conditions as shown in Appendix 10.4.3, with the following conditions being applied*
 - (a) Rent
the rent will be indexed to CPI (provided it is not negative) and cannot be less than that of the previous annual period;*
 - (b) Contribution to Building Reserve Fund
the annual contribution to the Reserve Fund will be indexed to CPI (provided it is not negative) and cannot be less than that of the previous annual period;*
 - (c) Special Conditions
this Agreement should also be subject to Western Australian Planning Commission Approval on the basis that it is a Lease of more than 20 years; and*
 - (d) the proposed commercial terms being subject to the other contingent funding being approved; and*
- (iii) AUTHORISES the Chief Executive Officer to prepare Concept Designs for the proposed WALGA office building.”*

18 December 2007

The Council at its Ordinary Meeting resolved the following in relation to the tender for the architectural services for the Office Building, Child Care Centre and Kindergarten:

“That the Council;

- (i) ACCEPTS the tender from Peter Hunt Architect at an estimated cost of \$1,091,200 (including GST), as being the most acceptable and advantageous to the Town, for the provision of architectural services for an Office Building, Child Care Centre and Kindergarten;*
- (ii) APPROVES BY AN ABSOLUTE MAJORITY an amount of \$73,920 for the Design Brief and Schematic Design and Design Development stages of the proposed Leederville Child Care Centre, Margaret Kindergarten and Office building (Design Brief only) to be carried out in the 2007/08 financial year;*
- (iii) LISTS an amount of \$137,280 in the 2008/09 Budget for the Leederville Child Care Centre and Margaret Kindergarten Contract Documentation and Contract Administration and Contract Documentation for the Office Building;*

- (iv) *REQUESTS the Chief Executive Officer to identify a source of funds for the project, for consideration at the mid-year Budget Review; and*
- (v) *NOTES that;*
 - (a) *the Local Government House Trust (Western Australian Local Government Association) will reimburse the Town for costs associated with the proposed office building, subject to the execution of a valid Agreement to Lease; and*
 - (b) *the project will be funded over the 2007-08, 2008-09 and 2009-10 financial years.”*

5 February 2008

The options devised by Peter Hunt Architects in relation to the relocation of the Margaret Kindergarten and the Leederville Early Childhood Centre were presented and discussed at an Information Session.

26 February 2008

Council at its Ordinary Meeting resolved the following in relation to the Proposed Relocation of the Leederville Early Childhood Centre and the Margaret Kindergarten. Proposed WALGA Office Building – Progress Report:

“That the Council;

- (i) *RECEIVES the report relating to the proposed relocation of the Leederville Early Childhood Centre, at No. 244a (Lot:0 D/P: 16914) Vincent Street, Leederville and the Margaret Kindergarten, at No. 45 (Lot: 10349 D/P: Swan L) Richmond Street, Leederville;*
- (ii) *APPROVES IN PRINCIPLE the temporary relocation of the Margaret Kindergarten to the Mount Hawthorn Lesser Hall, at No. 197 (Lot: 273 D/P: 3642) Scarborough Beach Road, Mount Hawthorn;*
- (iii) *DEFERS its decision concerning;*
 - (a) *the exact location of the proposed Margaret Kindergarten facility on Braithwaite Park;*
 - (b) *the relocation of the Leederville Early Childhood Centre to the former Margaret Kindergarten site, at No. 45 (Lot 10349 D/P: Swan L) Richmond Street, Leederville as illustrated in Appendix 5 and further detailed in Appendices 6 and 7;*

- (iv) *REQUESTS the Town's Architect to further investigate options for the proposed Margaret Kindergarten facility on Braithwaite Park and to specifically address options which;*
 - (a) *minimises the impact of the proposed facility on the Public Open Space at Braithwaite Park;*
 - (b) *maximises the use of the existing Mount Hawthorn Community Centre and its facilities, which could be used on a multi purpose basis with the proposed Kindergarten;*
 - (c) *minimises the impact of any proposed facility on the surrounding residents;*
 - (d) *maximises the safety and security of children and parents who will utilise the proposed Margaret Kindergarten facility and/or the nearby Mount Hawthorn Primary School.*
- (v) *AUTHORISES the Chief Executive Officer to;*
 - (a) *conduct a Public Meeting as soon as practicable at the Mount Hawthorn Community Centre to fully inform residents, community centre users, playgroup users, school attendees and other stakeholders of the Town's proposal, including options specified in clause (iv) above;*
 - (b) *undertake consultation for a period of twenty-one (21) days in accordance with the Town's Community Consultation Policy after the Council has further considered a report concerning the outcome of the Public Meeting specified in clause (v)(a);*
 - (c) *negotiate with the Education Department and Department for Community Development concerning lease details;*
 - (d) *hold discussions with the local State Member for Perth and the Department for Education and Training with regards to provide funding assistance for the Margaret Kindergarten; and*
- (vi) *NOTES that a further report will be submitted to the Council at the conclusion of the consultation period."*

DETAILS:

Outcomes from the 26 February 2008 Ordinary Meeting of Council:

After the Council Meeting held on 26 February 2008, the Town received a significant number of emails from concerned residents in relation to relocating the possible Margaret Kindergarten to Braithwaite Park. The main issues raised in the emails received by the Town are as follows:

- Loss of public open space / park land;
- Traffic and parking;
- Disruption to kindergarten children (temporary facilities/relocation);
- New kindergarten building/ funding arrangement – Is it the Town's responsibility or the responsibility of the Department of Education and Training?;
- Mount Hawthorn Community Centre – accessibility / restricted access during the period of the temporary relocation;
- Consultation process and the transparency of the process as a whole;
- Zoning and land use;
- Investigation of alternative sites; and
- WALGA Building – Benefits to the Town and the perceived unrealistic expectations of the timeline.

The Town's Officers have actioned clauses (iv) and (v) of the Council resolution of the Ordinary Meeting held on 26 February 2008, as follows:

Clause (iv) – Investigate Options on Braithwaite Park

The Chief Executive Officer and the Director Development Services held several meetings with the Town's architect Peter Hunt to discuss the outcomes of the meeting and the concerns raised by Council Members, key stakeholders and the community in relation to the proposal. The Town's Architect subsequently prepared a number of options, which were finally reduced to four alternative options for the proposed Margaret Kindergarten facility on Braithwaite Park. The four alternative options did not include the original location of the south-eastern corner of Braithwaite Park. The plans illustrating these four options are included as an attachment to this report, at Appendix 10.4.8(1).

Clause (v) – Public Meeting – Meeting with Department of Education and Training and John Hyde MLA – Member for Perth

The Chief Executive Officer and the Director Development Services held discussions with the Department of Education and Training (DET), represented by Mr Mal Parr, and the local State Member for Perth, Mr John Hyde, to discuss the proposal and to negotiate outcomes for any issues raised by either of the two parties. DET confirmed that they do not provide funds for capital works, other than their own projects.

The Town also held a public meeting in relation to the proposed relocation at the Mount Hawthorn Community Centre Main Hall on Wednesday, 19 March 2008.

Present at the Public Meeting were; the Mayor, Council Members, the Chief Executive Officer, the Director Development Services, the Director Corporate Services, Mr Mal Parr from the Department of Education and Training, the Architect Peter Hunt and 124 members of the public. The Agenda for the meeting was as follows:

- Introduction –Chief Executive Officer – John Giorgi, JP

- Welcome by Mayor Mr Nick Catania, JP
- Background details
- Margaret Kindergarten- Existing
- Margaret Kindergarten- Proposed, including a list of sites investigated and the four preferred options for the proposed relocation
- Leederville Early Childhood Centre- Co-location with Margaret Kindergarten and option for utilising the entire Richmond Street site
- Proposed temporary relocation of kindergarten to Mount Hawthorn Community Centre, Lesser Hall
- Summary of main issues
- Where to from here?
- Questions / Answers / Discussion

The aim of the questions/answers/discussion section of the meeting was to have alternate speakers in favour and against the proposal, to provide a balance. Each speaker was given 3 minutes to state their concerns/support and reasons for their concern/support and given the opportunity to pose questions to the Architect, Chief Executive Officer, Directors, Mayor and the representative from the Department of Education and Training.

There were 27 speakers, 5 were in favour of the proposal, 17 were against the proposal and 5 were neutral. The meeting was very orderly with speakers (both for and against) clearly detailing their views. A record of those members of the public who spoke, the issues they raised and the questions they posed, as well as the respondent's answers, has been prepared. The main issues raised include the following;

- **Loss of public open space / park land**

Comment

It was acknowledged that if a new building was constructed on the park (which is approximately 11,000m²) that a loss of approximately 1,000m² would occur.

The option to use the Lesser Hall for the Kindergarten would result in a loss of approximately 400m².

- **Traffic and Parking**

Comment

It was noted that parking congestion occurs in the morning and evening around the park, as people take their children to the Mount Hawthorn School. Several comments were expressed about the intersection of Scarborough Beach Road and The Boulevard.

No traffic assessment plan has been undertaken.

- **Disruption to kindergarten children (temporary facilities/relocation)**

Comment

Any disruption would be kept to a minimum, but it is accepted that some disruption would occur.

- **New kindergarten building/ funding arrangement – Is it the Town's responsibility or the responsibility of the Department of Education and Training?**

Comment

The Town holds 3 leases for kindergarten buildings with the Department of Education and Training. The Department of Education and Training advised that they currently have approximately 200 leases with external agencies – mainly local governments. The issue of whether the Town should be responsible for buildings and land for kindergartens had not been previously considered by the Council.

- **Mount Hawthorn Community Centre – accessibility / restricted access during the period of the temporary relocation**

Comment

Restricted access to the Centre is acknowledged. However, all hirers of the Lesser hall had been contacted and alternatively relocated.

- **Consultation process and the transparency of the process as a whole**

Comment

The Town had not formally commenced its consultation process. Responses received from members of the public preceded the proposed consultation period. This was to be carried out for 21 days after the public meeting was reported to the Council Meeting to be held on 8 April 2008.

- **Zoning and land use**

Comment

The zoning and land uses were still being investigated at the time of the public meeting. There were issues with the land titles and these were being investigated and legal advice was being obtained. At the time of the public meeting the Town's legal advice had not been finalised, accordingly a more definitive response could not be given at the meeting. The Council would comply with any legal requirements and obligations.

Braithwaite Park is reserved Town of Vincent Scheme Reserves – Park and Recreation under Town Planning Scheme No. 1. In accordance with the Town's Policy No 3.3.1 – Mount Hawthorn Precinct – Scheme Map 1, a Kindergarten child care centre could be considered at Braithwaite Park provided it is small and unobtrusive in bulk and scale and is to be used incidental to and associated with the passive recreation role of the park.

- **Investigation of alternative sites**

Comment

The Town had investigated other sites (which were deemed unsatisfactory for a variety of reasons) as follows;

- Mount Hawthorn Primary School site

- Menzies Park
- Earlybird Childcare Centre
- **WALGA Building – Benefits to the Town and the perceived unrealistic expectations of the timeline.**

Comment

The WALGA project is part of the Town's Leederville Masterplan Project and is in keeping with the Town's Strategy for economic development.

As a result of the issues raised by the key stakeholders and the community prior to the public meeting, the Town's Officers made the decision to further investigate alternative options for the relocation of the Margaret Kindergarten on Braithwaite Park.

Proposal to Relocate the Margaret Kindergarten to Braithwaite Park

The original Officer Recommendation in the Agenda Report presented to Council at the Ordinary Meeting held on 26 February 2008, was to relocate the Margaret Kindergarten to the south –eastern corner of Braithwaite Park, to relocate the Leederville Early Childhood Centre to the current Margaret Kindergarten site and to temporarily relocate the Margaret Kindergarten to the Mount Hawthorn Community Centre Lesser Hall. In view of the emails received, a number of alternative options were investigated by the Project Architect. These were outlined at the public meeting.

The Town has investigated several options with relation to the relocation of the Margaret Kindergarten as follows;

- Mount Hawthorn School site, at No. 1 (Lot: 5545 D/P: Swan) Killarney Street, Mount Hawthorn;
- Menzies Park, at Nos. 95-117 (Lot: 312 D/P 1939) Egina Street, Mount Hawthorn;
- EarlyBird Childcare Centre, at No. 87 (Lot: 281 D/P: 3642) The Boulevard, Mount Hawthorn; and
- Braithwaite Park, the north side and the south-east corner.

After detailed investigation of each proposed site, due consideration was given to the issues associated with locating a Kindergarten at each of the sites. The issues considered included; the availability of land on each of the sites, the location of the site in relation to the Mount Hawthorn Primary School, proximity to existing residences, the impact that such a use would have on surrounding residents and access issues, such as the ease of access for children and parents to the site and the safety aspects in relation to the access points of the location, traffic congestion and availability of carparking.

Based on the above, the Town's Officers determined that the most appropriate location for the Kindergarten was the south-east corner of Braithwaite Park. An aerial photograph of Braithwaite Park is included as an attachment to this report. The Kindergarten is proposed to be temporarily relocated to the Mount Hawthorn Lesser Hall located at Braithwaite Park whilst the new facilities for the Childhood Centre and Kindergarten are constructed.

The Town then engaged the services of Peter Hunt Architect to design options for the proposed Childhood Centre, located adjacent to Richmond Street and the Kindergarten located in the south-east corner of Braithwaite Park. The Architects have devised 3 options for the Childcare Centre and 4 options for the Kindergarten, which are outlined below.

Braithwaite Park Land Details – Refer Appendix 10.4.8(2) and 10.4.8(3)

Braithwaite Park comprises of a number of lots which were acquired in 1928 and also in later years. A number of titles for the lots comprising Braithwaite Park have caveats and encumbrances, which state that these lots are endorsed to "*maintain and keep the said land as a reserve, public ground or garden for the recreation of the public*" and the Council ... "*shall not at any time hereafter use, permit or suffer to be used said land or any part thereof say for the purpose of a recreation reserve or garden*". In addition a Declaration of Trust pertaining to the entirety of Braithwaite Park (except Lots 273 and 274) states that the land is held in trust for "*the purpose of recreation for the people ...*";

A summary of the legal advice from the Town's Lawyers is as follows;

1. *Declaration of Trust 5 / 1928 encumbers Lots 169 to 172 and Lot 272 – and it restricts the use of these Lots to a "... Reserve, Public Ground or Garden for the recreation of the public ...*";
2. *Deed of Trust 5 / 1942 encumbers all of Braithwaite Park (except Lots 273 & 274) – and it restricts the use of this land to "... the purposes of recreation for the people ...*";
3. *The permissible land uses associated with each of those two Trusts do not include a kindergarten use;*
4. *Lots 273 and 274 are not encumbered and are therefore available for use as a kindergarten;*
5. *Housing the kindergarten buildings on Lots 273 and 274 but extending the playground component of such a facility beyond these Lots, onto any other part of Braithwaite Park, would similarly violate the Trusts referred to above and further:*
 - (a) *fencing such a playground would not, of itself, be an impediment – it would not, for instance, be a problem if the whole of Braithwaite Park was fenced and access in some way being lifted, for example, to daylight hours – as long as the Park is available, when open, to the public at large; and*
 - (b) *the essential difficulty with accommodating a fenced playground on any portion of Braithwaite Park is that, during the operation of the kindergarten, the use of the playground would necessarily need to be exclusive to the kindergarten and thus exclusive of the public."*

Unfortunately, this information was not known at the time of preparing the various options. As a result of the subsequent investigations regarding encumbrances and restrictions placed on the Certificate(s) of Title for the subject lots that comprise Braithwaite Park, the option of both permanently and temporarily relocating the Kindergarten to Braithwaite Park cannot be legally carried out.

Discussions were held with the State Land Services concerning the option of locating the Kindergarten into the Mount Hawthorn Community Centre Lesser Hall and locating the play area on Lot 272, adjacent to the north side of the building. This would require the caveat on Lot 272 being removed. The lot would be required to remain accessible to the public as "recreation", when not used by the Kindergarten.

State Land Services indicated that this would be supported but would be a rather lengthy process (perhaps up to 12 months) to amend the title for this lot.

The Town's Chief Executive Officer does not support this option, as it is considered to be contrary to the original intention of the caveat and Declaration of Trust requirement that the land be used "*as a reserve, public ground or garden for the recreation of the public ...*".

Accordingly, it is recommended that this option not be pursued.

Preferred Option for Leederville Early Child Care Centre

As a result of the above findings and the community opposition to relocating the Margaret Kindergarten to Braithwaite Park, the Town's Officers and Project Architect have determined that the most appropriate and feasible option for the proposal is to locate the Leederville Early Childhood Centre on the land on the north side of Leederville Oval (south of the Margaret Kindergarten on No. 45 Richmond Street). The building is proposed to be 850 square metres in area, with a 1000 square metre outdoor play area located to the west of the proposed building.

The Margaret Kindergarten will remain at the northern end of the site and will have a 480 square metre outdoor play area.

However, it is considered appropriate that the Council defers its decision concerning the possible relocation of the Leederville Early Childhood Centre until the investigations concerning the WALGA office project have been carried out.

Kindergarten Leases with the Department of Education and Training

The Town holds the current leases for Kindergarten purposes with the Department of Education and Training;

- (i) Margaret Kindergarten – Refer Appendix 10.4.8(4)
at No. 45 (Lot 10349 D/P: Swan L) Richmond Street, Leederville, lease expires on 30 June 2010;

Land size:	1.0948 hectares
Zoning :	Parks and Recreation – Day Care Centre
Encumbrances:	Nil – Municipal Endorsement Purposes
Current Annual Payments:	\$3,496
Operational Maintenance:	Lessee
Specified Maintenance:	Town of Vincent

- (ii) Mount Hawthorn Pre – Primary School – Refer Appendix 10.4.8(5)
at No. 202 (Lot 1 D/P: 7898, Lot 226 D/P: 3845, Lot 227 D/P: 3845 and Lot 7681 D/P: 169433) Scarborough Beach Road, Mount Hawthorn, lease expires on 24 September 2011; and

Land size:	2062m ²
Zoning:	Primary School – Land Use – Day Care Centre
Encumbrances:	Kindergarten purposes only
Current Annual Payments:	\$2,698
Operational Maintenance:	Lessee
Specified Maintenance:	Town of Vincent

- (iii) Highgate Pre-Primary (Little Citizens) – Refer Appendix 10.4.8(6) A & B

at No. 4 Broome Street, Highgate (Part Lot 141 and Part Land D12533), current lease expires on 30 June 2011;

Land size:	1811m ²
Zoning:	Parks and Recreation – Land Use Reserve
Encumbrances:	Nil
Current Annual Payments:	\$2,675
Operational Maintenance:	Lessee
Specified Maintenance:	Town of Vincent

Is Kindergarten a Local Government responsibility?

The question of whether or not the provision of land and buildings for kindergarten purposes is a Local Government or State Government responsibility, is a political decision. The three leases currently held with the Department of Education and Training are historic and were inherited from the City of Perth. The leases have been in existence for in excess of thirty (30) years and have not previously been questioned. In essence, it is a political decision as to whether or not the Town should continue to fulfil this role.

As part of this proposal, the Town's Officers are recommending that the Town no longer continue its role with the Kindergartens and that the Council advise the Department of Education and Training that the leases for the Kindergartens will not be renewed after their expiry in June 2010 and 2011. This will result in the land and buildings that accommodates the Kindergartens becoming available for other civic uses. It will also result in highlighting the fact that the responsibility for providing education facilities rests with the Department of Education and Training, rather than the Town. It should be noted that several of the kindergarten buildings will need significant upgrade in the future.

The Town's Officer's believe that this will also remove any confusion as to whether or not the Town is responsible for providing education facilities and highlight the fact that education services is the responsibility of the State Government, Department of Education and Training

Mount Hawthorn Pre-Primary School Site – Refer Appendix 10.4.8(6)

This land comprises of four (4) lots totalling 2062m². The title is encumbered for "kindergarten purposes" only.

In the recent discussions between the Town and the Department of Education and Training, the concept of the Town selling the Mount Hawthorn Pre-Primary School site to the Department of Education and Training was discussed. The sale would allow the Department of Education and Training to increase the size of the school site and consolidate the land holdings. The Department of Education and Training considered the concept to have merit, but indicated that they would need to include funds in a future budget for the purchase. In view of the benefits to both parties, it is recommended that the Council approve of the Officer Recommendations to dispose of this land to the Department of Education and Training.

As the land is encumbered, it is logical that the Council should only consider selling it to the Department of Education and Training. Any sale of land would need to comply with the requirements of the Local Government Act.

The Town's Officers are recommending that the Council enter into negotiations with the Department of Education and Training for the sale of No. 202 Scarborough Beach Road, Mount Hawthorn. This site is currently used by the Mount Hawthorn Pre-Primary School and the Town's Officers have also recommended that this lease not be renewed after the expiry date in September 2011.

Mount Hawthorn Community Centre Refurbishment and Upgrade

The Town's Administration have carried out a basic inspection of the Mount Hawthorn Community Centre and have compiled a report of the necessary works for the refurbishment and upgrade of the building. This revealed the following works are required:

PROJECT/ITEM	SHORT-TERM/ HIGH PRIORITY	MEDIUM-TERM/ MEDIUM PRIORITY
Elevator	\$150,000.00	
Building repairs/ renovations	\$100,000.00	
Universally Accessible toilet Main Hall	\$50,000.00	
Universally Accessible toilet Lesser Hall		\$50,000.00
Air conditioning Main Hall		\$80,000.00
Painting	\$50,000.00	
Air conditioning Lesser Hall		\$25,000.00
Floor coverings/timber floor treatment		\$30,000.00
Electrical upgrade		\$15,000.00
Plumbing upgrade	\$15,000.00	
Roof plumbing repairs	\$15,000.00	
Emergency signage/lighting	\$15,000.00	
Glazing/tinting/awnings	\$15,000.00	
Window treatments/curtains	\$15,000.00	
Security System	\$10,000.00	
Architects/consultants fees	\$45,000.00	
Contingency	\$50,000.00	
Total Estimated cost: \$730,000	\$530,000.00	200,000.00

It is recommended that a detailed assessment and Project Brief be prepared by an Architect. This will be more comprehensive and precise.

Possible upgrade of Braithwaite Park

The Town's administration has carried out preliminary investigations for the upgrade of Braithwaite Park. However, at this stage the proposal has not been finalised and if necessary, it will be reported to the Council in the future, as part of the Town's Parks Upgrade Programme. The Town's administration consider that other parks have a higher priority for upgrade than Braithwaite Park.

WALGA Office Project

Building

WALGA's original proposal in late 2007 was for a "four - five star" rated building of 4,000 – 6,000m², built over three levels with basement parking for 140 cars on-site.

In early 2008, WALGA advised the Town that they are now pursuing a "6 star" rated Green Building, as opposed to the previous "4-5 star" rating. To achieve a six star rating will almost certainly require the proposed building to have its own power generating plant. WALGA has advised that this would involve a partnership with a private energy generating company and the proposal would be to generate power for the new building. The possibility of any surplus power being sold to the Town for its Administration and Civic Centre, Loftus Centre, Department of Sport and Recreation building and Leederville Oval complex has also been raised. Any after hours surplus power would also be sold back to the power grid. WALGA

has not provided any other details. Any future power arrangements would require contracts and agreements to be put in place and would definitely be of a commercial nature.

The indicative cost for a “five star” rated building is approximately \$22-\$25 million, whereas a “six star” rated building is approximately \$32-\$35 million. The final cost would depend on the actual design and environmental features to be incorporated.

Land

As previously mentioned, discussions have continued to be held with State Land Services concerning the proposal.

The land currently occupied by the Leederville Early Childhood Centre is owned by the State Government and vested in the control of the Town.

The vesting is for “*childcare, office, administration and recreation purposes ...*”

State Land Services have now advised the Town that it is their view that the WALGA project is a commercial arrangement. As such, the State Government policy for use of reserve land will require the land to be purchased freehold at market value.

The Town’s previous arrangements with WALGA have been on the basis of the land being used free of cost. State Land Services have further advised that the Minister may over rule the officer recommendation. WALGA has requested that a formal deputation be made to the Minister for Planning and Infrastructure to present a case for use of the land free of cost.

Irrespective of what may transpire, it is strongly recommended that the Town does not relinquish its control of this strategic land. WALGA has been advised of the Town’s position and they accept this. They have requested that the proposal, which may involve purchase of the land, be explored.

If the land is required to be purchased, it will be necessary to prepare a Business Case to reflect the new commercial terms and conditions. As this matter has only recently arisen, no investigations have been carried out to date.

CONSULTATION/ADVERTISING:

Not applicable at this stage.

LEGAL/POLICY:

As the premises have existing leases, negotiations will need to be carried out with the respective parties. The leases between the Town of Vincent and Education Department of Western Australia on the current sites will expire in 2010 and 2011 and negotiations will need to be carried with the DET, so as to allow them sufficient time to plan for the future.

Any disposal of land is required to be carried out in accordance with Section 3.58 of the Local Government Act 1995.

STRATEGIC IMPLICATIONS:

This matter is in keeping with the Town’s Strategic Plan 2006/2011, Key Objective 2.1 – “*Progress economic development with adequate financial resources*”, in particular:

*“Natural and Built Environment-
1.1.5 Enhance and maintain parks and community facilities.”*

2.1.1 Promote the Town as a place for investment, appropriate to the vision for the Town.

2.1.3 Promote business development

2.1.7 Implement the Leederville Masterplan.”

FINANCIAL/BUDGET IMPLICATIONS:

The Budget 2007-08 contains the following ;

Margaret Kindergarten

Expenditure \$10,369

Revenue \$ 4,230

Mt Hawthorn Pre-Primary School

Expenditure \$8,618

Revenue \$3,000

Highgate Pre-Primary School

Expenditure \$8,176

Revenue \$3,510

Proposed Leederville Early Childhood Centre

The Project architect has advised that an indicative cost for the new proposed facility is approximately \$2.25 million.

The Western Australian Local Government Association has agreed to contribute \$1,000,000 to the cost of the new relocated Childhood Centre. Therefore, an amount of \$1.25million will need to be found for the project.

Cost Savings by Not proceeding with a New Margaret Kindergarten

A new kindergarten building is estimated to cost approximately \$1-\$1.25 million.

Mt Hawthorn Pre-Primary School- Indicative Land Value

No valuations have been obtained concerning this land. However, 2,062m² at \$1,200/m² (conservative estimate) would give this land an indicative value of \$2,474,000.

Leederville Oval Land Value

No valuations have been carried out. However, 3,100m² at \$1,800/m² (conservative estimate) would give this land an indicative value of \$5.58 million.

COMMENTS:

In view of the above, it is recommended that the Council approves of the Officer Recommendation.

10.1.6 Nos.60-62 (Lots 172 and 173, D/P 25971) Randell Street, corner Randell Place, Perth - Proposed Construction of Two (2) Three-Storey Single Houses with Home Offices and Associated Basement Car Parking

Ward:	South	Date:	28 March 2008
Precinct:	Hyde Park; P12	File Ref:	PRO3490; 5.2008.92.1
Attachments:	001		
Reporting Officer(s):	S Kendall		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by the owner S Grewal for proposed Construction of Two (2) Three- Storey Single Houses with Home Offices and Associated Basement Car Parking, at Nos.60-62 (Lots 172 and 173 D/P: 25971) Randell Street, corner Randell Place, Perth and as shown on plans stamped 8 February 2008, for the following reasons:

- (i) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) *the non-compliance with the plot ratio, building height, building setbacks, building on boundary and privacy requirements of the Residential Design Codes, and the Town's Policy relating to the Hyde Park Precinct and Street Walls and Fences and the Town's Local Law relating to Fences and Floodlights, respectively; and*
- (iii) *consideration of the previous objection received.*

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

LOST ON THE CASTING VOTE OF THE PRESIDING MEMBER (5-4)

<u>For</u>	<u>Against</u>
Cr Ker	Mayor Catania (two votes – deliberative and casting vote)
Cr Lake	Cr Burns
Cr Maier	Cr Farrell
Cr Youngman	Cr Messina

(Cr Doran-Wu had not arrived at this point in time).

Reasons:

1. It is compliant with the area and reflects the type of construction in the area.
2. Supports the State Government's stock of accommodation in and around the CBD.

ALTERNATIVE RECOMMENDATION

Moved Cr Farrell, Seconded Cr Messina

That the Alternative Recommendation be adopted, as follows;

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owner S Grewal for proposed Construction of Two (2) Three- Storey Single Houses with Home Offices and Associated Basement Car Parking, at Nos. 60-62 (Lots 172 and 173 D/P: 25971) Randell Street, corner Randell Place, Perth and as shown on plans stamped 8 February 2008, subject to the following conditions:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) any new street/front wall, fence and gate between the Randell Street boundary and the Randell Place boundary and the main building, including along the side boundaries within this front setback area, shall incorporate a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way;*
- (iii) first obtaining the consent of the owners of Nos. 246, 248 and 250 Fitzgerald Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of these boundary (parapet) wall facing Nos. 246, 248 and 250 Fitzgerald Street in a good and clean condition;*
- (iv) prior to the issue of the Building Licence, revised plan shall be submitted and approved demonstrating the following:*
 - (a) the ground floor office window of house No. 58 Randell Street on the eastern elevation, within the 6.0 metre cone of vision to the eastern property boundary;*
 - (b) the second/mid floor living and dining room windows of house No. 58 Randell Street on the eastern and southern elevations respectively, within the 6.0 metre cone of vision to the eastern property boundary;*
 - (c) the terrace on the second/mid floor of house No. 58 Randell Street within the 7.5 metre cone of vision to the eastern property boundary; and*
 - (d) the ground floor entry concourse of house No. 58 Randell Street within the 7.5 metre cone of vision to the eastern property boundary;*

being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the respective finished floor level. A permanent obscure material does not include a self-adhesive material 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 2002. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of No.58 Randell Street stating no objection to the respective proposed privacy encroachments.

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

- (v) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the width of the driveways to both dwellings being increased to 3 metres. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (vi) *the home occupation shall comply with the provisions relating to home occupation under the Town of Vincent Town Planning Scheme No. 1; and*
- (vii) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Randell Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. The landscaping of the verge shall include details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months. The Council encourages landscaping methods which do not rely on reticulation. Where reticulation is not used, the alternative method should be described. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s)."*

Debate ensued.

CARRIED ON THE CASTING VOTE OF THE PRESIDING MEMBER (5-4)

For

Mayor Catania (two votes – deliberative and casting vote)
Cr Burns
Cr Farrell
Cr Messina

Against

Cr Ker
Cr Lake
Cr Maier
Cr Youngman

(Cr Doran-Wu had not arrived at this point in time).

COUNCIL DECISION ITEM 10.1.6

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owner S Grewal for proposed Construction of Two (2) Three- Storey Single Houses with Home Offices and Associated Basement Car Parking, at Nos. 60-62 (Lots 172 and 173 D/P: 25971) Randell Street, corner Randell Place, Perth and as shown on plans stamp-dated 8 February 2008, subject to the following conditions:

- (i) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*

- (ii) *any new street/front wall, fence and gate between the Randell Street boundary and the Randell Place boundary and the main building, including along the side boundaries within this front setback area, shall incorporate a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way;*
- (iii) *first obtaining the consent of the owners of Nos. 246, 248 and 250 Fitzgerald Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of these boundary (parapet) wall facing Nos. 246, 248 and 250 Fitzgerald Street in a good and clean condition;*
- (iv) *prior to the issue of the Building Licence, revised plan shall be submitted and approved demonstrating the following:*
 - (a) *the ground floor office window of house No. 58 Randell Street on the eastern elevation, within the 6.0 metre cone of vision to the eastern property boundary;*
 - (b) *the second/mid floor living and dining room windows of house No. 58 Randell Street on the eastern and southern elevations respectively, within the 6.0 metre cone of vision to the eastern property boundary;*
 - (c) *the terrace on the second/mid floor of house No. 58 Randell Street within the 7.5 metre cone of vision to the eastern property boundary; and*
 - (d) *the ground floor entry concourse of house No. 58 Randell Street within the 7.5 metre cone of vision to the eastern property boundary;*

being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the respective finished floor level. A permanent obscure material does not include a self-adhesive material 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 2002. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of No.58 Randell Street stating no objection to the respective proposed privacy encroachments.

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

- (v) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the width of the driveways to both dwellings being increased to 3 metres. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (vi) *the home occupation shall comply with the provisions relating to home occupation under the Town of Vincent Town Planning Scheme No. 1; and*
- (vii) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Randell Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. The landscaping of the verge shall include details of the proposed watering system to ensure the*

establishment of species and their survival during the hot, dry summer months. The Council encourages landscaping methods which do not rely on reticulation. Where reticulation is not used, the alternative method should be described. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s)."

Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Commercial
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	373 square metres
Access to Right of Way	N/A

BACKGROUND:

13 February 2007 The Council at its Ordinary Meeting resolved to conditionally approve an application for demolition of existing two (2) single houses and refuse an application for construction of two (2) three-storey single houses with home offices and associated basement car parking at the subject property.

11 June 2007 The owner of the subject place submitted an amended planning application for proposed construction of two (2) three-storey single houses with home offices and associated basement car parking at the subject site.

10 July 2007 The Council considered the amended application at its Ordinary Meeting and resolved to defer the consideration of the matter at the request of the applicant to allow for further discussions with the Town's Officers.

26 February 2008 The Council resolved to refuse the amended application at its Ordinary Meeting 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 plot ratio, building height, building setbacks, building on boundary and privacy requirements of the Residential Design Codes, and the Town's Policy relating to the Hyde Park Precinct and Street Walls and Fences and the Town's Local Law relating to Fences and Floodlights, respectively; and*
- (c) consideration of the objection received."*

29 February 2008 The owner of the subject place re-submitted the application for proposed construction of two (2) three-storey single houses with home offices and associated basement car parking at the subject site for re-consideration by the Council. No further changes have been made to the application.

DETAILS:

As outlined above, the subject application has not been modified and is identical to the application that was refused at the Ordinary Meeting of Council held on 26 February 2008.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	2 single houses R 60 (as single houses are proposed)	2 single houses	Noted- no variation.
Plot Ratio	0.65 or 121 square metres per dwelling on each lot.	Western side dwelling: 1.28 or 239.1 square metres. Eastern side dwelling: 1.27 or 239.1 square metres.	Not supported- in conjunction with the height and setbacks variations sought, the plot ratio proposed is considered to result in a development with excessive bulk and scale, which will have an undue impact on streetscape.
Building Height	Two storeys encouraged, three storey can be considered at a maximum height of 10.0 metres for concealed roof developments.	Three storeys and a basement. Maximum height of 10.8 metres to Randell Street. Maximum height of 10.3 metres to eastern Randell Place boundary.	Not supported - refer to 'Comments' section.
Garages and Vehicular Access	Vehicular access from secondary street or right of way where legally available.	Vehicular access proposed from primary street.	Supported - refer to 'Comments' section.
Driveway Width	Minimum width 3 metres and not to exceed 40 per cent of lot frontage.	2.75 metres and 39 per cent of lot frontage.	Supported in part - to comply with the 3 metres minimum width, the driveways would occupy 43 per cent of the lot frontage. Such a minor variation would not unduly impact on the amenity of the area or streetscape. It is considered important that the minimum width requirement for the crossover be achieved and this would be conditioned to comply in event of approval.

<p>Building Setbacks:</p> <p>East (all floor levels)</p>	<p>Varies from 1.5 metres to 5.4 metres</p>	<p>Nil</p>	<p>Not supported - in conjunction with the height and plot ratio variations the proposed setback variation is considered to contribute to a development with excessive bulk and scale, which will have an undue impact on amenity of neighbours, streetscape and surrounding area.</p>
<p>Privacy Setbacks</p>	<p>Habitable rooms other than bedrooms - 6.0 metres</p> <p>Outdoor habitable areas- 7.5 metres</p>	<p>Dining Room - 5.4 metres to eastern property.</p> <p>Office - 5.0 metres to eastern property.</p> <p>Living room - 5.0 metres to eastern property.</p> <p>Terrace - 6 metres to eastern property.</p> <p>Ground floor entry concourse - 3.5 metres.</p>	<p>Not supported - an undue impact on affected neighbour, to be conditioned to comply in event of approval.</p> <p>Not supported - as above.</p>
<p>Building on Boundary</p>	<p>Walls not higher than 3.5 metres with an average of 3 metres for 2/3 the length of the balance of the boundary behind the front setback. (15.38 metres).</p>	<p>Height - 10.3 metres</p>	<p>Not supported- undue impact on amenity of neighbours, streetscape and surrounding area.</p>

<p>Policy No. 3.2.5 - Street Walls and Fences</p>	<p>In the street setback a wall or fence is not to exceed a maximum of 1.8 metres above the adjacent footpath level. The solid portion of the wall or fence excepting piers is to be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the wall and/or fence being visually permeable, with a minimum of 50 per cent transparency.</p>	<p>Western side dwelling - Maximum height of the solid wall - 1.55 metres in street setback area along western boundary. Balustrade to a maximum of 2.4 metres.</p> <p>Eastern side dwelling - Maximum height of the solid wall - 1.55 metres in street setback area along western boundary. Balustrade to a maximum of 2.4 metres.</p>	<p>Not supported - undue impact on amenity of streetscape and surrounding area.</p>
<p>Local Law relating to Fences and Floodlights</p>	<p>No part of a fence, including retaining wall and gate, shall exceed 2.4 metres in height.</p>	<p>Western side dwelling: 2.48 metres to 2.7 metres.</p> <p>Eastern side dwelling to Randell Place: 2.48 metres to 2.7 metres.</p>	<p>Not supported - undue impact on amenity of streetscape and surrounding area, to be conditioned to comply in event of approval.</p>

Consultation Submissions

The revised plans do not propose any other further variation to the Residential Design Codes and the Town's Policies, and is considered not to have a further undue impact on the adjoining properties and the amenity of the area, and as such there is no need to further re-advertise the proposal.

Support	Nil	Noted.
<p>Objection (1)</p>	<ul style="list-style-type: none"> • Overshadowing. • Vehicular access from street not in keeping with streetscape. • Eastern setbacks. 	<p>Not supported- as proposal complies with overshadowing requirements of R Codes. Not supported- refer to 'Comments' section. Supported - refer to above. It is noted that objection relating to eastern setback was not from an affected neighbour.</p>

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

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

COMMENTS:

Height

The applicant has superimposed, on the colour perspective, the shell of the proposed building at No. 248 (Lot: 2 D/P: 5962) Fitzgerald Street, Perth, which was approved at the Ordinary Meeting of Council held on 26 June 2007. This development comprises modifications to the internal layout of the existing office, and the addition of two storeys of offices creating a three storey building. This third storey component was supported by the Town's Officers as it is orientated towards Fitzgerald Street and contributes to the strong urban corridor/edge. Whilst it is acknowledged that the proposed development is consistent, in terms of height, with the proposed development fronting Fitzgerald Street, it is considered that further consideration should be given to improve and balance the interface of the subject development with the single and two-storey residential dwellings along Randell Street. It is to be noted that the Town has yet to receive a Building Licence application for the development at No. 248 (Lot: 2 D/P: 5962) Fitzgerald Street, Perth.

Garages and Vehicular Access

In the previous reports to the Council, the Town's Officers have asserted that vehicular access be required from the Randell Place for both properties. The applicant has argued that vehicular access from Randell Place cannot be achieved mainly due to safety reasons and the narrowness of Randell Place and the subject lots. In relation to safety concerns, the Town's Technical Services advised that this can be addressed via adequate setbacks and truncations.

Further consideration of the above requirement has resulted in the Town's Officers acknowledging that vehicular access may be acceptable from Randell Street as the garages are setback 6 metres from street frontage, they are accommodated without obstructing views between the street and dwelling at ground level and as access from the secondary street may still result in the provision of car parking, which is visible from the street. In addition to this, should the garages be located with access to Randell Place, a large setback would be required to ensure that the 6 metre manoeuvring space is achieved.

In addition to the above, the Town's Technical Services have advised that a 0.5 metre setback is required along the eastern Randell Place boundary, to accommodate for the future widening of Randell Place, which is under four metres wide. Randell Place is an under width dedicated road. As per the Western Australian Planning Commission's Bulletin No.33, a minimum width of 6 metres is required for vehicle access. However, it is recognised that vehicles can pass safely in a five metre right of way. It is considered important that the 0.5 metre widening requirement be imposed to improve future vehicle access along Randell Place. Further to this, a 1.5 metre by 1.5 metre truncation is required at the south-east corner of the lot, where Randell Street and Randell Place meet.

Conclusion

In light of the above, it is considered that the planning application does not adequately address the previous reasons for refusal by the Council at its Ordinary Meetings held on 13 February 2007 or 26 February 2008 and it is recommended that the subject planning application be refused.

10.1.3 No. 6 (Lot: 181 D/P: 2355) Burt Street, corner Monmouth Street, Mount Lawley - Proposed Change of Use from Shop to Office with Associated Additions and Alterations

Ward:	South	Date:	31 March 2008
Precinct:	Norfolk, P10	File Ref:	PRO4099; 5.2007.394.1
Attachments:	001		
Reporting Officer(s):	D Bothwell		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Benchmark Projects Australasia on behalf of the owner A & F Cardaci for proposed Change of Use from Shop to Office with Associated Additions and Alterations, at No. 6 (Lot: 181 D/P: 2355) Burt Street, corner Monmouth Street, Mount Lawley, and as shown on plans stamp-dated 10 October 2008, subject to the following conditions:

- (i) *prior to the issue of a Building Licence or first occupation of the development, whichever occurs first, a Section 70A Transfer of Land Act 1893 Notification shall be registered against the Certificate of Title for the land advising proprietors or prospective proprietors of the existence of the following conditions which affect the use or enjoyment of the development on the land:*
 - (a) *the floor plan layout and respective floor areas of the office shall be maintained in accordance with the Planning Approval plans;*
 - (b) *a maximum of 3 employees are permitted in the office at any one time;*
 - (c) *the office shall not attract customers or regular and frequent deliveries of goods or equipment to the site;*
 - (d) *the hours of operation of the office shall be limited to 9.00am to 5.30pm Monday to Friday inclusive; and*
 - (e) *the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the office. This is because at the time the planning application for the development was submitted to the Town, the applicant claimed that the on-site parking provided would adequately meet the current and future parking demands of the development.*

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

- (ii) *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; and*

(iii) the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town.

***Note: The above Officer Recommendation was corrected and distributed prior to the meeting. Changes are indicated by strikethrough, italic font and underline.**

Moved Cr Farrell, **Seconded** Cr Messina

That the recommendation be adopted.

Debate ensued.

Cr Youngman departed the Chamber at 7.03pm.

Debate ensued.

Cr Youngman returned to the Chamber at 7.05pm.

AMENDMENT

Moved Cr Maier, **Seconded** Cr Youngman

That new clause (i)(f) be added as follows:

“(i)(f) *the total office space, including any home office and home occupation space, shall be limited to 20 square metres for the entire property, Lot 181.*”

AMENDMENT PUT AND CARRIED (8-0)

(Cr Doran-Wu had not arrived at this point in time).

MOTION AS AMENDED PUT AND CARRIED (7-1)

For
Mayor Catania
Cr Burns
Cr Farrell
Cr Ker
Cr Lake
Cr Maier
Cr Youngman

Against
Cr Messina

(Cr Doran-Wu had not arrived at this point in time).

COUNCIL DECISION ITEM 10.1.3

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Benchmark Projects Australasia on behalf of the owner A & F Cardaci for proposed Change of Use from Shop to Office with Associated Additions and Alterations, at No. 6 (Lot: 181 D/P: 2355) Burt Street, corner Monmouth Street, Mount Lawley, and as shown on plans stamp-dated 10 October 2008, subject to the following conditions:

- (i) *prior to the issue of a Building Licence or first occupation of the development, whichever occurs first, a Section 70A Transfer of Land Act 1893 Notification shall be registered against the Certificate of Title for the land advising proprietors or prospective proprietors of the existence of the following conditions which affect the use or enjoyment of the development on the land:*
- (a) *the floor plan layout and respective floor areas of the office shall be maintained in accordance with the Planning Approval plans;*
 - (b) *a maximum of 3 employees are permitted in the office at any one time;*
 - (c) *the office shall not attract customers or regular and frequent deliveries of goods or equipment to the site;*
 - (d) *the hours of operation of the office shall be limited to 9.00am to 5.30pm Monday to Friday inclusive;*
 - (e) *the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the office. This is because at the time the planning application for the development was submitted to the Town, the applicant claimed that the on-site parking provided would adequately meet the current and future parking demands of the development; and*
 - (f) *the total office space, including any home office and home occupation space, shall be limited to 20 square metres for the entire property, Lot 181.*
- This notification shall be prepared and registered by the Town's solicitors or other solicitors agreed upon by the Town at the cost of the applicant/owner; and*
- (ii) *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; and*
- (iii) *the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town.*

Landowner:	A & F Cardaci
Applicant:	Benchmark Projects Australasia
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R40
Existing Land Use:	Shop
Use Class:	Office Building
Use Classification:	"SA"
Lot Area:	837 square metres
Access to Right of Way	Nil

BACKGROUND:

3 10 July 2007 The Council at its Ordinary Meeting conditionally approved two-storey single house addition and alterations and additions to existing single house.

****Note: The above Background was corrected and distributed prior to the meeting. Changes are indicated by strikethrough, italic font and underline.***

DETAILS:

Approval is sought for the change of use of the residential building to that of an office. The building is a disused traditional corner shop building which was originally used as a grocery shop. The corner building would be converted into an office (20 square metres), with the rear building to be retained for residential purposes. The applicant's submission is summarised below:

- Utilises the current disused traditional corner building and facilitates the traditional corner building's restoration.
- Improves the existing streetscape with the reinstatement of the corner entry door and traditional façade windows and repainting/refurbishment of the subject property.
- Provides on-site security for the elderly occupant of the rear colonial cottage.
- Improves the heritage value of the traditional building.
- Provides for the reuse of the traditional building stock within the locality.
- The home office does not generate additional traffic, noise, pedestrian activity or visitations, which would impact on the existing residential amenity.
- The home office does not require any additional infrastructure or services to be provided to accommodate its operation.
- The two parking bays allocated to the proposed business are accommodated on-site and utilise the existing crossover.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	Noted.
Consultation Submissions			
Support(1)	No details provided		Noted.
Objection(12) (Objections relate to initial proposal for office of 54.25 square metres)	<ul style="list-style-type: none"> • Increased pressure on street parking and increase traffic. • Concern over commercial landuse within an established residential area. 		<p>Not supported – the proposed office complies with the car parking requirement and provides for 2 additional car bays on site. Moreover, the proposed office will utilise the existing residential driveway onto Burt Street.</p> <p>Supported in part – the proposed office is non-</p>

	<ul style="list-style-type: none"> • Existing resident is elderly and change of use to office would be beneficial only for the commercial developer. • Street and its aesthetics have changed too much in the past few years. • New office will detract from existing residential amenity and cause further removal of trees. • Existing residence will become vacant over the weekend. • Concerned with the change of zoning to retail. 	<p>compliant with the Town's Economic Development Strategy, which states that economic activity should be concentrated in established commercial areas; however, the proposal is a small scale office and does not compromise the integrity of the Town's Strategic Economic objectives.</p> <p>Not supported – the landowner's sons would occupy the proposed office providing additional on-site security and company for the existing resident.</p> <p>Not supported – each application is dealt with on its own merits with the consideration of the street's residential character.</p> <p>Not supported – proposal maintains and compliments existing residential amenity. The subject property would be restored and upgraded to its original condition, therefore, contributing to the heritage value of the building.</p> <p>Supported in part – although the office will become vacant over the weekend, it will increase the security of the location during office hours.</p> <p>Not supported – the subject area is an established residential area and the Town has no intention of changing the existing Residential zoning.</p>
Other Implications		
Legal/Policy	TPS 1 and associated Policies, and Residential Design Codes (R Codes).	

Strategic 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:

An office use (“SA” use) is considered not to be a part of the general fabric of the subject area, and such a use in an established residential area is inconsistent with the Town’s Economic Development Strategy, which sets out to concentrate commercial activities within Commercial zoned areas as well as Local and District Centres. However, the proposal is for an office with limited intensity and scale of operations (20 square metres). The proposed office will be low impact and will not receive any cliental; hence, there will be no additional traffic or parking issues on the adjacent streets. The subject property will be restored and upgraded to its original condition which would improve the existing streetscape, as well as improve the heritage value of the subject property. As a result of this, the residential amenity and character of the area will not be unduly compromised.

In light of the above, the application has been recommended for approval, subject to standard and appropriate conditions to address the above matters

10.1.5 No. 407 (Lot 56 D/P: 2454) Oxford Street, Mount Hawthorn - Proposed Demolition of Existing Single House and Construction of a Three (3) Storey Mixed Use Development Comprising Two (2) Shops, Two (2) Multiple Dwellings and Associated Car Parking

Ward:	North	Date:	31 March 2008
Precinct:	Mount Hawthorn Centre ; P2	File Ref:	PRO3988; 5.2007.188.1
Attachments:	001		
Reporting Officer(s):	R Narroo, S Kendall		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by Jet Drafting Service on behalf of the owner Kawamura Nominees Pty Ltd for proposed Demolition of Existing Single House and Construction of a Three (3) Storey Mixed Use Development Comprising Two (2) Shops, Two (2) Multiple Dwellings and Associated Car Parking, at No.407 (Lot: 56 D/P: 2454) Oxford Street, Mount Hawthorn, and as shown on amended plans stamp-dated 28 February 2008 , for the following reasons:

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) the non-compliance with the plot ratio requirements of the Residential Design Codes and the Town’s Policy No. 3.1.2- Mount Hawthorn Centre Precinct; and*
- (iii) consideration of the objections received.*

COUNCIL DECISION ITEM 10.1.5

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

CARRIED (8-0)

(Cr Doran-Wu had not arrived at this point in time).

Landowner:	Kawamura Nominees Pty Ltd
Applicant:	Jet Drafting Service
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Commercial
Existing Land Use:	Single House
Use Class:	Shop and Multiple Dwelling
Use Classification:	“P” and "AA"
Lot Area:	582 square metres
Access to Right of Way	Rear side, 5 metres wide, sealed, Town owned

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves the demolition of existing single house and construction of a three (3) storey mixed use development comprising two (2) shops, two (2) multiple dwellings and associated car parking.

The proposed shops will be located on the ground floor and the two dwellings on the first and second floors.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	3.5 multiple dwellings - R 60	2 multiple dwellings	Noted- no variation.
Plot Ratio	Plot Ratio for multiple dwellings=0.7 – 407.4 square metres	1.01 – 587.82 square metres	Not supported-refer to "Comments" below.
Number of Storeys	Two storeys are encouraged, a third storey can be considered.	Three storeys	Supported- refer to 'Comments' below.
Building Height	Two storeys-wall height= 6 metres	Wall height= 10.6 metres	Supported- refer to "Comments" below.
	Two storeys- roof height= 9 metres	Roof height=11.4 metres	
	Three storeys-wall height= 9 metres	Wall height=10.6 metres	
	Three storeys-roof height= 12 metres	Roof height=11.4 metres	
Privacy Setbacks	Rear Alfresco to multiple dwellings- 7.5 metres to the boundary	6.1 metres to the northern boundary.	Not supported- undue impact on the adjoining northern property. Alfresco should be screened if proposal is supported.
Overshadowing	Non-Residential/Residential Development Interface Policy states where a non-residential development abuts a residential area	The southern property is a commercial development and, therefore, the overshadowing is not applicable.	Noted.

	overshadowing requirements are to be in accordance with the Residential Design Codes.		
Consultation Submissions			
Support (Nil)	Nil		Noted.
Objections(2)	<p>Privacy Reduced privacy from the rear balconies.</p> <p>Windows and balconies located on the north and south faces which will impact on the adjoining properties</p> <p>Streetscape, Height and Plot Ratio The overall proposal gives the impression of being too high and narrow for the local area streetscape. The proposal should be restricted to the required maximum height and not permitted to go above the R Codes and Town's Policies.</p> <p>Parking The local area of Mount Hawthorn is already experiencing problems with reduced parking bay issues and it is a difficult job for the Council to balance between the needs of commercial and residential ratepayers. The standard parking bay requirement must be met by all new developments as set out in the R Codes and Town's Policies. Failing to enforce this code will impact on the local community and make the Town's problem greater in years to come.</p>	<p>Supported- screening being provided to the openings.</p> <p>Supported- applicant amended plans to provide screening.</p> <p>Supported-refer to "Comments" below for plot ratio.</p> <p>Not supported- refer to "Comments" below.</p>	
Other Implications			
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes (R Codes).	
Strategic 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.

Residential Car Parking

Car parking requirements for the residential component of the development have been calculated using the requirement for mixed use development in the Residential Design Codes (R Codes). The residential component requires 2 car bays, based on the standard of one (1) car bay for each of the 2 proposed multiple dwellings. Therefore, the number of car bays provided for the residential component will be 2 bays. A total of 9 car bays have been provided for the entire development; therefore, resulting in seven (7) car bays available for the commercial component.

Commercial Car Parking

Requirements as per Parking and Access Policy	Required
Total car parking required before adjustment factor (nearest whole number) Shop-1 car bay per 15 square metres gross floor area (proposed 248.96 square metres) = 16.6 car bays.	17 car bays
Apply the parking adjustment factors. <ul style="list-style-type: none"> ▪ 0.80 (mix of uses with greater than 45 percent of the gross floor area is residential) ▪ 0.85 (within 400 metres of a bus stop) ▪ 0.85 (within 400 metres of one or more existing public car parking place(s) with in excess of a total of 75 car parking spaces) 	(0.578) 9.83 car bays
Car parking provided on-site for commercial component	7 car bays
Minus the most recently approved on-site parking shortfall on-site	Nil
Resultant shortfall	2.83 car bays

Bicycle Parking

Requirements	Required	Provided
Shop 1 per 300 square metres (proposed 248.96 square metres) gross floor area for employees (class 1 or 2).	0.83= 1 space	Nil
1 space per 200 square metres (proposed 248.96 square metres) for visitors (class 3).	1.24= 2 spaces	Nil

COMMENTS:

Demolition

The subject rendered brick and tile dwelling at No. 407 Oxford Street was constructed in the Inter-war Bungalow style of architecture. The subject place first appears in the Wise Post Office Directories in 1920. At this time and up until 1946, Claude Hayward is listed as the resident and then Jas Walting is listed until at least 1949 when the directories cease.

It is interesting to note that the subject place was originally contained within Swan Location 661, a 40 acre parcel of land bound by North Beach Road (now Scarborough Beach Road) and Government Road (now Anzac Road). Swan Location 661 was bought by ex-convict E Barrett for twenty pounds in 1876. The land was sold numerous times before 1903, when the subdivisional layout that exists today had taken shape. Further information about the Swan Location 661 prior to 1915 is contained within the text *Seventy Years of Cheers* by Valerie Everett.

Although generally representative of an early Interwar residence, the place is not an unusual or outstanding example of its period and has been subject to alterations such as the removal of the original fenestration and replacement with aluminium sliding windows. Moreover, there is no evidence that the dwelling is linked with any important persons or historical events. Overall, the dwelling is considered to have little cultural heritage significance and it is considered that the place does not warrant a full heritage assessment. It is recommended that the proposal to demolish the place be approved, subject to standard conditions.

Plot Ratio

Plot ratio is commonly used as a measure of bulk and scale, together with height which is addressed below. The proposed plot ratio of 1.01 (587.82 square metres) is considered to create an unacceptable bulk and scale issue. It is to be noted that the existing mixed-use development at Nos.401-403 Oxford Street was approved with a plot ratio variation to 0.88, the proposed mixed use development at Nos.257-261 Oxford Street, corner Bourke Street was approved with a plot ratio variation to 0.837 and the proposed mixed-use development at Nos.416-418 Oxford Street complied with the plot ratio requirement. It is considered that the plot ratio variation in this instance is excessive and will unduly impact on the amenity of the adjacent neighbours and streetscape.

Building Height

The Town's Policy relating to the 'Mount Hawthorn Centre' states "*Buildings with two storeys (including loft) are strongly encouraged. A third storey (including loft) can be considered, provided that the amenity of the adjacent residential area is protected in terms of privacy, scale and bulk*". The immediate surrounding area is characterised by a mix of commercial development fronting Oxford Street and residential development.

The total height of the development is 11.4 metres to the top of the feature at the front of the building and 11.29 metres to the top of the roof. The variation is supported as it is considered that the proposed height of the development is not considered out of character with development within the immediate area; therefore, the variation is supported.

Cash-in-lieu of Car Parking

The Town's Officers are supportive of cash-in-lieu of car parking provision on the basis of the availability of parking spaces along Oxford Street and the subject site is within 400 metres from public car parks.

Conclusion

The plot ratio variation will have an undue impact on the amenity of the surrounding area and in this instance the proposal is recommended for refusal.

The Chief Executive Officer advised that Cr Youngman had declared a proximity interest in this Item. He departed the Chamber at 7.20pm and did not speak or vote on the matter

10.1.1 No. 22 (Lot: 9 D/P: 1049) Galwey Street, Dual Frontage to Tennyson Street, Leederville - Proposed Additional Two-Storey Single House to Existing Single House

Ward:	North	Date:	31 March 2008
Precinct:	Leederville; P3	File Ref:	PRO3131; 5.2007.418.1
Attachments:	001		
Reporting Officer(s):	A Du, S Kendall		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Perceptions The Home Builders on behalf of the owner R L and S M Stevenson for proposed additional Two-Storey Single House to Existing Single House, at No. 22 (Lot: 9 D/P: 1049) Galwey Street, Dual Frontage to Tennyson Street, Leederville, Perth, and as shown on plans stamp-dated 17 January 2008 (existing dwelling plan, floor plans and elevations) and 28 February 2008 (site plan and strata boundaries), subject to the following conditions:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) any new street/front wall, fence and gate between the Galwey Street and Tennyson Street boundaries and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (e) the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may*

be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;

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

(a) *the alfresco area on the western and southern elevations, being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of No. 24 Galwey Street ~~and No. 29 Tennyson Street~~ stating no objection to the respective proposed privacy encroachments. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies; and*

(b) *the building wall height being a maximum of 6 metres above the natural ground level.*

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

(iv) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted, all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*

(v) *the carport shall be one hundred (100) per cent open on all sides and at all times (open style gates/panels with a minimum visual permeability of eighty (80) per cent are permitted), except where it abuts the laundry and entry walls; and*

(vi) *a detailed landscaping plan, including a list of plants and the landscaping of the Galwey Street and Tennyson Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. The landscaping of the verge shall include details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months. The Council encourages landscaping methods which do not rely on reticulation. Where reticulation is not used, the alternative method should be described. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s).*

***Note: The above Officer Recommendation was corrected and distributed prior to the meeting. Changes are indicated by strikethrough, italic font and underline.**

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

Moved Cr Ker, Seconded Cr Farrell

That clause (iii)(b) be deleted.

Debate ensued.

AMENDMENT PUT AND CARRIED (7-0)

(Cr Doran-Wu had not arrived at this point in time. Cr Youngman was absent from the Chamber and did not vote).

MOTION AS AMENDED PUT AND CARRIED (7-0)

(Cr Doran-Wu had not arrived at this point in time. Cr Youngman was absent from the Chamber and did not vote).

Cr Youngman returned to the Chamber at 7.23pm and was advised the Item was Carried with an Amendment.

COUNCIL DECISION ITME 10.1.1

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Perceptions The Home Builders on behalf of the owner R L and S M Stevenson for proposed additional Two-Storey Single House to Existing Single House, at No. 22 (Lot: 9 D/P: 1049) Galwey Street, Dual Frontage to Tennyson Street, Leederville, Perth, and as shown on plans stamp-dated 17 January 2008 (existing dwelling plan, floor plans and elevations) and 28 February 2008 (site plan and strata boundaries), subject to the following conditions:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) any new street/front wall, fence and gate between the Galwey Street and Tennyson Street boundaries and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*

- (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (iii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (a) *the alfresco area on the western and southern elevations, being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of No. 24 Galwey Street stating no objection to the respective proposed privacy encroachments. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*

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

- (iv) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted, all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
- (v) *the carport shall be one hundred (100) per cent open on all sides and at all times (open style gates/panels with a minimum visual permeability of eighty (80) per cent are permitted), except where it abuts the laundry and entry walls; and*
- (vi) *a detailed landscaping plan, including a list of plants and the landscaping of the Galwey Street and Tennyson Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. The landscaping of the verge shall include details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months. The Council encourages landscaping methods which do not rely on reticulation. Where reticulation is not used, the alternative method should be described. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s).*

Landowner:	R L & S M Stevenson
Applicant:	Perceptions The Home Builders
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R30
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	597 square metres
Access to Right of Way	N/A

BACKGROUND:

14 June 2005 Planning Approval was granted by the Council at its Ordinary Meeting for demolition of outbuilding and construction of an additional two-storey single house to existing single house.

DETAILS:

The proposal involves an additional two-storey single house to existing single house on the subject property.

Area of existing dwelling site adjacent to Galwey Street = 256 square metres; and
Area of proposed dwelling site adjacent to Tennyson Street = 341 square metres.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	1.99 single house – R30	2 single houses – R30.1 - 0.5 per cent density bonus	Supported – facilitates the retention of the existing dwelling, the development of a dual frontage lot, and is a minor variation not considered to have undue impact on the amenity of the area in this instance. The Town's Heritage Officer has stated that the existing dwelling is considered to contribute to the historic character of the area and a density bonus is considered acceptable under Clause 20 of the Town's Town Planning Scheme No. 1.
Minimum Site Area	270 square metres	Existing dwelling site = 256 square metres	Supported - the existing dwelling is proposed to be retained, and the Town's Heritage Officer has stated that the building is considered to contribute to the historic character of the area and a density bonus is considered acceptable under Clause 20 of the Town's Town Planning Scheme No. 1.
Plot Ratio	N/A	N/A	Noted.

Retaining Wall Setbacks: -West	1.0 metre	Nil	Supported – not considered to have undue impact on adjoining neighbouring property and no objections received from affected neighbour.
-South	1.5 metres	Nil	Supported – as above.
Building Height -West	Maximum wall height of 6.0 metres	Wall height ranges in height from 5.4 to 6.06 metres.	Not supported – the development is capable of complying with the height requirements of the R Codes. Condition applied for the wall height to be reduced to 6 metres above the natural ground level.
Privacy Setbacks: -West (Alfresco)	7.5 metres cone of vision.	1.65 metres to western boundary.	Not supported – considered to have an undue impact on the neighbouring property. Condition applied to screen the area or obtain neighbour's consent.
-South (Alfresco)	7.5 metres cone of vision.	2.9 metres to western boundary.	As above.
Consultation Submissions			
Support (0)	Nil.		Noted.
Objection (1)	<ul style="list-style-type: none"> • Privacy encroachments into neighbouring properties • Minimum site area 		<p>Supported – refer to Assessment Table above.</p> <p>Not supported – refer to 'Comments' section.</p>
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

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

COMMENTS:

Heritage

The place at No.22 Galwey Street, Leederville is not currently listed on the Town of Vincent's Municipal Heritage Inventory (MHI).

However, the provision of a density bonus under clause 20(2) of the Town's Town Planning Scheme No.1, is not restricted to places that are on or meet the threshold for inclusion onto the MHI. As stipulated in the Knutsford Locality Plan No.12, *'the character of existing housing (and of the Locality) is to be protected.'* The City of Perth Building Licence cards indicate that the subject dwelling was built circa 1939 in the Inter-war Bungalow style of architecture.

Overall, the street comprises an eclectic range of dwellings dating from the Federation, Inter-war and Late Twentieth Century periods. The dwellings have a varied setback from the street and comprise brick and weatherboard houses. The subject dwelling generally contributes to the existing character of the Leeder Locality as a whole.

In light of the above, the Town's Heritage Officers encourage the retention of the subject existing dwelling and would be supportive of a variation to the minimum site area.

Technical Services

The Town's Technical Services Officers have assessed the car parking for the existing dwelling and have established that there are two existing parking bays at the front of No. 22 Galwey Street that appear to comply with the minimum size requirement for off-street parking as per AS2890-1.

Summary

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

10.1.4 No. 333 (Lot: 9 D/P: 2554) Oxford Street, Leederville – Demolition of Existing Single House and Construction of Two - Three Storey Mixed Use Development Comprising One (1) Office, Two (2) Two Storey Multiple Dwellings, Two (2) Single Bedroom Multiple Dwellings and Associated Basement Carparking

Ward:	North	Date:	1 April 2008
Precinct:	Leederville; P3	File Ref:	PRO1548; 5.2007.490.1
Attachments:	001		
Reporting Officer(s):	R Narroo, S Kendall		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Rechichi Architects on behalf of the owner D De Fiddes Pty Ltd for Demolition of Existing Single House and Construction of Two-Three Storey Mixed Use Development Comprising One (1) Office, Two (2) Two-Storey Multiple Dwellings, Two (2) Single Bedroom Multiple Dwellings and Associated Basement Carparking, at No.333 (Lot: 9 D/P: 2554) Oxford Street, Leederville , and as shown on amended plans stamp-dated 17 March 2008 , subject to the following conditions:

- (i) *prior to the issue of a Building Licence, an acoustic report prepared in accordance with the Town's Policy relating to Sound Attenuation shall be submitted and approved by the Town. The recommended measures of the acoustic report shall be implemented and certification from an acoustic consultant that the measures have been undertaken, prior to the first occupation of the development, and the applicant/owners shall submit a further report from an acoustic consultant 6 months from first occupation of the development certifying that the development is continuing to comply with the measures of the subject acoustic report;*
- (ii) *in keeping with the Town's practice for multiple dwellings, commercial, retail and similar developments the footpaths adjacent to the subject land shall be upgraded, by the applicant, to a brick paved standard to the Town's specification. A refundable footpath upgrading bond and/or bank guarantee of \$3,500 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing facilities have been reinstated to the satisfaction of the Town's Technical Services Division. An application to the Town for the refund of the upgrading bond must be made in writing;*
- (iii) *the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (iv) *within twenty – eight (28) days of the issue date of this 'Approval to Commence Development,' the owner(s), or the applicant on behalf of the owner(s), shall comply with the following requirements:*

- (a) *pay a cash in lieu public art contribution of \$ 14,788 for the equivalent value of one per cent (1%) of the estimated total cost of the development (\$ 1,478,840); OR*
- (b) *lodge an appropriate public art assurance bond/ bank guarantee of a value of \$ 14,788 with the Town. The assurance bond / bank guarantee will only be released to the owner(s)/ applicant in the following circumstances:*
- (1) *Designs for art work(s) valued at one per cent (1%) of the estimated total cost of the development (\$1,478,840) have been submitted to and approved by the Town. The art work(s) shall be in accordance with the Town's Policy relating to Percent for Art Scheme and be developed in full consultation with the Town's Community Development Services with reference to the Percent for Art Scheme Policy Guidelines for Developers. The art work(s) shall be installed prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s); or*
 - (2) *A Statutory Declaration of the prescribed form endorsed by the owner(s)/ applicant and stating that they will not proceed with the subject 'Approval to Commence Development,' have been submitted to and approved by the Town; or*
 - (3) *The subject 'Approval to Commence Development' did not commence and subsequently expired.*

In the circumstance where the owner(s)/ applicant has elected clause (b)(1) and there has been no submission or approval of the design for art work within six (6) months from the date of issue of the Building Licence, the Town may claim the monies assured to them in the above bond or bank guarantee without further notice to the owner(s)/ applicant for the provisions of art works in the Town.

The Town's Community Development Services have the discretion to extend the six (6) month deadline that applies to clause (b) (1) under this condition of approval if:

- (aa) *a formal request has been submitted to the Town in writing for such an extension before the date of the six (6) month deadline; and*
 - (bb) *the Town's Arts Officer is satisfied that significant negotiations have been entered into by the owner(s) /applicant to provide the art work."*
- (v) *prior to the issue of the Building Licence, revised plan shall be submitted and approved demonstrating the following:*

(a) Unit 1

- (1) the kitchen windows on the ground floor on the southern elevation;*
- (2) the windows to living room on the first floor on the eastern elevation;*
- (3) the rear terrace on the first floor on the western elevation within the 7.5 metres cone of vision to the southern boundary ; and*
- (4) the pool on the first floor on the southern elevation;*

Unit 2

- (1) the rear terrace on the ground floor on the northern elevation;*
- (2) the pool on the first floor on the northern elevation; and*
- (3) the rear terrace on the first floor on the western and northern elevations within the 7.5 metres cone of vision to the northern boundary;*

Unit 3

- (1) the entire front terrace on the first floor on the southern elevation;*

Unit 4

- (1) the entire front terrace on first floor on the northern elevation; and*

Office Court Area

- (1) the southern court area to office on the ground floor on the western elevation;*

being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of No.331 and No.335 Oxford Street, stating no objection to the respective proposed privacy encroachments;

- (b) all obscured glazing to major openings/ habitable spaces being fixed and non-openable to a minimum of 1.6 metres above the finished floor level;*
- (c) each store being a minimum dimension of 1.5 metres with an area of at least 4 square metres; and*
- (d) a bin compound being provided in accordance with the Town's Health Services Specifications, divided into commercial and residential areas and sized to contain:-*
 - Residential*
 - 1 x mobile garbage bin per unit; and*
 - 1 x general recycle bin per 2 Units.*

- *Commercial*
1 x mobile garbage bin per unit; and
1 x paper recycle bin per unit, or per 200 square metres of floor space.

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

- (vi) *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;*
- (vii) *first obtaining the consent of the owners of No. 331 and No. 335 Oxford Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the retaining walls/boundary (parapet) walls facing No. 331 and No. 335 Oxford Street in a good and clean condition;*
- (viii) *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;*
- (ix) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (x) *doors, windows and adjacent floor areas on the ground floor fronting Oxford Streets shall maintain an active and interactive relationship with this street;*
- (xi) *the maximum total gross floor area of the office component shall be limited to 164 square metres;*
- (xii) *prior to the first occupation of the development, a minimum of four (4) car parking spaces, provided for the residential component of the development shall be clearly marked and signposted for the exclusive use of the residents of the development;*
- (xiii) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, traffic and heavy vehicle access, dust and any other appropriate matters, shall be submitted to and approved by the Town;*
- (xiv) *the on-site car parking area for the office/non-residential component shall be available for the occupiers of the residential component outside normal business hours;*
- (xv) *the car parking area shown for the office/non-residential component shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;*
- (xvi) *prior to the issue of a Building Licence, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property of the following:*
 - (a) *the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities; and*

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

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

- (xvii) prior to the issue of a Building Licence for the single bedroom dwellings, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the single bedroom dwellings that:*

- (a) a maximum of one (1) bedroom and two (2) occupants are permitted in the single bedroom dwelling at any one time; and*
- (b) the floor plan layout of the single bedroom dwelling shall be maintained in accordance with the Planning Approval plans.*

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

- (xviii) any proposed vehicular entry gates adjacent to the car parking area shall be a minimum 50 per cent visually permeable and shall be either open at all times or suitable management measures shall be implemented to ensure access is available for visitors for the commercial and residential tenancies at all times. Details of the management measures shall be submitted to and approved by the Town prior to the first occupation of the development;*
- (xix) no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
- (xx) prior to the first occupation of the development, each multiple dwelling shall be provided with a screened outdoor area for clothes drying or clothes tumbler dryer;*
- (xxi) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition on the site;*
- (xxii) an archival documented record of the place, including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (xxiii) prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of certificate(s) of Title and Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town;*
- (xxiv) the hours of operation of offices shall be limited to 8 am to 6 pm on weekdays, and 8 am to 12 pm on Saturdays, inclusive; and*
- (xxv) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating any new street/front wall, fence and gate between the*

Oxford Street boundary and the main building, including along the side boundaries within this front setback area, complying with the following:

- (a) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
- (b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
- (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
- (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
- (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level.*

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

Moved Cr Farrell, Seconded Cr Burns

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Farrell, Seconded Cr Burns

That new clause (v) (e) be added as follows:

- (v) (e) *the maximum plot ratio area of the single bedroom dwellings being 70 square metres.*

Debate ensued.

AMENDMENT PUT AND CARRIED (7-1)

<u>For</u>	<u>Against</u>
Mayor Catania	Cr Farrell
Cr Burns	
Cr Ker	
Cr Lake	
Cr Maier	
Cr Messina	
Cr Youngman	

(Cr Doran-Wu had not arrived at this point in time).

Cr Maier advised that he had voted incorrectly and requested the Amendment be recommitted.

PROCEDURAL MOTION

Moved Cr Farrell, Seconded Cr Ker

That the amendment be recommitted.

PROCEDURAL MOTION PUT AND CARRIED (8-0)

(Cr Doran-Wu had not arrived at this point in time).

AMENDMENT PUT AND CARRIED (6-2)

<u>For</u>	<u>Against</u>
Mayor Catania	Cr Farrell
Cr Burns	Cr Maier
Cr Ker	
Cr Lake	
Cr Messina	
Cr Youngman	

(Cr Doran-Wu had not arrived at this point in time).

AMENDMENT

Moved Cr Maier, Seconded Cr Ker

That;

1. *clause (v) (a) be amended to read as follows:*

(v) (a) Office Court Area

(1) the southern court area to office on the ground floor on the western elevation; and

(2) the southern court area to office on the ground floor on the southern elevation;

2. *a new clause (v) (f) be added as follows:*

(v) (f) the awning being a minimum of 600 millimetres from the kerb line of Oxford Street;

Debate ensued.

Cr Farrell departed the Chamber at 7.31pm.

AMENDMENT PUT AND CARRIED (5-2)

<u>For</u>	<u>Against</u>
Cr Burns	Mayor Catania
Cr Ker	Cr Messina
Cr Lake	
Cr Maier	
Cr Youngman	

(Cr Doran-Wu had not arrived at this point in time. Cr Farrell was out of the Chamber and did not vote).

MOTION AS AMENDED PUT AND CARRIED (7-0)

COUNCIL DECISION ITEM 10.1.4

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Rechichi Architects on behalf of the owner D De Fiddes Pty Ltd for Demolition of Existing Single House and Construction of Two-Three Storey Mixed Use Development Comprising One (1) Office, Two (2) Two-Storey Multiple Dwellings, Two (2) Single Bedroom Multiple Dwellings and Associated Basement Carparking, at No.333 (Lot: 9 D/P: 2554) Oxford Street, Leederville, and as shown on amended plans stamp-dated 17 March 2008, subject to the following conditions:

- (i) prior to the issue of a Building Licence, an acoustic report prepared in accordance with the Town's Policy relating to Sound Attenuation shall be submitted and approved by the Town. The recommended measures of the acoustic report shall be implemented and certification from an acoustic consultant that the measures have been undertaken, prior to the first occupation of the development, and the applicant/owners shall submit a further report from an acoustic consultant 6 months from first occupation of the development certifying that the development is continuing to comply with the measures of the subject acoustic report;*
- (ii) in keeping with the Town's practice for multiple dwellings, commercial, retail and similar developments the footpaths adjacent to the subject land shall be upgraded, by the applicant, to a brick paved standard to the Town's specification. A refundable footpath upgrading bond and/or bank guarantee of \$3,500 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing facilities have been reinstated to the satisfaction of the Town's Technical Services Division. An application to the Town for the refund of the upgrading bond must be made in writing;*
- (iii) the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (iv) within twenty – eight (28) days of the issue date of this 'Approval to Commence Development,' the owner(s), or the applicant on behalf of the owner(s), shall comply with the following requirements:*
 - (a) pay a cash in lieu public art contribution of \$ 14,788 for the equivalent value of one per cent (1%) of the estimated total cost of the development (\$ 1,478,840); OR*
 - (b) lodge an appropriate public art assurance bond/ bank guarantee of a value of \$ 14,788 with the Town. The assurance bond / bank guarantee will only be released to the owner(s)/ applicant in the following circumstances:*
 - (1) Designs for art work(s) valued at one per cent (1%) of the estimated total cost of the development (\$1,478,840) have been submitted to and approved by the Town. The art work(s) shall be in accordance with the Town's Policy relating to Percent for Art Scheme and be developed in full consultation with the Town's Community*

Development Services with reference to the Percent for Art Scheme Policy Guidelines for Developers. The art work(s) shall be installed prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s); or

- (2) *A Statutory Declaration of the prescribed form endorsed by the owner(s)/ applicant and stating that they will not proceed with the subject 'Approval to Commence Development,' have been submitted to and approved by the Town; or*
- (3) *The subject 'Approval to Commence Development' did not commence and subsequently expired.*

In the circumstance where the owner(s)/ applicant has elected clause (b)(1) and there has been no submission or approval of the design for art work within six (6) months from the date of issue of the Building Licence, the Town may claim the monies assured to them in the above bond or bank guarantee without further notice to the owner(s)/ applicant for the provisions of art works in the Town.

The Town's Community Development Services have the discretion to extend the six (6) month deadline that applies to clause (b) (1) under this condition of approval if:

- (aa) *a formal request has been submitted to the Town in writing for such an extension before the date of the six (6) month deadline; and*
 - (bb) *the Town's Arts Officer is satisfied that significant negotiations have been entered into by the owner(s) /applicant to provide the art work."*
- (v) *prior to the issue of the Building Licence, revised plan shall be submitted and approved demonstrating the following:*
- (a) *Unit 1*
 - (1) *the kitchen windows on the ground floor on the southern elevation;*
 - (2) *the windows to living room on the first floor on the eastern elevation;*
 - (3) *the rear terrace on the first floor on the western elevation within the 7.5 metres cone of vision to the southern boundary ; and*
 - (4) *the pool on the first floor on the southern elevation;*
 - Unit 2*
 - (1) *the rear terrace on the ground floor on the northern elevation;*
 - (2) *the pool on the first floor on the northern elevation; and*
 - (3) *the rear terrace on the first floor on the western and northern elevations within the 7.5 metres cone of vision to the northern boundary;*

Unit 3

(1) the entire front terrace on the first floor on the southern elevation;

Unit 4

(1) the entire front terrace on first floor on the northern elevation; and

Office Court Area

(1) the southern court area to office on the ground floor on the western elevation; and

(2) the southern court area to office on the ground floor on the southern elevation.

being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of No.331 and No.335 Oxford Street, stating no objection to the respective proposed privacy encroachments;

(b) all obscured glazing to major openings/ habitable spaces being fixed and non-openable to a minimum of 1.6 metres above the finished floor level;

(c) each store being a minimum dimension of 1.5 metres with an area of at least 4 square metres;

(d) a bin compound being provided in accordance with the Town's Health Services Specifications, divided into commercial and residential areas and sized to contain:-

- Residential*

- 1 x mobile garbage bin per unit; and*

- 1 x general recycle bin per 2 Units.*

- Commercial*

- 1 x mobile garbage bin per unit; and*

- 1 x paper recycle bin per unit, or per 200 square metres of floor space;*

(e) the maximum plot ratio area of the single bedroom dwellings being 70 square metres; and

(f) the awing being a minimum of 600 millimetres from the kerb line of Oxford Street.

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

- (vi) *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;*
- (vii) *first obtaining the consent of the owners of No. 331 and No. 335 Oxford Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the retaining walls/boundary (parapet) walls facing No. 331 and No. 335 Oxford Street in a good and clean condition;*
- (viii) *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;*
- (ix) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (x) *doors, windows and adjacent floor areas on the ground floor fronting Oxford Streets shall maintain an active and interactive relationship with this street;*
- (xi) *the maximum total gross floor area of the office component shall be limited to 164 square metres;*
- (xii) *prior to the first occupation of the development, a minimum of four (4) car parking spaces, provided for the residential component of the development shall be clearly marked and signposted for the exclusive use of the residents of the development;*
- (xiii) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, traffic and heavy vehicle access, dust and any other appropriate matters, shall be submitted to and approved by the Town;*
- (xiv) *the on-site car parking area for the office/non-residential component shall be available for the occupiers of the residential component outside normal business hours;*
- (xv) *the car parking area shown for the office/non-residential component shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;*
- (xvi) *prior to the issue of a Building Licence, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property of the following:*
 - (a) *the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities; and*
 - (b) *the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the units. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development.*

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

- (xvii) *prior to the issue of a Building Licence for the single bedroom dwellings, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the single bedroom dwellings that:*
 - (a) *a maximum of one (1) bedroom and two (2) occupants are permitted in the single bedroom dwelling at any one time;and*
 - (b) *the floor plan layout of the single bedroom dwelling shall be maintained in accordance with the Planning Approval plans.*

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

- (xviii) *any proposed vehicular entry gates adjacent to the car parking area shall be a minimum 50 per cent visually permeable and shall be either open at all times or suitable management measures shall be implemented to ensure access is available for visitors for the commercial and residential tenancies at all times. Details of the management measures shall be submitted to and approved by the Town prior to the first occupation of the development;*
- (xix) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
- (xx) *prior to the first occupation of the development, each multiple dwelling shall be provided with a screened outdoor area for clothes drying or clothes tumbler dryer;*
- (xxi) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition on the site;*
- (xxii) *an archival documented record of the place, including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (xxiii) *prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of certificate(s) of Title and Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town;*
- (xxiv) *the hours of operation of offices shall be limited to 8 am to 6 pm on weekdays, and 8 am to 12 pm on Saturdays, inclusive; and*
- (xxv) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating any new street/front wall, fence and gate between the Oxford Street boundary and the main building, including along the side boundaries within this front setback area, complying with the following:*
 - (a) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*

- (b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
- (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
- (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
- (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level.*

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

Landowner:	D De Fiddes Pty LTd
Applicant:	Rechichi Architects
Zoning:	Metropolitan Region Scheme: (MRS): Urban Town Planning Scheme No.1 (TPS 1): Residential R 60
Existing Land Use:	Single House
Use Class:	Multiple Dwelling, Office Building
Use Classification:	"P", "SA"
Lot Area:	564 square metres
Access to Right of Way	Western side, 5 metres wide, sealed, Town owned

BACKGROUND:

13 March 2007

The Council at its Ordinary Meeting resolved to approve demolition of existing single house, and proposed mixed use development comprising one (1) grouped dwelling, two (2) single bedroom and eight (8) multiple bedroom multiple dwellings, office building and associated basement car parking and associated facilities at Nos. 333-335 Oxford Street.

DETAILS:

The proposal involves the demolition of the existing single house at No.333 Oxford Street and construction of a two-three storey mixed use development comprising one (1) office, two (2) two-storey multiple dwellings, two (2) single bedroom multiple dwellings and associated basement car parking.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	R 60- 3 multiple dwellings or 5 single	R 59- 2 multiple dwellings and 2 single	Noted-no variation.

	bedroom multiple dwellings	bedroom multiple dwellings	
Plot Ratio	0.7 – 394.8 square metres	0.78 - 442 square metres	Supported- minor variation which will not unduly impact on the amenity of the surrounding area. No objections from the adjoining neighbours.
Plot Ratio Area for Single Bedroom Dwellings	60 square metres	72.96 square metres 72.96 square metres	Supported- it is considered that the variation will not unduly impact on the existing character and amenity of the area. It can also be considered that a high quality design is being proposed. Moreover, if this application is supported, as a condition of the approval, the applicant will have to put a notification on the title under section 70A of the Transfer of Land Act that these dwellings will be used only for single bedroom and 2 occupiers.
Building Setbacks: Ground Floor- Front-Oxford Street	4 metres or maintaining front setback	Nil	Supported- two adjoining buildings to the north have nil setback to Oxford Street. The proposal provides transition between these buildings and residential dwellings to the south of the site. Moreover, the buildings at the end and start of Oxford Street have nil street setback and, therefore, it is considered that the variation will not have an undue impact on the streetscape.
North	1.8 metres	Nil and 1 metre to 2.1 metres	Supported- boundary wall is not continuous

<p>South</p>	<p>2 metres</p>	<p>1.72 metres to 2.5 metres</p>	<p>along the boundary and steps down with slope of the land which minimises bulk of wall. No undue impact in terms of visual impact, ventilation and overshadowing. No objection from the northern neighbour.</p> <p>Supported- no undue visual impact, ventilation and overshadowing on the adjoining southern property. No objection from the southern neighbour.</p>
<p>West-Right of Way</p>	<p>3.1 metres The R-Codes states that the setback may be reduced by half the width of adjoining right-of-way, to a maximum of 2 metres. Therefore, the setback can be reduced to 0.6 metre <u>1.1 metres</u>.</p>	<p>0.5 metre</p>	<p>Supported- variation will not have any undue impact as wall will face right of way.</p>
<p>First Floor- Front-Oxford Street</p>	<p>6 metres</p>	<p>Nil</p>	<p>Supported- two existing buildings in the locality (corner Bouverie Place and Oxford Street, and corner Bourke Street and Oxford Street) have nil setback to Oxford Street. The proposal provides transition between these buildings and residential dwellings to the south of the site. Moreover, the buildings at the end and start of Oxford Street have nil street setbacks and, therefore, it is considered that the variation will not have an undue impact on the streetscape.</p>

North	3 metres	Nil and 1 metre to 3.2 metres	Supported- no undue visual impact, ventilation and overshadowing on the adjoining northern property. No objection from the northern neighbour.
South	3 metres	1.76 metres to 5 metres	Supported- no undue visual impact, ventilation and overshadowing on the adjoining southern property. No objection from the southern neighbour.
West-Right of Way	4.5 metres The R-Codes states that the setback may be reduced by half the width of adjoining right-of-way, to a maximum of 2 metres. Therefore, the setback can be reduced to 2 metres.	0.5 metre	Supported- no undue visual impact, ventilation and overshadowing as the wall will be facing the right of way.
Boundary Wall	Average Height= 3 metres Maximum Height= 3.5 metres	Average Height= 6.9 metres Maximum Height= 8 metres	Supported- no undue visual impact, ventilation and overshadowing on the adjoining northern property. No objection from the northern neighbour.
Overshadowing	50 per cent= 282 square metres	54.9 per cent= 310 square metres	Supported- the variation is minimal and will not unduly impact on the adjoining neighbour. Moreover, given that the adjoining southern site is a narrow east-west oriented site and is as low as the subject site, and the southern site slopes steeply, in such a case, even a relatively low building may cast overshadowing over a greater proportion of a site. No objection was received from the adjoining southern neighbour.

<p>Number of Storeys</p>	<p>A general height limit of two storeys.</p>	<p>Two storeys plus basement. Building appears two storey from Oxford Street, however, effectively three storey (including basement) from the rear right of way.</p>	<p>Supported- building to the north of the development at No. 337 Oxford Street is three storeys of similar height and bulk. No objections from the adjoining neighbours.</p>
<p>Building Height</p>	<p>Wall height= 7 metres (concealed roof)</p>	<p>Wall Height=9.3 metres</p>	<p>Supported-only at the lowest point, the building height will be at 9.3 metres, whilst most of the building height is less or equal to 9 metres. A pitched roof up to 9 metres would be acceptable under the R Codes. Moreover, as demonstrated on the plan Council approved in October 2005 a higher building on No. 335 Oxford Street. Moreover, given the steep slope of the land it is difficult to comply with the required height.</p>
<p>Privacy Setbacks</p>	<p>Terrace/Pool/Retained land- 7.5 metres</p>	<p>Front terrace to Unit 4 (first floor)= Nil to northern boundary- portion unscreened.</p> <p>Front terrace to Unit 3 (first floor)= 1.77 metres to southern boundary- portion unscreened.</p> <p>Rear terraces to Units 1 and 2 (ground floor)= 5.5 metres to western property.</p>	<p>Not supported- undue impact on neighbouring property and terrace required to be screened.</p> <p>Not supported- undue impact on neighbouring property and terrace required to be screened.</p> <p>Supported – the cone of vision will mostly impact on the right of way. One metre of the cone of vision will impact on the residential car park and parkland located on the other side of the right of way. Given that the cone of vision will not impact on a habitable space and no objection was received from the adjoining neighbour, in this instance, the variation is supported.</p>

	<p>Living room windows= 6 metres</p>	<p>Pools to units 1 and 2 (first floor)= 5.5 metre to western property.</p> <p>Pool to unit 1(first floor)= 5.2 metres to southern boundary.</p> <p>Pool to unit 2(first floor)= 3.5 metres to northern boundary.</p> <p>Rear terrace to unit 1 (first floor)= 2.5 metres from western elevation to southern boundary.</p> <p>Rear terrace to unit 2 (first floor)= nil from western elevation to northern boundary- portion unscreened.</p> <p>Southern court area to office (ground floor) = nil from western elevation to southern boundary.</p> <p>Windows to living room of unit 1(first floor)= 5 metres from eastern elevation to southern boundary.</p>	<p>Supported – the cone of vision will mostly impact on the right of way. One metre of the cone of vision will impact on the residential car park and parkland located on the other side of the right of way. Given that the cone of vision will not impact on a habitable space and no objection was received from the adjoining neighbour, in this instance, the variation is supported.</p> <p>Not supported- undue impact on neighbouring property and terrace required to be screened.</p> <p>Not supported- undue impact on neighbouring property and terrace required to be screened.</p> <p>Not supported- undue impact on neighbouring property and terrace required to be appropriately screened.</p> <p>Not supported- undue impact on neighbouring property and terrace required to be appropriately screened.</p> <p>Not supported- undue impact on neighbouring property and court area required to be screened.</p> <p>Not supported-undue impact on neighbouring property and window required to be screened.</p>
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	Kitchen windows=6 metres	Kitchen windows of unit 1 (ground floor)= 1.72 metres to southern boundary.	Not supported-undue impact on neighbouring property and window required to be screened.
Site Works	Filling and retaining walls not more than 0.5 metre above the natural ground level. Setback for retaining wall= 1.6 metres	0.5 metre to 2.2 metres. Nil.	Supported- the wall will vary from 0.5 metre to 2.2 metres and the top of the retaining wall will be 0.68 metre above the floor level of the southern property. Given the height of retaining wall will vary along the boundary and the top of retaining wall will be only 0.68 metre, it is considered that there will be no undue impact on the adjoining southern property. No objection received from the southern neighbour. Supported- no undue visual impact, ventilation and overshadowing on the adjoining southern property. No objection from the southern neighbour.
Stores	Minimum dimension of 1.5 metres and area of 4 square metres	Dimension= 1.45 metres Area= 3.45 square metres	Not supported- undue impact on amenity of occupiers and condition for compliance should be applied.
Consultation Submissions			
Support (2)	No specific comments provided.		Noted
Objection (Nil)	Nil		Noted
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic 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.

***Note: The above Assessment Table was corrected and distributed prior to the meeting. Changes are indicated by strikethrough, italic font and underline.**

Residential Car Parking

Car parking requirements for the residential component of the development have been calculated using the requirement for mixed use development in the Residential Design Codes (R Codes). The residential component requires 4 car bays, based on the standard of one (1) car bay for each of the 4 proposed multiple dwellings. However, the applicant has advised that six parking bays will be provided for residential units and the remaining bays will be commercial and visitors parking. Therefore, the number of car bays provided for the residential component will be 6 bays. A total of 13 car bays have been provided for the entire development; therefore, resulting in seven (7) car bays available for the commercial component.

Commercial Car Parking

Requirements as per Parking and Access Policy	Required
Total car parking required before adjustment factor (nearest whole number) Office-1 car bay per 50 square metres gross floor area (proposed 164 square metres) = 3.28 car bays.	3 car bays
Apply the parking adjustment factors. <ul style="list-style-type: none"> ▪ 0.80 (mix of uses with greater than 45 percent of the gross floor area is residential) ▪ 0.85 (within 400 metres of a bus stop) ▪ 0.95 (within 400 metres of public car park with more than 25 bays) 	(0.646) 1.938 car bays
Car parking provided on-site for commercial component	7 car bays
Minus the most recently approved on-site parking shortfall on-site	Nil
Resultant surplus	5.062 car bays

Bicycle Parking

Requirements	Required	Provided
Office 1 per 200 (proposed 164) square metres gross floor area for employees (class 1 or 2).	0.82= 1 space	Provided- Bicycle parking shown on plans, within the car park at the basement level.
1 space per 750 square metres over 1000 square metres for visitors (class 3).	N/A	N/A

COMMENTS:

Demolition

The place at No. 333 (Lot 9) Oxford Street, Leederville was constructed in the Inter-war Bungalow style of architecture. The Wise Post Office Directories first list the subject place in 1930 along with Nos. 329 and 331 Oxford Street. The Metropolitan Sewerage Map Plans show that all three dwellings have the same footprint. Over the years, the Directories indicate

that the occupancy of the dwellings changed frequently with each tenant staying for only a couple of years at a time.

The subject brick and iron dwelling has a simple two room presentation to the street with a hipped roof form and protruding gable over the front southern projecting room. An extension of the main room forms a verandah, which is supported by brick piers adorned with timber posts. The dwelling is set back approximately 10 metres from the road and sits below the natural ground level.

Although generally representative of an Interwar residence, the place is not an outstanding example of its type. Overall, the place is considered to have little cultural heritage significance and it is considered that the place does not warrant a full heritage assessment. It is recommended that the proposal to demolish the place be approved, subject to standard conditions.

Strategic Planning

New design guidelines relating to the Oxford Street are being proposed as part of the review of Town's Town Planning Scheme No.1, whereby appropriate residential and mixed-use development will be considered. These design guidelines have been in response to a number of recent development applications where variations have been supported in cases where proposals are seen to contribute to the vitality and diversity of Oxford Street.

The office component proposed is minor in nature and is not considered to compromise the overall intent and objectives of the Town's Economic Development Strategy 2005-2010 and is also supported for the following reasons:

- precedence with adjoining and nearby offices and other commercial uses;
- the proposal in this instance is considered to be compatible with the uses of the immediate surrounding area and not to unduly intrude on the amenity of the neighbouring properties;
- the proposal is considered to display an appropriate transitional mix of use as it is situated along a district distributor road and is in an area between two commercial zoned areas;
- the residential component is the predominant use on-site;
- the Economic Development Strategy discourages commercial development outside of the established Town Centres; however, given the nature of surrounding mixed uses in this instance, it is not considered that the proposal will detrimentally alter the encouragement of commercial uses in the Mount Hawthorn or Leederville Town Centres;
- the proposal in this instance promotes the integration of the work place and residences and thus, diversifying the land use and providing casual surveillance through day time activity of the area; and
- adequate parking is provided.

Conclusion

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

10.1.8 Beatty Park Leisure Centre Conservation Plan - Final Report and Adoption

Ward:	South	Date:	31 March 2008
Precinct:	Smiths Lake; P6	File Ref:	PRO3051
Attachments:	001		
Reporting Officer(s):	T Woodhouse		
Checked/Endorsed by:	D Abel, M Rootsey, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

(i) *RECEIVES the final report of the Beatty Park Leisure Centre Conservation Plan dated Septembr 2007, as "Laid on the Table", subject to;*

"Swimming Avenue' to read 'Swimming Lane' on pages (ii), (xiv), (xvi), 77, 81, 83, 84 and 91 and contained within the Appendix 1 Inspection Schedules 2005."

(ii) *ADOPTS IN PRINCIPLE the recommendations and guidelines contained within the Beatty Park Leisure Centre Conservation Plan dated September 2007 for the purposes of retaining and conserving the cultural heritage significance of Beatty Park, subject to the following;*

(a) consideration of other factors relating to economic, social and environmental matters in relation to any future works at the place;

(b) the Conservation Plan being referred to the Heritage Council of Western Australia (HCWA) for consideration and comment; and

(c) a further report being presented to the Council addressing the HCWA's comments."

***Note: The above Officer Recommendation was corrected and distributed prior to the meeting. Changes are indicated by strikethrough, italic font and underline.**

COUNCIL DECISION ITEM 10.1.8

Moved Cr Youngman, Seconded Cr Burns

That the recommendation be adopted.

Debate ensued.

Cr Messina departed the Chamber at 7.34pm.

Debate ensued.

Cr Messina returned to the Chamber at 7.37pm.

CARRIED (7-0)

(Cr Doran-Wu had not arrived at this point in time. Cr Farrell was out of the Chamber and did not vote).

PURPOSE OF REPORT:

The purpose of this report is to provide the Council with an overview of the purpose and intent of the Beatty Park Leisure Centre Conservation Plan to serve as a guiding document in assessing the impact of any future development to Beatty Park Leisure Centre and its immediate environs. The Council's adoption of the Beatty Park Leisure Centre Conservation Plan is also sought.

BACKGROUND:

- 27 September 1997 Beatty Park and Beatty Park Leisure Centre was first entered on the Town's Municipal Heritage Inventory.
- 23 January 2004 Beatty Park and Beatty Park Leisure Centre is included on the State Register of Heritage Places on an interim basis.
- 17 December 2004 Beatty Park and Beatty Park Leisure Centre is included on the State Register of Heritage Places as a permanent entry.
- 23 August 2004 Expressions of interest are sought by the Town of Vincent for the preparation a Conservation Plan to be undertaken on Beatty Park Leisure Centre and Beatty Park.
- 15 October 2004 Considine and Griffiths appointed to undertake Stage One of the Beatty Park Leisure Centre Conservation Plan.
- 14 January 2005 The Town receives the original and stamped Memorandum of Understanding prepared in respect of the Beatty Park Leisure Centre and Beatty Park and executed by the Heritage Council of Western Australia and the Town of Vincent. The Memorandum of Understanding seeks to ensure mutually beneficial working arrangements and to clarify the relationship between the Heritage Council with regard to its obligations to encourage the conservation of places which have significant cultural heritage value to the State and the Town of Vincent as owners of Beatty Park Leisure Centre and Beatty Park.
- 4 May 2005 Draft Conservation Plan received for Stage One of Beatty Park Leisure Centre.
- 24 September 2007 Final Conservation Plan for Stage One of Beatty Park Leisure Centre received by the Town encompassing the Beatty Park Leisure Centre itself and its immediate environs at the western end of the reserve.
- 18 March 2008 Overview of key elements of Beatty Park Conservation Plan presented at Council Members Forum.

DETAILS:

Beatty Park and Beatty Park Leisure Centre is located on Swan Location 1618 on Reserve 884, being the whole of Crown Land Title Volume 3044, Folio 188. The street address is No. 220 Vincent Street, North Perth. The Heritage Council of Western Australia records indicate that the curtilage of the property is inclusive of this entire area.

A Conservation Plan is a document which manages changes to a heritage place to ensure the elements that contribute to the cultural heritage significance are retained. It includes a full history of the place, identifies significant elements and makes recommendations relating to future management decisions and priorities. A Conservation Plan is a necessary document for a place of considerable heritage significance such as the Beatty Leisure Centre, and is commonly cited as a prerequisite to funding applications for conservation works through agencies such as the Heritage Council of Western Australia and Lotterywest. The completion and adoption of the document is therefore considered to be a positive step towards possible future access to funding assistance for conservation works to Beatty Park Leisure Centre.

Due to cost limitations, the preparation of the Conservation Plan was commissioned in two stages. Stage One comprising the Beatty Park Leisure Centre and its immediate surrounds and Stage Two encompassing Beatty Park to the east of the Leisure Centre. In September 2007, the Town received the final copy of the Conservation Plan for Stage One encompassing the Beatty Park Leisure Centre itself and its immediate surrounds. A copy of the Beatty Park Leisure Centre Conservation Plan is '*Laid on the Table*' and the Executive Summary of the document forms an attachment to this report.

On receiving the final version of Stage One of the Conservation Plan in September 2007, it was considered that the Town maintains sufficient internal resources to effectively manage the Park with due regard to its cultural heritage significance. A Conservation Plan encompassing Beatty Park Stage Two is, therefore, not considered a priority at the present time.

It is intended that the Conservation Plan will provide the Town of Vincent and the Heritage Council of Western Australia with a comprehensive understanding of the place and serve as guiding document in assessing the impact of any proposed development to Beatty Park Leisure Centre and its immediate environs.

A concept plan for the redevelopment of Beatty Park Leisure Centre and its immediate environs prepared by Peter Hunt Architects is being presented concurrently to the Ordinary Meeting of Council on 8 April 2008. A preliminary assessment of the concept plans has been undertaken by the Town's Heritage Officers in accordance with the recommendations detailed within the Beatty Park Conservation Plan 2007.

The concept plan reveals that the proposed development is concentrated in the north - east corner of the site within and extending from the 1993 - 1994 additions and alterations to the car park located to the east of the 1993 - 1994 additions. The Conservation Plan identifies the 1993 - 1994 additions as having some significance which may be adapted to meet with contemporary requirements, subject to change being compatible with the significant elements of the building. The Conservation Plan identifies the car park area to have little cultural heritage significance offering opportunities for change in order to accommodate new requirements. It is also to be noted that several trees within the proposed development area have been identified as contributing to the heritage value of the place in which efforts should be made to retain where possible.

Given the above, it is considered that in terms of the location and siting of the proposed development shown in the concept plan prepared by Peter Hunt Architects, the plans are supported in principle on heritage grounds.

For a more comprehensive assessment of the proposed development, detailed plans including elevations will be required to assess the bulk and scale of the proposed development so as to determine the level of impact on the overall setting of the site. Further to this, as the place is entered on the State Register of Heritage Places, detailed plans will need to be forwarded to the Heritage Council of Western Australia for endorsement.

CONSULTATION/ADVERTISING:

In accordance with protocol, the document was forwarded to the Heritage Council of Western Australia for its information.

LEGAL/POLICY:

Town of Vincent Town Planning Scheme No. 1 and associated Policies.

STRATEGIC IMPLICATIONS:

Strategic Plan 2006-2011– Strategic Objectives: Natural and Built Environment:

"... 1.1.3 Enhance and maintain the character and heritage of the Town:

(a) Adopt the Conservation Plan for Beatty Park Leisure Centre and Beatty Park, Plan and complete so that redevelopment plans can be guided by the Conservation Plan..."

FINANCIAL IMPLICATIONS:

Nil.

COMMENTS:

It is recommended that the Council receives this report and adopts in principle the Beatty Park Leisure Centre Conservation Plan to serve as a key reference point and as a guiding document in assessing the impact of any proposed future development to Beatty Park Leisure Centre and its immediate environs.

10.1.9 Alteration of the Existing Two Hour Time restriction to Operate At All Times – Baker Avenue, Adjacent to Birdwood Square Reserve, Perth.

Ward:	South	Date:	25 March 2008
Precinct:	Hyde Park, P12	File Ref:	RES0022
Attachments:	-		
Reporting Officer(s):	J MacLean		
Checked/Endorsed by:	R Boardman	Amended by:	

OFFICER RECOMMENDATION:

That the Council APPROVES the extension of the existing Two (2P) Hour Parking Time Restriction, situated on the east side of Baker Avenue, Perth, adjacent to Birdwood Square Reserve, to operate "At All Times".

Moved Cr Youngman, Seconded Cr Burns

That the recommendation be adopted.

Cr Farrell returned to the Chamber at 7.39pm.

Debate ensued.

AMENDMENT

Moved Cr Maier, Seconded Cr Ker

That the recommendation be amended as follows:

~~That the Council APPROVES the extension of the existing Two (2P) Hour Parking Time Restriction, situated on the east side of Baker Avenue, Perth, adjacent to Birdwood Square Reserve, to operate "At All Times".~~

That the Council:

- (i) AUTHORISES the Chief Executive Officer to undertake appropriate public consultation, for the extension of the existing Two Hour (2P) Parking Time Restriction, situated on the east side of Baker Avenue, Perth, adjacent to Birdwood Square Reserve, to operate "At All Times"; and*
- (ii) if the responses indicate that the recommendation, at (i) above, meets the needs of the local community, AUTHORISES the Chief Executive Officer to immediately implement the new restrictions, on the east side of Baker Avenue, Perth, adjacent to Birdwood Square Reserve.*

AMENDMENT PUT AND CARRIED (8-0)

(Cr Doran-Wu had not arrived at this point in time).

MOTION AS AMENDED PUT AND CARRIED (8-0)

(Cr Doran-Wu had not arrived at this point in time).

COUNCIL DECISION ITEM 10.1.9

That the Council:

- (i) ***AUTHORISES THE Chief Executive Officer to undertake appropriate public consultation, for the extension of the existing Two Hour (2P) Parking Time Restriction, situated on the east side of Baker Avenue, Perth, adjacent to Birdwood Square Reserve, to operate "At All Times"; and***
 - (ii) ***if the responses indicate that the recommendation, at (i) above, meets the needs of the local community, AUTHORISES the Chief Executive Officer to immediately implement the new restrictions, on the east side of Baker Avenue, Perth, adjacent to Birdwood Square Reserve.***
-

PURPOSE OF REPORT:

The purpose of the report is to extend the operating times of the current Two-hour (2P) Parking Time Restriction, on the east side of Baker Avenue, Perth, to "At All Times".

BACKGROUND:

Baker Avenue is a short street, running between Bulwer Street and Brisbane Street, which has been closed off, at the Brisbane Street end, to form a cul-de-sac. With the exception of the Aboriginal Catholic Mission, the western side of the street is solely residential properties and Birdwood Square Reserve forms the boundary on the eastern side.

DETAILS:

Birdwood Square Reserve has been the source of a number of problems over the past few years, and residents have looked to the Town of Vincent to assist in resolving issues, such as anti-social behaviour, regular park-drinking, camping and sleeping in the Park by indigenous people, minor vandalism, defecating and urinating in rights-of-way and street prostitution. The Town has had a great deal of success in reducing these problems, using partnership arrangements with WA Police, Nyoongar Patrol, Department of Indigenous Affairs, Department for the Community and a number of church-based organisations.

However, in recent months, it has become a regular stopping place for travellers, who are visiting Perth for only a few weeks and who do not wish to use organised caravan parks, etc. Apparently, people who have used this area to camp, pass the information on to other "campers", when they meet them and so there is an ever-increasing number of vehicles using the Park. It is, therefore, necessary to dissuade them for continuing to use the area. The Town receives regular complaints, from Baker Avenue residents, about litter blowing around, trees being used as toilets and excessive noise when the occupants return from their visits to the Perth pubs and nightclubs.

While it is an offence for anyone to "*camp, or tarry*" overnight, in a Park or Public Reserve, this is extremely difficult to prove, unless the occupants are seen cooking meals and the vehicle is not removed from the area, each night. To obtain sufficient evidence to prosecute offenders, a great deal of time would need to be spent observing these vehicles and their occupants. As a result, it is not considered cost-effective to seek to use the "*Parks and Public Reserves Local Law*", or the State Government Camping and Caravan Parks Legislation, as a way to remove them.

However, given that there is an existing two-hour (2P) parking time restriction, operating in Baker Avenue from 8:00am to 5:30pm Monday to Friday and 8:00am to Noon on Saturday, if the operating time was increased to a two-hour (2P) restriction "*At All Times*", Rangers could ensure that the vehicles are not left there from 5:30pm each night. Rangers are already on-shift till midnight on most nights, so this street could be added to their nightly patrols and would quickly become an effective way to move the offenders on.

CONSULTATION/ADVERTISING:

The above report would have little or no impact on anyone, except the transients who are camping on the parking area, adjacent to Birdwood Square, so there is no need for consultation or advertising. Residential property owners on the western side of Baker Avenue will be formally advised of the change in the parking time restrictions.

LEGAL/POLICY:

There is no legal impediment to the above recommendation. Rangers would simply enforce the extended restriction as they would any other restriction in the Town.

STRATEGIC IMPLICATIONS:

In accordance with the objective of Strategic Plan 2006-2011 – 1.1.6 Enhance and maintain the Town's infrastructure to provide a safe, healthy, sustainable and functional environment: "*(p) Develop a strategy for parking management in business, residential and mixed use precincts, that includes parking facilities that are appropriate to public needs;*"

FINANCIAL/BUDGET IMPLICATIONS:

The only cost, associated with this report, would be to change two (2) signs and this is estimated at around \$100.00.

COMMENTS:

Baker Avenue residents are experiencing difficulties with people camping in their vehicles, in the grassed parking area, adjacent to Birdwood Square Reserve. The above recommendation, to extend the existing parking time restriction, to operate at all times, would provide Rangers with an effective method of moving them on. The report is recommended for approval.

10.1.10 Scope of Proposed Design Guidelines for William Street, between Brisbane and Newcastle Streets, Perth.

Ward:	South	Date:	31 March 2008
Precinct:	Beaufort, P13	File Ref:	PLA0196
Attachments:	001		
Reporting Officer(s):	H Smith		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report in relation to the scope of the proposed Design Guidelines for William Street, between Brisbane and Newcastle Streets, Perth; and*
- (ii) *APPROVES of the Scope, Objectives and Indicative Timeline for the proposed Design Guidelines for William Street, between Brisbane and Newcastle Streets, Perth, as detailed in the report.*

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Maier, Seconded Cr Messina

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

- (ii) *APPROVES of the Scope, Objectives and Indicative Timeline for the proposed Design Guidelines for William Street, between Brisbane and Newcastle Streets, Perth, as detailed in the report.,subject to the following objective being added:*
 - *To ensure the provision of awnings, along William Street in any new or redeveloped property;*

Debate ensued.

AMENDMENT PUT AND CARRIED (8-0)

(Cr Doran-Wu had not arrived at this point in time).

Moved Cr Ker, Seconded Cr Maier

That a new clause (iii) be added to read as follows;

- (iii) *extends the area to include up to Bulwer Street, including the north-east and west-corners of Bulwer Street.*

Debate ensued.

Cr Doran-Wu entered the Chamber at 7.45pm.
Cr Doran-Wu departed the Chamber at 7.45pm.

AMENDMENT PUT AND CARRIED (6-2)

<u>For</u>	<u>Against</u>
Cr Burns	Mayor Catania
Cr Ker	Cr Farrell
Cr Lake	
Cr Maier	
Cr Messina	
Cr Youngman	

(Cr Doran-Wu was absent from the Chamber).

MOTION AS AMENDED PUT AND CARRIED (8-0)

(Cr Doran-Wu was absent from the Chamber).

COUNCIL DECISION ITEM 10.1.10

That the Council;

- (i) *RECEIVES the report in relation to the scope of the proposed Design Guidelines for William Street, between Brisbane and Newcastle Streets, Perth;*
- (ii) *APPROVES of the Scope, Objectives and Indicative Timeline for the proposed Design Guidelines for William Street, between Brisbane and Newcastle Streets, Perth, as detailed in the report, subject to the following objective being added:*
 - *To ensure the provision of awnings, along William Street in any new or redeveloped property; and*
- (iii) *extends the area to include up to Bulwer Street, including the north-east and west-corners of Bulwer Street.*

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of the scope and procedure proposed by the Town's Officers to prepare Design Guidelines for William Street, Perth.

BACKGROUND:

A report on streetscape improvements for William Street between Brisbane and Newcastle Streets was presented to the Council at its Ordinary Meeting held on 20 December 1999, where the Council approved in principle the upgrading of William Street with an 'Asian' theme.

The Town, with financial assistance from the State Government, has carried out extensive streetscape improvement to William Street. To date, underground power has been installed (January 2007), the footpaths have been brickpaved, and the road resurfaced (January 2008). New trees will be planted in April 2008, along with public art and street furniture being installed later in 2008. These works were approved by the Council at its Ordinary Meeting held on 22 February 2005.

The Council at its Ordinary Meeting held on 11 March 2008 resolved the following in relation to a Notice of Motion for Proposed Design Guidelines for William Street, Perth:

“That the COUNCIL develop design guidelines for William Street, Perth between Brisbane and Newcastle Streets and receives a report on how this would be most effectively done (including timelines) at the first Ordinary Council Meeting, in April 2008.”

The Council cited the following background information in this regard:

“The development approval for 440-444 William Street at the OMC of 26 February 2008 highlighted the lack of specific development guidance for William Street south of Brisbane Street. There are four substantial vacant sites without development approvals in this section of William Street (plus two that are under the development control of EPRA) and many other properties that are underdeveloped for the value of the land.

The Town has invested a large amount of money in the streetscape and public realm, including trees, paving and lighting, in this section of William Street.

It is considered that the Town needs to provide clear guidelines to potential developers and, at the same time, establish clear expectations in the community of what will be expected of future development in this prestigious street.”

DETAILS:

William Street provides primary access to the Northbridge Entertainment area, the Perth Cultural Precinct and the Central Business District.

To date, this section of William Street has largely been ‘second placed’ to properties within the central area south of Newcastle Street which do not require car parking provision. As a result, development of this area has been frustrated, resulting in low scale uses, minimal investment and activity. William Street comprises single and two-storey buildings which are unassuming and largely unkempt. With the exception of buildings with cultural heritage significance, the majority of buildings lack architectural detail and contribute little to the streetscape. Those recently constructed have been setback in accordance with the former General Commercial C3 requirements imposed by the Perth City Council which, as a consequence, interrupt the rhythm and continuity of the street.

William Street is another Regional Road under the Metropolitan Region Scheme. With the exception of road widening to allow truncations at the intersection of William and Brisbane Streets, the current alignment of the road is not proposed to change.

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.

STRATEGIC IMPLICATIONS:

Strategic Plan 2006-2011 states:

“ Natural and Built Environment

1.1 Improve and maintain environment and infrastructure...

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

1.1.3 Enhance and maintain the character and heritage of the Town.

1.1.4 Minimise negative impacts on the community and environment.”

FINANCIAL/BUDGET IMPLICATIONS:

The current 2006/2007 Budget allocates \$60,000 for Town Planning Scheme Amendments and Policies.

LEGAL/POLICY:

Town Planning Scheme No. 1 and associated Policies.

COMMENTS:

William Street was considered as a 'Town Centre' in the community visioning project, *Vincent Vision 2024*. Accordingly, as part of the Town Planning Scheme Review, detailed Town Centre guidelines for William Street will form part of the 'planning' for the Perth area in Town Planning Scheme No.2. Preliminary work has been carried out in this respect including proposed designation as a town centre and the area's rejuvenation which is envisaged in the sketch of William Street attached to this report.

The town centre of Perth is regarded as that area contained within William and Brisbane Streets, between Brisbane and Newcastle Street and William Street and Lake Street, respectively. Whilst the area has not been formally designated as a town centre, it is considered that its role as an area of business and social interaction is clearly established. The East Perth Redevelopment Authority has taken control of land above and alongside the Graham Farmer Freeway tunnel which generally relates to the land north of Newcastle Street to Aberdeen Street between the Freeway to the west and Lord Street to the east. Prior to the completion of the tunnel in 2000, the land affected by the Primary Regional Road Reservation, in particular, properties along both sides of Newcastle Street were blighted and restricted in their uses and development.

The Village Northbridge borders the town centre of Perth and EPRA has prepared Design Guidelines for each of these areas. Whilst a seamless transition is unlikely to occur given the differences in activity, a subtle transition between the Town of Vincent and the City Centre entertainment area of Northbridge should be exploited by the very nature of the differences. Newcastle Street has received significant attention in terms of streetscape works, along with the refurbishment of heritage places and the construction of new commercial, residential and mixed-use developments within the *New Northbridge* area. Likewise, there are many opportunities for development on land within the Town of Vincent.

In this regard, William Street is an effective gateway into the Central Business District (CBD) of Perth from the northern and eastern suburbs and accordingly, development along this gateway should be of a standard and class representative of a national capital.

In view of the unique nature of William Street, its strategic placement to the Central Business District, those places of cultural heritage significance identified in the Town's Municipal Heritage Inventory (MHI) and the State Heritage and its distinctive topography allowing an uninterrupted vista to the CBD, specific design guidelines are required which will not only encourage and entice development along this street but also manage the unique characteristics of the street.

Objectives of the Design Guidelines are as follows:

- To maximise the opportunities afforded by the area's proximity to the Central Business District, major public transport routes, road networks and gateway to the Town of Vincent;
- To provide clear guidance to landowners and developers in terms of development requirements for William Street;

- To provide car parking requirements which are cognisant of the unique nature and range of uses existing and those attracted to the area;
- To give consideration to maximum building heights along William Street in view of the unique topography and uninterrupted vista to the Central Business District of Perth;
- To provide design responses to those places which have been identified as having cultural heritage value and are listed on the Town's MHI and the State Register of Heritage Places;
- To provide detailed building responses for those lots currently vacant along William Street;
- To maximise opportunities for redevelopment of undercapitalized/underdeveloped properties;
- To have regard to the Town's Affordable Housing Strategy;
- To encourage the principles of transit-oriented development (TOD), sustainability and 'green building' techniques;
- To create premier examples of robust building forms of good quality and design, catering to a variety of uses within a unique inner-urban environment; and
- To build on the sense of place evidenced by the area's history and cultural diversity.

In preparing the Design Guidelines, the Town's Strategic Planning and Heritage Officers will give specific consideration to the Perth *Placecheck* and Workshop data collected during *Vincent Vision 2024* and City of Perth and EPRA planning documentation for Northbridge, the Cultural Centre and *New Northbridge*.

The following indicative timeline is suggested to be adhered to in the preparation of the Design Guidelines.

Indicative Timeline

Task	Anticipated Date
Policy Preparation	7 April – 23 April 2008
Draft Policy and Report to OMC Finalised	15 May 2008
Report to OMC for Advertising and Adopt in the Interim	27 May 2008
Advertising of Policy	4 weeks - June 2008
Council to Adopt Final Policy	22 July 2008

Accordingly, it is recommended that the Council receives the scoping report and approves of the objectives and indicative timeline with respect to the proposed Design Guidelines for William Street, between Brisbane Street and Newcastle Street, Perth.

10.4.8 Proposed Relocation of the Leederville Early Childhood Centre and the Margaret Kindergarten; Proposed WALGA Office Building – Progress Report No. 2

Ward:	North Ward	Date:	2 April 2008
Precinct:	Mount Hawthorn, P1	File Ref:	TEN0386
Attachments:	001		
Reporting Officer(s):	R Boardman, John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

PROCEDURAL MOTION

Moved Cr Farrell, Seconded Cr Youngman

That Item 10.4.8 be considered, as a full Council is now present.

PROCEDURAL MOTION PUT AND CARRIED (9-0)

Debate ensued.

AMENDMENT

Moved Cr Doran-Wu, Seconded Cr Farrell

That Clauses (iv), (v), (vi) and (vii) be amended to read as follows;

- "(iv) **RESOLVES IN PRINCIPLE** that effective from the date of expiry of current leases between the Town and the Department of Education and Training that it shall no longer be responsible for the provision and maintenance of buildings and lands for kindergarten purposes as it considers this to be a responsibility of the State Government (Department of Education and Training);*
- (v) subject to (iv) being **APPROVED IN PRINCIPLE**, advises the State Government (Department of Education and Training) that the provision and maintenance of buildings and lands for kindergarten purposes is a responsibility of the State Government and hereby gives **ADVANCE NOTICE** that the current Kindergarten Leases ~~will~~ **are proposed NOT to be renewed** upon their current expiry dates and therefore it should commence appropriate actions to assume responsibility for this and make suitable provision for the future needs of kindergarten purposes within the Town;*
- (vi) ~~subject to compliance with section 3.58 of the Local Government Act 1995,~~ **RESOLVES IN PRINCIPLE** to sell the land currently being used by the Mount Hawthorn Pre – Primary School at No. 202 (Lot 1 D/P: 7898, Lot 226 D/P: 3845, Lot 227 D/P: 3845 and Lot 7681 D/P: 169433) Scarborough Beach Road, Mount Hawthorn to the State Government (Department of Education and Training) (who support the consolidation of this parcel of land into the Mount Hawthorn Primary School site) at market valuation;*
- (vii) subject to (vi) above being **APPROVED IN PRINCIPLE**, **AUTHORISES** the Chief Executive Officer to;*
 - (a) obtain valuations for the Mount Hawthorn Pre-Primary School site and the Highgate Pre-Primary School site; and*

- (b) *enter into ~~negotiations~~ discussions with the Department of Education and Training ~~to facilitate~~ concerning the proposed termination of the existing leases and possible sale of the Mount Hawthorn Pre-Primary School and the future of the Highgate Pre-Primary School;"*

Debate ensued.

AMENDMENT PUT AND CARRIED (8-1)

<u>For</u>	<u>Against</u>
Mayor Catania	Cr Youngman
Cr Burns	
Cr Doran-Wu	
Cr Farrell	
Cr Ker	
Cr Lake	
Cr Maier	
Cr Messina	

Debate ensued.

AMENDMENT

Moved Cr Youngman, Seconded Cr Farrell

That clause (vii) be amended to include new sub-clauses (a) and (b) as follows;

- (a) *investigate and report back to Council alternative sites for the LECC;*
- (b) *prepares a plan to convert number 45 Richmond Street, Leederville into a park for recreational use, following the expiry of the Margaret Kindergarten Lease on 30 June 2010.*

Debate ensued.

AMENDMENT PUT AND LOST (3-6)

<u>For</u>	<u>Against</u>
Cr Lake	Mayor Catania
Cr Maier	Cr Burns
Cr Youngman	Cr Doran-Wu
	Cr Farrell
	Cr Ker
	Cr Messina

Cr Ker departed the Chamber at 8.22pm.

Debate ensued.

Cr Ker returned to the Chamber at 8.25pm.

AMENDMENT

Moved Cr Lake, Seconded Cr Maier

That clause (vii)(a) be amended by deleting the words “and the Highgate Pre-Primary School site”.

Debate ensued.

AMENDMENT PUT AND CARRIED (6-3)

<u>For</u>	<u>Against</u>
Cr Doran-Wu	Mayor Catania
Cr Ker	Cr Burns
Cr Lake	Cr Farrell
Cr Maier	
Cr Messina	
Cr Youngman	

Debate ensued.

AMENDMENT

Moved Cr Maier, Seconded Cr Youngman

That clause (x) be deleted and new Clause (xi)(d) be added as follows;

“(xi) (d) that the Town does not support the removal of any land from the Reserve”;

Debate ensued.

AMENDMENT PUT AND LOST (3-6)

<u>For</u>	<u>Against</u>
Cr Lake	Mayor Catania
Cr Maier	Cr Burns
Cr Youngman	Cr Doran-Wu
	Cr Farrell
	Cr Ker
	Cr Messina

Debate ensued.

AMENDMENT

Moved Cr Maier, Seconded _____

That clause (v) be amended to read as follows;

*“subject to (iv) being **APPROVED IN PRINCIPLE**;*

- (a) advises the State Government (Department of Education and Training) that the provision and maintenance of buildings and lands for kindergarten purposes is a responsibility of the State Government; and*
- (b) gives NOTICE that, should the Kindergarten leases be renewed, they will be on a full commercial basis.*

The Presiding Member stated he would not accept the amendment, as it is contrary to the motion or intent of the motion.

Cr Maier dissented with the Presiding Member's ruling.

PROCEDURAL MOTION

Moved Cr Maier, Seconded Cr Lake

That the ruling of the Presiding Member be disagreed with.

PROCEDURAL MOTION PUT AND LOST (2-7)

<u>For</u>	<u>Against</u>
Cr Lake	Mayor Catania
Cr Maier	Cr Burns
	Cr Doran-Wu
	Cr Farrell
	Cr Ker
	Cr Messina
	Cr Youngman

Debate ensued.

MOTION AS AMENDED PUT AND CARRIED (7-2)

<u>For</u>	<u>Against</u>
Mayor Catania	Cr Lake
Cr Burns	Cr Maier
Cr Doran-Wu	
Cr Farrell	
Cr Ker	
Cr Messina	
Cr Youngman	

COUNCIL DECISION ITEM 10.4.8

That the Council;

- (i) *RECEIVES the Report relating to the Proposed Relocation of the Leederville Early Childhood Centre and the Margaret Kindergarten - Outcomes of the Public Meeting and proposed WALGA Office Project;*
- (ii) *NOTES that;*
 - (a) *a number of titles for the lots comprising Braithwaite Park have caveats and encumbrances which state that these lots are endorsed to;*
 - *“maintain and keep the said land as a reserve, public ground or garden for the recreation of the public”;*
 - *and the Council ... "shall not at any time hereafter use, permit or suffer to be used said land or any part thereof say for the purpose of a recreation reserve or garden”;*

- *and a Declaration of Trust pertaining to the entirety of Braithwaite Park (except Lots 273 and 274) which states that the land is held in trust for “the purpose of recreation for the people ...”;*
- (b) *Lots 273 and 274 at Braithwaite Park are unencumbered and these currently contain the Mount Hawthorn Community Centre;*
- (c) *the Town's legal advice concerning Braithwaite Park states that the land (other than Lots 273 and 274) cannot be used for purposes other than that specified in (ii)(a) above (and this would preclude a building being constructed on the park);*
- (d) *the Town holds three current leases for Kindergarten purposes with the Department of Education and Training (DET) as follows;*
 - (1) *the lease for the Margaret Kindergarten at No. 45 (Lot 10349 D/P: Swan L) Richmond Street, Leederville, (lease expires on 30 June 2010);*
 - (2) *the lease for the Mount Hawthorn Pre – Primary School at No. 202 (Lot 1 D/P: 7898, Lot 226 D/P: 3845, Lot 227 D/P: 3845 and Lot 7681 D/P: 169433) Scarborough Beach Road, Mount Hawthorn, (lease expires on 24 September 2011); and*
 - (3) *the lease for the Highgate Pre-Primary (Little Citizens) at No 4 (Part Lot 141 and Part of Land D12533) Broome Street, Highgate (lease expires on 30 June 2011); and*
- (e) *the Mount Hawthorn Pre-Primary School site at No. 202 (Lot 1 D/P: 7898, Lot 226 D/P: 3845, Lot 227 D/P: 3845 and Lot 7681 D/P: 169433) Scarborough Beach Road, Mount Hawthorn comprises of 2,061 square metres and is encumbered to be used solely for "kindergarten purposes";*
- (iii) **DOES NOT PROCEED with;**
 - (a) *the proposal to relocate the Margaret Kindergarten on any portion of Braithwaite Park, as a result of the encumbrances and restrictions placed on the Certificate(s) of Title for the subject lots that comprise Braithwaite Park; and*
 - (b) *the construction of a new Kindergarten building on the current site at No. 45 Richmond Street, Leederville;*
- (iv) **RESOLVES IN PRINCIPLE** *that effective from the date of expiry of current leases between the Town and the Department of Education and Training that it shall no longer be responsible for the provision and maintenance of buildings and lands for kindergarten purposes as it considers this to be a responsibility of the State Government (Department of Education and Training);*
- (v) *subject to (iv) being APPROVED IN PRINCIPLE, advises the State Government (Department of Education and Training) that the provision and maintenance of buildings and lands for kindergarten purposes is a responsibility of the State Government and hereby gives ADVANCE NOTICE that the current Kindergarten Leases are proposed NOT to be renewed upon their current expiry dates and therefore it should commence appropriate actions to assume responsibility for this and make suitable provision for the future needs of kindergarten purposes within the Town;*

- (vi) **RESOLVES IN PRINCIPLE** to sell the land currently being used by the Mount Hawthorn Pre – Primary School at No. 202 (Lot 1 D/P: 7898, Lot 226 D/P: 3845, Lot 227 D/P: 3845 and Lot 7681 D/P: 169433) Scarborough Beach Road, Mount Hawthorn to the State Government (Department of Education and Training) (who support the consolidation of this parcel of land into the Mount Hawthorn Primary School site) at market valuation;
- (vii) **subject to (vi) above being APPROVED IN PRINCIPLE, AUTHORISES** the Chief Executive Officer to;
- (a) obtain valuations for the Mount Hawthorn Pre-Primary School site; and
- (b) enter into discussions with the Department of Education and Training ~~to~~ concerning the proposed termination of the existing leases and possible sale of the Mount Hawthorn Pre-Primary School and the future of the Highgate Pre-Primary School;"
- (viii) **DEFERS** its decision concerning the relocation of the Leederville Early Childhood Centre until further investigations have been carried out concerning the WALGA Office Building Project;
- (ix) **NOTES** that the State Land Services have advised the Town that;
- (a) it is State Government Policy that any reserve land which is to be used for commercial purposes is to be purchased at market value and held freehold; and
- (b) should the Town wish to proceed with an office building for WALGA on the existing land currently being used by the Leederville Early Childhood Centre, it should make a submission to the State Land Services for approval to purchase (and thereafter appropriately re-zone if necessary);
- (x) **AUTHORISES** the Chief Executive Officer to;
- (a) investigate the acquisition of 3,100 square metres of the land currently occupied by the Leederville Early Childhood Centre for the proposed WALGA office complex;
- (b) prepare a Business Case for the proposed WALGA office building project (either free of cost or if necessary to be purchased at market value);
- (c) engage the necessary property consultants to assist in the preparation of the Business Case (if necessary); and
- (d) enter into further discussions with WALGA concerning the proposed land acquisition and office building;
- (xi) **ADVISES** the Western Australian Local Government Association;
- (a) of the recent developments relating to the proposed office building project; and

- (b) *their requested timeline of acquiring the site, design and construction of an office building by December 2010 cannot be achieved due to delays for the finalisation of the acquisition of the subject land and associated projects; and*
- (c) *that unless the subject land is acquired free of cost from the State Government, the previous indicative terms and conditions cannot be met and will need to be renegotiated if the proposal is to proceed; and*
- (xii) *NOTES that the timeline for the Leederville Early Childhood Centre, Margaret Kindergarten and proposed WALGA office project cannot be achieved (due to delays in finalisation of the land and associated projects) and will need to be revised;*
- (xiii) *NOTES an amount of \$730,000 will be required in future Budgets for the refurbishment and upgrade of the Mount Hawthorn Community Centre, as detailed in this report; and*
- (xiv) *NOTES that a further report will be submitted to the Council after the further investigations have been carried out.*

The Chief Executive Officer advised that Mayor Catania, Cr Burns and Cr Messina had declared a financial interest in Item 10.3.1. They departed the Chamber at 8.45pm and did not speak or vote on this matter.

Deputy Mayor, Cr Steed Farrell assumed the chair.

10.3.1 Investment Report as at 31 March 2008

Ward:	Both	Date:	1 April 2008
Precinct:	All	File Ref:	FIN0033
Attachments:	001		
Reporting Officer(s):	N Makwana		
Checked/Endorsed by:	Bee Choo Tan	Amended by:	

OFFICER RECOMMENDATION:

That the Council RECEIVES the Investment Report for the month ended 31 March 2008 as detailed in Appendix 10.3.1.

Cr Maier departed the Chamber at 8.45pm.

COUNCIL DECISION ITEM 10.3.1

Moved Cr Ker, Seconded Cr Doran-Wu

That the recommendation be adopted.

CARRIED (5-0)

Mayor Catania, Cr Burns and Cr Messina were absent from the Chamber and did not speak or vote on this matter.

Cr Maier was absent from the Chamber and did not vote.

Mayor Catania, Cr Burns and Cr Messina returned to the Chamber at 8.45pm and were advised that the item was carried.

Mayor Catania assumed the Chair.

Cr Maier returned to the Chamber at 8.46pm.

PURPOSE OF REPORT:

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

BACKGROUND:

Interest from investments is a significant source of funds for the Town, where surplus funds are deposited in the short term money market for various terms. Details are attached in Appendix 10.3.1.

Council's Investment Portfolio is spread across several Financial Institutions in accordance with Policy Number 1.3.8.

DETAILS:

Total Investments for the period ended 31 March 2008 were \$16,689,958 compared with \$17,789,958 at 29 February 2008. At 31 March 2007, \$17,495,252 were invested.

Total accrued interest earned on Investments as at 31 March 2008:

	Budget	Actual	%
	\$	\$	
Municipal	535,000	517,760	96.78
Reserve	547,600	466,010	85.10

COMMENT:

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

The decrease in investments for the month of March is as a result of payments for capital projects.

10.3.2 Beatty Park Redevelopment - Concept Plans

Ward:	Both	Date:	2 April 2008
Precinct:	All	File Ref:	PRO1149
Attachments:	A01 , A02 , A04 001		
Reporting Officer(s):	M Rootsey, D Morrissy, J Fondacaro, R Lotznicker		
Checked/Endorsed by:	John Giorgi	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) **ADOPTS IN PRINCIPLE** the Concept Plans for the redevelopment of the Beatty Park Leisure Centre as shown in Attachment Plans A01, A02, A04 subject to:
 - (a) the Concept Plans being amended to delete the ten (10) car parking bays in front of the former main entrance to the Centre and the existing landscaping/garden bed remaining;
- (ii) **AUTHORISES** the Chief Executive Officer to undertake community consultation on the concept plans for a period of six (6) weeks with the relevant stakeholders and the community; and
- (iii) **NOTES** that;
 - (a) following the adoption of the Concept Plans a detailed Business plan is to be prepared and presented to the Council to support the funding of this project at the end of the consultation period; and
 - (b) a further report will be submitted to the Council at the conclusion of the community consultation period.

***Note: The above Officer Recommendation was corrected and distributed prior to the meeting. Changes are indicated by strikethrough, italic font and underline.**

Cr Farrell and Cr Burns departed the Chamber at 8.46pm.

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Ker, Seconded Cr Maier

The dive pool have a base depth of 3.7metres.

Debate ensued.

Cr Burns returned to the Chamber at 8.48pm.

Debate ensued.

Cr Farrell returned to the Chamber at 8.51pm.

AMENDMENT PUT AND CARRIED (8-1)

<u>For</u>	<u>Against</u>
Mayor Catania	Cr Youngman
Cr Burns	
Cr Doran-Wu	
Cr Farrell	
Cr Ker	
Cr Lake	
Cr Maier	
Cr Messina	

AMENDMENT

Moved Cr Ker, Seconded Cr Messina

That consideration be given to increasing the depth of the 50m pool by a sufficient amount to ensure the pool complies with the necessary Australian Standard.

Debate ensued.

AMENDMENT PUT AND CARRIED (7-2)

<u>For</u>	<u>Against</u>
Mayor Catania	Cr Doran-Wu
Cr Burns	Cr Youngman
Cr Farrell	
Cr Ker	
Cr Lake	
Cr Maier	
Cr Messina	

AMENDMENT

Moved Cr Maier, Seconded Cr Ker

That a new clause (iv) be added to read:

- (iv) *REQUESTS that the detailed Business Plans will provide separate business cases for:*
- (a) *the hydrotherapy pool and associated consulting rooms;*
 - (b) *the new gymnasium building; and*
 - (c) *the pool upgrades, toilet and change room upgrade and refurbishment etc.*

Debate ensued.

AMENDMENT PUT AND LOST (3-6)

<u>For</u>	<u>Against</u>
Cr Ker	Mayor Catania
Cr Lake	Cr Burns
Cr Maier	Cr Doran-Wu
	Cr Farrell
	Cr Messina
	Cr Youngman

PROCEDURAL MOTION

Moved Cr Lake , Seconded Cr Maier

That the Item be DEFERRED for further investigation.

PROCEDURAL MOTION PUT AND LOST (3-6)

<u>For</u>	<u>Against</u>
Cr Lake	Mayor Catania
Cr Maier	Cr Burns
Cr Youngman	Cr Doran-Wu
	Cr Ker
	Cr Farrell
	Cr Messina

MOTION AS AMENDED PUT AND CARRIED (7-2)

<u>For</u>	<u>Against</u>
Mayor Catania	Cr Lake
Cr Burns	Cr Maier
Cr Doran-Wu	
Cr Ker	
Cr Farrell	
Cr Messina	
Cr Youngman	

COUNCIL DECISION ITEM 10.3.2

That the Council;

- (i) ***ADOPTS IN PRINCIPLE the Concept Plans for the redevelopment of the Beatty Park Leisure Centre as shown in Attachment Plans A01, A02, A04 subject to;***
 - (a) ***the Concept Plans being amended to delete the ten (10) car parking bays in front of the former main entrance to the Centre and the existing landscaping/garden bed remaining;***
 - (b) ***the dive pool to have a base depth of 3.7metres; and***
 - (c) ***consideration be given to increasing the depth of the 50m pool by a sufficient amount to ensure the pool complies with the necessary Australian Standard;***
- (ii) ***AUTHORISES the Chief Executive Officer to undertake community consultation on the concept plans for a period of six (6) weeks with the relevant stakeholders and the community; and***
- (iii) ***NOTES that;***
 - (a) ***following the adoption of the Concept Plans a detailed Business plan is to be prepared and presented to the Council to support the funding of this project at the end of the consultation period; and***
 - (b) ***a further report will be submitted to the Council at the conclusion of the community consultation period.***

ADDITIONAL INFORMATION:

Proposed ten (10) car parking bays in front of the former Main Entrance

The concept proposal to locate ten (10) parking bays in the landscaping/garden bed area to the south - west of the original 1962 entrance to the building has been identified in the Beatty Park Conservation Plan, as having 'considerable significance'. The proposal was not shown on the plans provided by the Project Architect dated February 2008, but were subsequently added to the Concept Plans dated 2 April 2008, in order to increase the number of on-site car parking bays. The Town's Heritage Officers are not supportive of these proposed ten bays.

The proposed 10 bay car parking configurations in this area is not supported on heritage grounds and should therefore be deleted from the Concept Plans, prior to adoption by the Council.

Trees

The Town's Parks Services (with input from the Town's Heritage Officer) have assessed the trees affected by the proposal and advise as follows (refer attached Plan No A and B):

Tree No.1 (Possible future removal)

Species: Port Jackson Fig / Ficus rubiginosa

Extent of Canopy: 12 metres.

Diameter of trunk: 1.0 metres.

Condition: This specimen is in average condition with significant dead wood evident within middle and the upper canopy. The Conservation Plan mentions that this species of tree has having considerable significance relating to the pre WW1 period. It is not currently located within the building "footprint" however its future removal is supported due to its poor form and condition. This particular specimen is not deemed significant due to its poor form and condition and there are many fine examples still evident within the Town and metropolitan area.

Tree No. 2

Species: Port Jackson Fig / Ficus rubiginosa

Extent of Canopy: 9 metres.

Diameter of trunk: 1.0 metres.

Condition: This specimen is in average condition and has a poor structural shape and form due to continual pruning of the canopy to allow access to the adjacent plant room and building. It is located within the building "footprint" and its removal is supported due to its poor form and condition. The Conservation Plan mentions that this species of tree has having considerable significance relating to the pre WW1 period. This particular specimen is not deemed significant due to its poor form and condition and there are many fine examples still evident within the Town and metropolitan area.

Tree No 3

Species: Camphor Laurel / Cinnamomum camphora

Extent of canopy: 19 metres

Diameter of trunk: 1.8 metres

Condition: This tree is in a satisfactory condition, however approximately 20% of the canopy is in decline. It is located within the proposed building "footprint" and will require removal. The Conservation Plan mentions that this species of tree may have some significance relating to the inter war period however its removal is supported due to likely further decline of this particular specimen and as it is not an uncommon planting with many fine examples located within Hyde Park and other Parks and Reserves within the Town.

Trees No 4

Species: London Plane x 2 / Platanus acerifolia

Extent of Canopy: 8 metres

Diameter of trunk: 0.75m

Condition: These two (2) trees are both healthy young specimens being planted in 1996 by the Town of Vincent. The London Plane is another common planting within the Town and the metropolitan area and therefore they are considered to be of low significance. These two specimens are able to be relocated to another site within Beatty Park or another location within the Town.

Tree/Ferns No 5

Species: Cyathea cooperii / Tree Fern.

Extent of canopy: 1 metre

Diameter of trunk: 200mm

Condition: This grove of tree ferns are all in good health and vigour, it should be noted that these ferns are very adaptable to transplanting and could easily be incorporated within the Beatty Park landscape as another under storey planting or within any of the Town's Parks or Reserves. Removal is therefore supported.

Tree/s No 6

Species: Various Palm tree species

Extent of Canopies: Various sizes.

Diameter of trunks: Various sizes

Condition: These palm trees are all in good health and vigour and with the exception of one s were planted from 1996 to 2000. The majority of these palm trees can be replanted and incorporated within any of the Towns Parks or Reserves. Removal is therefore supported.

Tree/s No. 7

Species: Cocos Palms / Cocos plumosa and garden area plantings

Extent of canopy: 4 metres

Diameter of trunk: 500mm

Condition: This grove of Cocos Palm trees are all in a sound and healthy state, however they are not deemed significant enough to warrant retention. They are a very common site throughout the metropolitan area. The understorey plantings are also not significant to warrant retention or transplanting.

Tree/s No. 8

Species: Bangalow & Foxtail Palms

Extent of canopy: 3 metres

Diameter of trunk: 200mm

Condition: These palm trees are all in good health and vigour and were planted in 1996 by the Town of Vincent. These palm trees can be replanted and incorporated within any of the Towns Parks or Reserves. Removal is therefore supported.

Tree/s No. 9

Species: Plumeria acutifolia / Frangipani

Extent of canopy: 2 metres

Diameter of trunk: 100mm

Condition: The frangipani is in excellent condition and can easily be transplanted to another location within the Town if desired.

PURPOSE OF REPORT:

To present to the Council the Concept Plans for the redevelopment of the Beatty Park Leisure Centre.

BACKGROUND:

Listed below is the decision of Council that relate to this project.

At the Ordinary Council Meeting of 19 December 2006 Item 10.3.6 the following resolution was adopted in regard to redevelopment of the Beatty Park Leisure Centre:

That the council:

- (i) *APPROVES the redevelopment objectives as outlined in the report for the redevelopment of the Beatty Park Leisure Centre;*
- (ii) *AUTHORISES the Chief Executive Officer to proceed with the next stage of the project as outlined in the timetable - investigation of options, investigation of funding sources and different models; and*
- (iii) *NOTES that progress reports on this project will be provided on a regular basis during 2007.*

At the Ordinary Council Meeting of 23 May 2006 Item 10.4.5 the following resolution was adopted in regard to redevelopment of the Beatty Park Leisure Centre:

That the Council ACCEPTS the tender from Peter Hunt Architect for the Design Brief and Schematic Design stages only at an estimated cost of \$143,000 (including GST), as being the most acceptable and advantageous to the Town, for the provision of architectural services for the proposed Redevelopment of Beatty Park Leisure Centre, 220 Vincent Street, North Perth.

At the Ordinary Council Meeting of 28 March 2006 Item 10.3.3 the following resolution was adopted in regard to redevelopment of the Beatty Park Leisure Centre:

That the Council;

- (i) *RECEIVES the "Needs and Feasibility Study for the Future Redevelopment of the Beatty Park Leisure Centre 2004" as shown in Confidential Appendix 10.3.3, distributed separately to Elected Members and NOTES that the financial information is to be reviewed and corrected where necessary;*
- (ii) *APPROVES IN PRINCIPLE for the redevelopment of Beatty Park Leisure Centre taking into consideration the options and comments outlined in the study detailed in clause (i), noting that no decision is made about the redevelopment concepts and further investigations of all other options and financial analysis will be required;*
- (iii) *CONSIDERS that any redevelopment of Beatty Park Leisure Centre should consider and report on information provided by prospective operators that were considered during the EOI process for Beatty Park Leisure Centre;*

- (iv) *NOTES*
- (a) *that the "Needs and Feasibility Study for the Future Redevelopment of the Beatty Park Leisure Centre 2004" is to remain confidential until approved for release to the public by the Council, as it contains "commercially sensitive" information;*
 - (b) *the redevelopment options detailed in the consultant's feasibility study and these and other options require further investigation;*
 - (c) *the proposed redevelopment is scheduled to commence in the 2008/09 financial year (however this is subject to further review);*
- (v) *AUTHORISES the Chief Executive Officer to;*
- (a) *further investigate sources of funds and financial models for the redevelopment project;*
 - (b) *review the options, concept design and project brief taking cognisance of the Town's financial capacity for this redevelopment project; and*
 - (c) *call a tender for Architectural Services and quotations for other consultants to progress the redevelopment of Beatty Park Leisure Centre;*
- (vi) *LISTS for the consideration an amount of \$500,000 in the Draft Budgets for 2006/07, 2007/08 and 2008/09 to be placed in the Beatty Park Leisure Centre Reserve to part fund the future development of the Beatty Park Leisure Centre; and*
- (vii) *REQUESTS that the Chief Executive Officer to provide regular progress reports on this matter.*

DETAILS:

Concept plans

Below is a summary of the proposed works to be undertaken at the Beatty Park Leisure Centre as part of the redevelopment of the Centre.

- New two level building, on the East side, the ground level accommodating a new entry reception, retail area, dry lounge, lift and a large gymnasium. The lower level would house patron's toilet/change area, two aerobics and one spin area, centralised staff admin area and kitchen service zone.
- New hydrotherapy area (hot pool) at north rear corner of the site, new water treatment plant, specific toilets and change area.
- Upgrade of existing 50m x 8 lane pool, by widening to 10 lanes, new water treatment plant and tiling.
- Upgrade of diving pool with new base depth of 3.5 metres.
- New car parking deck (over existing car park) for approximately 72 cars.
- Minor upgrade of existing carpark.
- Upgrade of existing toilets and changerooms.
- Refurbishment of existing toilets/changerooms on North side of indoor pool as five new family toilet/change facilities

- New spa toilets and changerooms.
- Limited upgrade of existing water treatment plant and Plant room.
- Replace two concrete slides with new fibreglass slides.
- Repainting of indoor pool interior and exterior.
- Repaint existing outdoor stadium (exterior only).
- Close off access stairs to underwater viewing area (in the indoor pool) and provide spectator seating instead.
- Relocate swim school.
- Upgrade lawn and landscaping areas to outdoor pool area.
- Minor upgrade to leasehold areas, for use by recreation and associated professionals.
- Suspended open footbridge from carpark to entry.

Costing

The estimated costs for the redevelopment project are as follows:

Cost Estimate		
New 2 Level building		\$ 5.4m
Ground Level		
1200m ² x \$2500 / m ²	\$3.0m	
Lower Level		
950m ² x \$2500 / m ²	\$2.4m	
New Hydro therapy area		\$ 1.45m
Pool and Plant	\$0.7m	
New building inc. Toilet/Change	\$0.7m	
120m ² x \$2500 /m ²		
Demolition of existing area	\$0.05m	
Upgrade of existing 50m pool		\$ 2.8m
Retile pool	\$0.3m	
New walls	\$0.5m	
New pool tanks	\$0.3m	
New plant	\$1.0m	
Repairs to concrete	\$0.1m	
New wall reforms	\$0.2m	
Demolition	\$0.1m	
New plant room (150m ² x \$2000 /m ²)	\$0.3m	
Upgrade existing dive pool		\$ 0.5m
New base to 3.5m depth		
New supply lines to existing plant		
Tiling		
New gutters		
New Carpark Deck		\$ 1.08m
72 cars x \$15,000 / car		
Minor upgrade to parts of existing carpark		\$ 0.2m

Upgrade existing toilets and changerooms	\$ 0.47m
Approx 590m ² x \$800 / m ²	
New Spa toilets and changerooms	\$ 0.65m
Building Approx 100m ² x \$2500 / m ²	\$0.25m
Spa, plant and extended plant room	\$0.4m
Refurbish Existing Toilet / Changeroom (north side) as 5 family Toilet/Change rooms	\$ 0.14m
Toilet / Change rooms 70m ² x \$200 / m ²	
Limited upgrade of existing water treatment plant and Plant Room	\$ 0.4m
Replace 2 concrete slides with fibreglass slides	\$ 0.1m
33m length of slides x \$3000 / metre length	
Repaint of indoor pool interior and exterior	\$ 0.1m
Repaint of existing outdoor stadium (exterior only)	\$ 0.2m
Close off stairs to underwater viewing and new spectator seating	\$ 0.05m
Relocate swim school	\$ 0.05m
Minor upgrade to leasehold areas	\$ 0.1m
Suspended open footbridge from carpark to entry	\$ 0.03m
Estimated Total Construction Cost	\$ 13.6m
Prof fees allowance (Exc QS) 12%	\$ 1.6m
Escalation to February 2009 (@ 1% mth on const. estimate)	\$ 1.6m
Contingency (+/- 20% on construction estimate)	\$ 2.80m
Estimated Total Project Cost	\$ 19.5m

Financial performance

The financial performance of the centre has improved significantly over the past two years, which has seen the Centre return to a surplus cash position.

The proposed redevelopment will improve the financial performance and with increased revenue potential.

Listed below is the financial performance of the Centre since 2001/02.

Year	Operating Position	Cash Position
2001/02	\$ (748,390)	\$ (329,305)
2002/03	\$ (765,983)	\$ (349,244)
2003/04	\$ (1,145,583)	\$ (700,109)
2004/05	\$ (899,178)	\$ (452,174)
2005/06	\$ (605,854)	\$ (143,881)
2006/07	\$ (465,507)	\$ 13,408
2007/08	\$ (478,268)	\$ 26,320

With the completion of the proposed redevelopment, it is anticipated that the financial results of the centre will improve significantly. The indicative estimates of the improvement for the years 2010 and 2011 show the following:

2010/11 - \$465,900
2011/12 - \$530,360

The major factors influencing this improvement will be as follows:

- Increased competitiveness with other similar centres.
- Increased floor space in gym and group fitness.
- Increase in membership from 1750 to 2500.
- Increased attendances from 800,000 to 930,000 per annum.
- Extra revenue from external groups hiring multi-functional rooms
- Revenue from leaseable areas
- Inviting a diverse range of programs in the facility

A detailed business plan/case will be prepared to support the redevelopment, when the concept plans are adopted.

Conservation and Heritage

A preliminary assessment of the concept plan prepared by Peter Hunt Architects for Beatty Park Leisure Centre has been undertaken by the Town's Heritage Officers in accordance with the recommendations detailed within the Beatty Park Conservation Plan 2007.

The concept plan reveals that the proposed development is concentrated in the north - east corner of the site within and extending from the 1993 - 1994 additions and alterations to the car park located to the east of the 1993 - 1994 additions. The Conservation Plan identifies the 1993 - 1994 additions as having some significance which may be adapted to meet with contemporary requirements subject to change being compatible with the significant elements of the building. The Conservation Plan identifies the car park area to have little cultural heritage significance offering opportunities for change in order to accommodate new requirements.

Given the above, it is considered that in terms of the location and siting of the proposed development shown in the concept plan prepared by Peter Hunt Architects, it is supported in principle on heritage grounds.

However, for a more comprehensive assessment of the proposed development, detailed plans including elevations will be required to assess the bulk and scale of the proposed development in order to determine the level of impact on the overall setting of the site. Further to this, as the place is listed on the State Register of Heritage Places, detailed plans will need to be forwarded to the Heritage Council for endorsement.

Trees

The landscape plan A04 indicates the significant trees to be removed and the areas where new trees are to be planted.

The plan indicates that two significant trees will be removed, and fifteen small existing trees. New trees are to be planted in the areas marked on the plan.

Car parking

Please see attached Plan A01.

- A new carpark deck (over existing carpark) is proposed. This will provide an additional seventy two (72) car bays.
- The existing carpark is to be modified to improve traffic flow in the carpark and exits.
- Existing carpark in the south west corner of the location is to be modified
- A new staff carpark to be located at the north west corner of the centre
- The total bays available is as follows:

Current existing car bays	312
Proposed ground level car bays	350
Proposed carpark deck bays	72
Total (new and existing)	422

Overall, the plan provides for an additional 110 car bays.

FINANCIAL/BUDGET IMPLICATIONS:

The estimated costs of the project have been stated at approximately \$20 million.

The indicative sources of funding for this project are as stated below.

Town of Vincent Reserve and Municipal Funds	\$3 m
Proceeds from land sales	\$5 m
State Government financial Assistance	\$5 m
Loans	\$6.5 m
Total	\$19.5 m

STRATEGIC IMPLICATIONS:

Plan for the Future - Strategic Plan 2006-2011
Strategic Objective 1 - Natural Built Environment

1.1 Improve and maintain environment and infrastructure

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

(i) Complete feasibility study, investigate funding options and implement the redevelopment of Beatty Park Leisure Centre.

ADVERTISING/CONSULTATION:

It is recommended that given the significance of this project and the number of users of the facility that the community consultation period be extended beyond the normal twenty-one (21) days as stated in the Council's community consultation policy. It is suggested that the consultation period be extended to six (6) weeks.

It is proposed to engage a consultant (who specialises in parks and recreation facilities) to assist with the consultation.

INDICATIVE TIMELINE:

Below is listed the indicative timeline for this project.

May/June 2006	- Appointment of Architect - Formation of Working Group
June - December 2006	- Determining of objectives - Other key matters; researching background details, different models
December 2006	- Council to consider and approve of objectives for the proposed redevelopment
January 2007 - December 2007	- Investigation of options - Investigation of funding sources, different models
January 2008 - June 2008	- Community consultation concerning concept redevelopment plans
June 2008 - December 2008	- Refinement of options, funding options, different models
January 2009 - April 2009	- Reports to Council - Advertising of Major land transactions (if required) - Approval of final plans
April 2009 - May 2009	- Calling of tenders for builders
June 2009	- Award building tender - 12 month construction project
June 2009 - September 2010	- 12 - 15 Month construction project

COMMENT:

The Beatty Park Leisure Centre has been an icon in the recreation industry of Western Australia for a long period of time. However, it is now in need of significant development/upgrade to enable the centre to maintain its status, and be operationally and financially viable in the future.

The Needs Analysis and subsequent Feasibility Study, which were undertaken in 2004 and 2008 respectively, have recommended support for redevelopment.

The concept plans that have been prepared will provide the Centre with a brand new building extension. A new building will enable this to be the marketing point for the redevelopment. As well as the new section, significant upgrade and refurbishment within the centre will be undertaken, including the outdoor and dive pool, plant room, changerooms, hydrotherapy pool and spa.

The concept plans proposed will provide the community with a high quality facility that will be comparable with any new facility in the state and this redevelopment will ensure the operational and financial viability of the Centre for the foreseeable future.

It is recommended that these concept plans be supported for public consultation.

10.4.2 Members Equity Stadium Committee Meeting held on 10 March 2008 - Receiving of Unconfirmed Minutes and Approval of Funds for a Feasibility and Business Case for the Upgrade of Members Equity Stadium, 310 Pier Street, Perth

Ward:	South	Date:	2 April 2008
Precinct:	Beaufort, P13	File Ref:	RES0082/RES0085
Attachments:	001		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the Unconfirmed Minutes of the Stadium Committee meeting held on 10 March 2008, as shown in Appendix 10.4.2;*
- (ii) *AMENDS the Town's Policy No. 4.1.25 - "Perth Oval (Members Equity Stadium) Concerts Policy" to including the following;*
 - "(a) Future Noise Management Plans;*
 - (i) *must acknowledge that the appointed Acoustic Consultant has liaised directly with the Sound Engineer responsible for the event, to develop a suitable venue specific sound system to minimise noise impacts on residents more effectively; and*
 - (ii) *must specify that confirmation shall be provided to the Town that the pre-Concert letter drop has been undertaken within the specified zone in the Regulation 19 approval; and*
 - (b) Regulation 18 Approvals shall;*
 - (i) *continue to set conditions in relation to the speaker location and speaker emission direction, of 'mid-pitch speakers' and the 'furthestmost relay speakers', to better manage sound escaping from the venue; and*
 - (ii) *set conditions specifying sound levels and, where possible, will require a LAeq1min value of 85dBA at Brewer Street, Perth;"*
- (iii) *APPROVES BY AN ABSOLUTE MAJORITY for \$35,000 to be allocated for a Temporary Upgrade Feasibility and Business Case (to increase the Stadium capacity to 25,000 patrons and corporate suites to 30) to be undertaken and this be funded from the Perth Oval Reserve Fund;*
- (iv) *REQUESTS the Stadium Major Sports Users (Rugby WA, Western Australian Rugby League (WARL) and Perth Glory Football Club (PGFC)) together with Allia Venue Management (Allia) prepare a Business Case for submission to the Town/Minister for Sport and Recreation; and*
- (v) *subject to (iii) and (iv) above being carried, AUTHORISES the Town's Chief Executive Officer to engage an Independent Consultancy Firm to audit and verify the Business Case, prior to submission to the Minister for Sport and Recreation.*

COUNCIL DECISION ITEM 10.4.5

Moved Cr Farrell, Seconded Cr Burns

That the recommendation be adopted.

Debate ensued.

The Presiding Member called for a speaker “against” the motion and called for a speaker “in favour” of the motion.

Cr Lake stated that she wished to speak and questioned why she was unable to speak.

The Presiding Member stated that he had made a ruling (i.e. speakers to be either for or against the motion) and she did not indicate either. Furthermore, that Cr Lake had had sufficient time to make her view known prior to the meeting by sending emails.

Cr Ker departed the Meeting at 9.14pm and did not return.

Cr Lake dissented with the Presiding Members ruling.

PROCEDURAL MOTION

Moved Cr Lake, Seconded Cr Maier

That the Presiding Member’s ruling be disagreed with.

PROCEDURAL MOTION PUT AND LOST (3-5)

<u>For</u>	<u>Against</u>
Cr Lake	Mayor Catania
Cr Maier	Cr Burns
Cr Youngman	Cr Doran-Wu
	Cr Farrell
	Cr Messina

(Cr Ker had left the Meeting and did not vote).

**MOTION PUT AND CARRIED
BY AN ABSOLUTE MAJORITY (7-1)**

<u>For</u>	<u>Against</u>
Mayor Catania	Cr Lake
Cr Burns	
Cr Doran-Wu	
Cr Farrell	
Cr Maier	
Cr Messina	
Cr Youngman	

(Cr Ker had left the Meeting and did not vote).

PURPOSE OF REPORT:

The purpose of the report is for the Council to receive the Unconfirmed Minutes of the Members Equity Stadium Committee meeting held on 10 March 2008 and gain Council approval of funds for a Feasibility and Business Case for the upgrade of Members Equity Stadium.

BACKGROUND:

At the Ordinary Meeting of Council held on 14 September 2004, the Council considered the establishment of a Committee for the management of the Stadium (known as "Members Equity Stadium") and resolved inter alia as follows;

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

- (iii) *to delegate the following functions to the Committee;*
- (a) *to establish and review the Heads of Agreement (HOA) Key Performance Indicators (KPIs) in conjunction with Allia;*
 - (b) *to assess whether each proposed Licensing Agreement is consistent with the KPIs and the provisions of the HOA and to approve the proposed Licensing Agreement if it is consistent;*
 - (c) *to supervise the performance of the Services by Allia and to ensure that Allia performs the Services in accordance with the KPIs and the HOA;*
 - (d) *to receive and consider Performance Reports;*
 - (e) *to advise the Council on Capital Improvements required for the Stadium and to make recommendations to the Council about the use of the Reserve Fund;*
 - (f) *to review Naming Signage; and*
 - (g) *to review the Risk Management Plan;*

(For the purpose of avoidance of doubt, it is acknowledged that the Committee's functions do not include carrying out any of the Operational Management Services which are to be provided by Allia)."

CONSULTATION/ADVERTISING:

N/A.

LEGAL/POLICY:

The Local Government Act Regulations 1996 requires that Committee Meeting Minutes be reported to the Council.

STRATEGIC IMPLICATIONS:

This is in keeping with the Town's Strategic Plan 2006-2011 - *"Leadership, Governance and Management"*, in particular, Objective 4.1.2 - *"Manage the Organisation in a responsible, efficient and accountable manner"* and Objective 1.1.6(h) - *"Carry out the redevelopment of Members Equity Stadium (Perth Oval) in partnership with the State Government."*

The Major Stadia Taskforce Report 2007 made recommendations for the upgrade of Members Equity Stadium.

FINANCIAL/BUDGET IMPLICATIONS:

The Feasibility and Business Case will cost approximately \$35,000. There are no funds in the 2007/08 Budget for a Feasibility Study.

The Reserve Fund contains \$ 411,827 (as at 29 February 2008).

COMMENTS:

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

10.4.5 Hawthorn House Community Advisory Committee

Ward:	North	Date:	31 March 2008
Precinct:	Mount Hawthorn; P1	File Ref:	PRO3321
Attachments:	001		
Reporting Officer:	A Giles		
Checked/Endorsed by:	R Boardman, John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *NOTES the correspondence received from the North Metropolitan Health Service regarding the Hawthorn House Community Advisory Committee (as at Appendix 10.4.5);*
- (ii) *NOTES that the Advisory Committee will be convened on a 'as required basis', due to the lack of attendance at the Advisory Committee meetings; and*
- (iii) *APPOINTS Cr as the Council Member representative, Cr as Deputy Member and Manager Health Services, Alison Giles as the Town's Officer representative to the Community Advisory Committee.*

Moved Cr Farrell, Seconded Cr Burns

That the recommendation be adopted.

The Presiding Member called for nominations.

Cr Maier nominated as Member and Cr Lake as Deputy Member.

Debate ensued.

MOTION PUT AND CARRIED (8-0)

(Cr Ker had departed the meeting and did not vote).

COUNCIL DECISION ITEM 10.4.5

That the Council;

- (i) *NOTES the correspondence received from the North Metropolitan Health Service regarding the Hawthorn House Community Advisory Committee (as at Appendix 10.4.5);*
- (ii) *NOTES that the Advisory Committee will be convened on a 'as required basis', due to the lack of attendance at the Advisory Committee meetings; and*
- (iii) *APPOINTS Cr Maier as the Council Member representative, Cr Lake as Deputy Member and Manager Health Services, Alison Giles as the Town's Officer representative to the Community Advisory Committee.*

PURPOSE OF REPORT:

The purpose of the report is to provide an update to the Council on the operation of Hawthorn House, the Community Advisory Committee and to elect new Council representatives to the Community Advisory Committee.

BACKGROUND:

At the Ordinary Meeting of Council held on 8 March 2006, the Council resolved inter alia as follows:

“That;

- (ii) *prior to the first occupation, a Community Advisory Committee, comprising residents and representatives from the Health Department and the Town of Vincent, be formed to manage/deal with any community concerns or complaints with the following terms of reference:*

“HAWTHORN HOUSE COMMUNITY ADVISORY COMMITTEE

PURPOSE

To provide an on-going forum for the local community, elected representatives, consumers, carers and health professionals to work collaboratively to resolve the issues raised by the community at the public forum and provide input and advice in the development of strategies to enhance the integration of Hawthorn House and ensure its smooth operation with regard to any impact on the local community.

ROLE OF THE COMMUNITY ADVISORY COMMITTEE

The Committee will:

- Work collaboratively to resolve outstanding issues relating to the establishment of Hawthorn House ensuring the best outcome for all;*
- Develop positive relationships between the local community, the Town of Vincent, consumers, carers, health care providers at Hawthorn House and other key stakeholders;*
- Communicate regularly with key community groups, including consumers, carers, community bodies and other key stakeholders;*
- Review community complaints and develop community involvement policies such as volunteering protocols;*
- Provide advice and input into the evaluation of the facility’s operations as they impact on the local community;*
- Consider, review and recommend Procedures for the Response to any incidents (Crisis Response Incidents) relating to the residents of Hawthorn House; and*
- Consider and develop strategies to promote and enhance the integration of Hawthorn House into the community and minimise any impact on the local community and amenity of the area.*

The Committee will acknowledge that clinical decision-making is the responsibility of the mental health professionals associated with Hawthorn House and are outside this Committee’s scope.

COMPOSITION

It is proposed that representatives be sought from the following groups –

- Independent Chairperson	1
- Department of Health, North Metropolitan Area Health Service	1
- Town of Vincent (Elected Member and Officer)	2
- Consumers	2
- Carers	1
- Community Members	4*
- Clinical Nurse Manager HH (upon appointment)	1
- Community Liaison Officer, WA Police	1

* *Of the four community representatives, a representative will be appointed from each of the Residents' Advocacy Group, Mt Hawthorn Precinct Group and Friends of Hawthorn House, should they choose to nominate.*

Members can nominate a proxy when unable to attend. It is the responsibility of the member to ensure that the proxy is well informed and has up to date information about the function and work of the Committee.

Expressions of interest will be called for the positions of consumer and community representatives, including advertising in local and State newspapers. This will include a request for relevant information and standing on the Hawthorn House project.

The Chair at the request of the committee, may invite others to attend meetings to attend in relation to a specific agenda item(s) to provide presentations or advice on relevant matters.

Members can nominate a proxy when unable to attend. It is the responsibility of the member to ensure that the proxy is well informed and has up to date information about the function and work of the Committee.

SELECTION OF REPRESENTATIVES

Representatives will be selected from nominations by a selection panel including the Independent Chair.

TENURE AND MEETING ARRANGEMENTS

Members are appointed initially for 12 months with the option of renewal on the proviso they retain their current representative position.

The committee to meet monthly for the first six (6) months of operation and thereafter the meeting frequency be reviewed.

Decision-making will be by consensus. Unresolved issues will be noted as such and strongly held minority views will be recorded.

COMMITMENT OF GOVERNMENT

To support the committee through the provision of administrative support services and to provide timely feedback on the adoption of recommendations of the committee. Where decisions made are in conflict with the recommendations of the committee, the Office of Mental Health undertakes to inform the committee of this and the reasons for the alternate decisions.

GROUP CONVENTIONS

At its first meeting, the Community Advisory Committee will agree upon the following:

- Agreement on terms of reference*
- Tabling of outstanding issues*
- Acceptable values and behaviours at meetings*
- Meeting procedures*
- Agreed meeting schedule*
- Process for media comment*

SECRETARIAT

The Community Advisory Committee will be supported by a dedicated secretariat, provided by the Department of Health.

The secretariat, under the direction of the Chair, will be responsible for preparing and distributing agendas, making a record of each meeting, undertaking research and other follow-up matters arising from meetings.

AGENDA

Unless of a very urgent nature, proposed Agenda items and associated papers are to be submitted to the Committee secretariat at least five working days before the meeting is to be held. An Agenda and associated papers are to be circulated to members no less than three working days before the meeting is to be held.

REPORTING

The Minutes/Action Sheets of each meeting will be confirmed at the following meeting.

Once confirmed, they will be circulated as official minutes to the members. An electronic copy of the Minutes/Action Sheets will also be forwarded to Dr A Hodge, Clinical Director, Adult Mental Health Program, North Metropolitan Area Mental Health Service.

RECORDS

The secretariat prepares a Record of each meeting.

The secretariat shall keep separate files of at least the following:

- Agendas and minutes/action statements of meetings*
- Correspondence, papers tabled at meetings and papers circulated other than with agendas.*

The files are the property of the Area Mental Health Service and must be preserved in accordance with the State Records Act 2000 and the Freedom of Information Act 1992. The Health Services (Quality Improvement) Act 1994 may also apply to the documents.

UNRESOLVED ISSUES

The Independent Chair will arbitrate on any unresolved issues relating to the fulfilment of the requirements of these Terms of Reference.

CONFIDENTIALITY

All members will be expected to advise colleagues of deliberations and their outcomes in an effective manner as possible.

There will occasionally be items of a sensitive nature that must be kept confidential within the meeting. These items will be identified in the course of a meeting and noted as such in the minutes.

ACCOUNTABILITY

The Community Advisory Committee will make recommendations directly to the Area Director, North Area Mental Health Service, Dr Ann Hodge, who will report progress to the Project Control Group (PCG) of the Mental Health Strategy 2004-2007.”;

- (v) *the Council APPOINTS Cr Torre as the Elected Member representative, Cr Doran-Wu as proxy and the Chief Executive Officer – John Giorgi as the Town’s Officer representative to the Community Advisory Committee.”*

DETAILS:

Hawthorn House has been operational since 4 December 2006. The Hawthorn House Community Advisory Committee has since met on a regular (monthly) basis for the first six months and thereafter on a quarterly basis to ensure that any community concerns are adequately addressed. However, as detailed in the attached correspondence from Dr Sandy Tait, Head of Service at Hawthorn House, despite sending emails, letters and following-up all members with telephone calls, a quorum has not been achieved at the last two meetings. Dr Tait further advised that: *“It does appear that currently there is very little ongoing concern among the wider community of Mount Hawthorn on the impact of Hawthorn House on the community. In fact it appears to have integrated well.”*

An open day was held at the facility on 24 November 2007, which was very well attended by the local community, and attracted no complaints. Dr Tait advised that: *“I think the success of this event highlights the reduced level of concern about Hawthorn House and its residents within the community”.*

Recent complaints received regarding the facility relate to a minor parking infringement, a distressed resident within the grounds of Hawthorn House, and residents smoking in public places (as a result of the Department of Health (DOH) policy requiring all DOH facility grounds to be smoke free as of 1 January 2008). A safety concern was also raised regarding the rear access to the premises, which is being addressed by the Town’s Technical Services, and the DOH’s Technical Officer. All issues have been addressed by the Town and DOH on a collective and co-operative basis.

CONSULTATION/ADVERTISING:

The Department of Health advised they will be distributing refrigerator magnets with contact telephone numbers at Hawthorn House, to the immediate neighbourhood. As new residents may have moved into the area, it has been recommended that a covering letter be sent with the magnets, providing a direct link of communication with Hawthorn House staff members.

In addition, Dr Sandy Tait advises that: *“While Hawthorn House continues to operate within the Mount Hawthorn community we remain acutely aware of our need to be good neighbours. If Mount Hawthorn residents do have concerns they can contact us directly. Our executive has developed a good relationship with Alison Giles at the Town of Vincent. I suggest that practical issues or concerns surrounding Hawthorn House be dealt through myself or Carey Harris, Nurse Manager, or with Alison Giles. As stated above the Community Advisory Committee could be recalled on an ad hoc basis for emerging issues. On behalf of the staff and residents of Hawthorn House we are grateful to the Mount Hawthorn community for having accepted us following the high degree of uncertainty leading to its formation. If you or the Town of Vincent have concerns please either contact myself or Carey Harris. I do hope our communication has been, and will continue to be, effective.”*

LEGAL/POLICY:

The Council previously appointed the following to the Committee;
Cr Torre (member);
Cr Doran-Wu (Deputy); and
Chief Executive Officer, John Giorgi.

STRATEGIC IMPLICATIONS:

Strategic Plan 2006-2011 – *“Community Development”*:

3.1.1 Celebrate and acknowledge the Town’s cultural and social diversity.

3.1.5 Focus on community and customer needs, values, engagement and involvement.”

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The Community Advisory Committee serves a role and as such should continue. However, the lack of issues has resulted in members losing interest. This has resulted in a lack of quorum for the last two meetings.

As there is a lack of issues, it is recommended that the Hawthorn House Community Advisory Committee meet on an ‘as required’ basis to address any new issues, and that new Council Member representatives are appointed to the advisory group, as detailed above.

10.4.6 Adoption of Amended Draft Policy Relating to Outdoor Eating Areas

Ward:	Both	Date:	31 March 2008
Precinct:	All	File Ref:	LEG0025
Attachments:	001		
Reporting Officer:	A Giles		
Checked/Endorsed by:	R Boardman; J Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (iii) *RECEIVES the report relating to the Amended Draft Policy No. 3.8.1 Relating to Outdoor Eating Areas;*
- (iv) *CONSIDERS the three (3) submissions which were received during the consultation period;*
- (iii) *REVOKES the existing Council Policy No. 3.8.1 – “Alfresco Dining” and ADOPTS the Amended Draft Policy No. 3.8.1 – “Outdoor Eating Areas” for inclusion in the Town’s Policy Manual; and*
- (iv) *ADVISES all existing Alfresco Dining Licence holders of the new Policy, and requirements they will need to comply with, prior to 1 July 2008, to enable the Town to issue the proprietor with an Outdoor Eating Area permit.*

COUNCIL DECISION ITEM 10.4.6

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Maier, Seconded Cr Lake

That clause 4.11 of the Guidelines include the following point:

- *Do not have any advertising or sign writing, other than the name of the business, on the screen.*

Debate ensued.

AMENDMENT PUT AND LOST (3-5)

<u>For</u>	<u>Against</u>
Cr Lake	Mayor Catania
Cr Maier	Cr Burns
Cr Youngman	Cr Doran-Wu
	Cr Farrell
	Cr Messina

(Cr Ker had left the Meeting and did not vote).

AMENDMENT

Moved Cr Maier, Seconded Cr Lake

That Clause 6.0 "Car Parking" be re-instated into the Policy.

Debate ensued.

The Director Development Services advised the meeting that the Town's Town Planning Scheme does not contain any provisions to require car parking, where the outdoor eating areas is on public land or thoroughfares. If a condition was included into the Policy, it could not be legally enforced.

AMENDMENT PUT AND LOST (2-6)

<u>For</u>	<u>Against</u>
Cr Lake	Mayor Catania
Cr Maier	Cr Burns
	Cr Doran-Wu
	Cr Farrell
	Cr Messina
	Cr Youngman

(Cr Ker had left the Meeting and did not vote).

Debate ensued.

MOTION PUT AND CARRIED (7-1)

<u>For</u>	<u>Against</u>
Mayor Catania	Cr Lake
Cr Burns	
Cr Doran-Wu	
Cr Farrell	
Cr Maier	
Cr Messina	
Cr Youngman	

(Cr Ker had left the meeting and did not vote).

PURPOSE OF REPORT:

The purpose of the report is to report back to the Council, following the advertising period in relation to the *Draft Policy No. 3.8.1 – Outdoor Eating Areas*, and to present the amended draft Policy for the consideration of the Council.

BACKGROUND:

Under Delegated Authority on 31 December 2007, the Council adopted the following Officer Recommendation:

That the Council;

- (i) *RECEIVES the report relating to the Amended Draft Policy No. 3.8.1 Relating to Outdoor Eating Areas;*

- (ii) *NOTES that no submissions were received during the consultation period;*
- (iii) *REVOKES the existing Council Policy No. 3.8.1 – “Alfresco Dining” and ADOPTS the Amended Draft Policy No. 3.8.1 – “Outdoor Eating Areas”;*
- (iv) *LISTS for consideration an amount of \$6,500 for the purchase and installation of brass plates for demarcation of the Outdoor Eating Areas, in the Draft 2008/2009 Budget; and*
- (v) *AUTHORISES the Chief Executive Officer to:*
 - (a) *advertise the proposed Policy for a period of twenty-one (21) days, seeking public comment;*
 - (b) *report back to Council with any submissions received; and*
 - (c) *include the amended Policy in the Town’s Policy Manual if no public submissions are received.*

DETAILS:

The amended Policy was re-advertised, and following receipt of three (3) submissions, the attached amended draft Policy has been developed by Health Services, in conjunction with Planning, Building and Heritage Services, Rangers and Community Safety Services, and Technical Services.

CONSULTATION/ADVERTISING:

The Town received three (3) submissions during the advertising period in relation to the *Draft Policy No. 3.8.1 – Outdoor Eating Areas*. These submissions are circulated separately to Council Members. In addition to the advertisement in the local paper, a mail out was conducted, seeking comment from all existing Alfresco Dining Licence holders, and food premises eligible for an Outdoor Eating Area within the Town of Vincent (that is, premises that hold an Eating House Licence or Liquor Licence, and have a Council footpath adjacent to their premises). The following points were raised in the submissions:

Respondent’s Comment	Officer Comment	Officer Recommendation
Policy Statement and Objectives – concern regarding wording in the statement and objective.	Policy Statement and Objectives have been reviewed.	Recommended that Policy Statement and Objectives be amended as reflected in the attached draft Policy.
Clauses 3.1 and 3.2 Location of outdoor eating area – concern that all options have not been covered by clauses 3.1 and 3.2, in particular footpaths less than 2.9 metres wide.	Clause 3.1 has been amended by Technical Services. Footpaths less than 2.9 metres wide are not suitable for outdoor eating areas, as there is insufficient room for both tables and chairs, and safe pedestrian access. Areas with insufficient footpath width are currently not granted licences under the existing Policy, for this same reason.	Recommended that Clause 3.1 be amended as reflected in the attached draft Policy.

<p>Clause 4.11 Screens –suggest not to allow any advertising or sign writing, other than the name of the business on the screen (demarcation barrier).</p>	<p>It is considered that the Town's Town Planning Scheme No.1 and associated signage requirements, and the need to obtain Planning Approval do not apply to signage on road verges. Existing licence holders have screens with advertising on them, as is the standard practice in other local authorities both within Western Australia and interstate.</p>	<p>Recommend no change to existing clause 4.11.</p>
<p>Clause 6.0 Carparking – considered to be unfair and unreasonable for the provision of 1 car parking bay for each 4.5 metres of outdoor eating area, particularly if made retrospective for existing licence holders. Concern it could be detrimental to the amenity and streetscape, due to the potential withdrawal of outdoor dining, and loss of a demarcated ‘smoking area’ for patrons, which could result in further litter and obstruction of the footpath.</p>	<p>It is considered that the Town's Town Planning Scheme No.1 and associated car parking requirements and the need to obtain Planning Approval do not apply to uses and developments, such as outdoor eating areas on road verges. It is further considered that requiring car parking for outdoor eating areas on road verges could be seen as being onerous given the temporary and limited scale and nature of such activities, and the general unusability of such areas in inclement weather.</p>	<p>Recommended that the requirement be removed, and clause 6.0 be deleted, as reflected in the attached draft Policy.</p>
<p>Clause 9.0 Sanitary provisions – considered to be unreasonable to request existing licence holders to comply with the sanitary provisions as detailed in the Building Code of Australia (BCA). Request for clarification why a Building licence be submitted, and when it is required.</p>	<p>The BCA requirements are not able to be applied retrospectively. As such, this condition will apply to new applicants, or existing applicants looking to review their existing licence. Applicants will need to comply with the BCA requirements, or may be advised that their total number of chairs internally, and in the outdoor eating area, cannot exceed a certain number. A Building Licence is required if the applicant chooses to install additional toilet facilities.</p>	<p>Recommended that Clause 9.0 be amended as reflected in the attached draft Policy.</p>
<p>Transition for existing Alfresco Dining Licence holders to Outdoor Eating</p>	<p>All existing Alfresco Dining Licence holders will be formally advised in writing of</p>	<p>Upon adoption of the draft Policy, Health Services write to existing</p>

<p>Area permit – concern raised that applicants would need to provide a full new application when the Town would have the original application on file – cause unnecessary complication, time, and cost for business operators.</p>	<p>the new Policy, and will be required to ensure full compliance with the policy as of 1 July 2008, prior to being issued with an Outdoor Eating Area permit (this coincides with the annual renewal period). Each premises will be required to submit only the additional information required by the Town (not duplicate information already submitted). It is not anticipated that the process will be unduly involved for existing licence holders, if the amended draft policy is adopted. For those premises that have amended furniture location (refer Clauses 3.1 and 3.2 of draft Policy), new plans will need to be submitted, and the process will be a little more involved.</p>	<p>licence holders (70 premises), to advise of the requirements of the new Policy which will need to be met i.e. increase from \$5 to \$10 million in public liability insurance cover; seating arrangements (if location of furniture needs to alter).</p>
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LEGAL/POLICY:

- Health Act 1911;
- Liquor Control Act 1988;
- Local Government Act 1995;
- Building Code of Australia; and
- Town of Vincent Trading in Public Places Local Law.

STRATEGIC IMPLICATIONS:

Strategic Plan 2006-2011 - 'Leadership, Governance and Management':

4.1.4 Deliver services in ways that accord with the expectations of the community, whilst maintaining statutory compliance.

FINANCIAL/BUDGET IMPLICATIONS:

As detailed in the previous report, sufficient funds for the purchase and installation of brass demarcation plates should be considered in the Draft 2008/2009 Budget (it is estimated that \$6,500 will be required). It is proposed that the majority of costs associated with the purchase and installation of the brass plates will be passed onto the Outdoor Eating Area permit holder in the 2008/2009 Fees and Charges Schedule. In recent years, approved funds have been reduced to a level which resulted in plates not being able to be purchased (that is, a minimum order could not be financed).

The brass plates simply, unobtrusively and effectively demarcate the Outdoor Eating Areas and have vastly reduced complaints received in previous years regarding alfresco furniture encroaching the pedestrian access. The use of brass plates is endorsed in the Disability Access Inclusion Plan 2006 - 2011.

COMMENTS:

The amended Policy has been advertised, with three (3) submissions received. The Policy has subsequently been re-considered, and amended to reflect the concerns raised, where relevant. It is recommended that the Policy be adopted and included in the Town's Policy Manual, as detailed in the report above and the Officer Recommendation.

10.4.7 Statutory Review of Town of Vincent Standing Orders Local Law 2008

Ward:	Nil	Date:	2 April 2008
Precinct:	Nil	File Ref:	LEG0019
Attachments:	001		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	John Giorgi	Amended by:	-

That the Council;

- (i) *RECEIVES the report relating the statutory review of the Town of Vincent Standing Orders Local Law 2008;*
- (ii) *pursuant to Sections 3.16 of the Local Government Act 1995 the Council AUTHORISES the Chief Executive Officer to advertise, for a period of six (6) weeks, its intention to review the Town of Vincent Standing Orders Local Law 2008 as shown in Appendix 10.4.7;*
- (iii) *GIVES Statewide public notice that:*
 - (a) *the local government proposes to review the local law;*
 - (b) *a copy of the local law may be inspected or obtained at any place specified in the notice; and*
 - (c) *submissions about the local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given; and*
- (iv) *RECEIVES a further report at the conclusion of the advertising period.*

Cr Doran-Wu departed the Chamber at 9.32pm.

COUNCIL DECISION ITEM 10.4.7

Moved Cr Farrell, Seconded Cr Burns

That the recommendation be adopted.

Debate ensued.

Cr Doran-Wu returned to the Chamber at 9.34pm.

Cr Messina departed the Chamber at 9.39pm.

AMENDMENT

Moved Cr Maier, Seconded Cr Youngman

That Clause 2.8 – Order of Business be amended to revert (k) back to its original position so that it immediately follows (h), so that (k) becomes (i).

Debate ensued.

AMENDMENT PUT AND LOST (3-4)

<u>For</u>	<u>Against</u>
Cr Lake	Mayor Catania
Cr Maier	Cr Burns
Cr Youngman	Cr Doran-Wu
	Cr Farrell

(Cr Messina was out of the Chamber and did not vote).

(Cr Ker had left the Meeting and did not vote).

AMENDMENT

Moved Cr Maier, Seconded Cr Lake

That Clause 2.17 – Recording of proceedings prohibited, be deleted.

Cr Messina returned to the Chamber at 9.42pm.

Debate ensued.

The Presiding Member rejected the Amendment as it is considered illegal for a person to record a meeting or conversation, without the permission of the persons present at the meeting.

AMENDMENT

Moved Cr Maier, Seconded Cr Lake

That Clause 3.3.1(2) be amended to read;

(2) *The presiding member may only speak once and this is to be done at any time before the right of reply.*

Debate ensued.

AMENDMENT PUT AND LOST (3-5)

<u>For</u>	<u>Against</u>
Cr Lake	Mayor Catania
Cr Maier	Cr Burns
Cr Youngman	Cr Doran-Wu
	Cr Farrell
	Cr Messina

(Cr Ker had left the Meeting and did not vote).

AMENDMENT

Moved Cr Maier, Seconded Cr Youngman

That Clause 3.6.1(v) – Order in Call of Debate be amended to read;

(v) *speakers for and against the motion if any, until all members wishing to speak have spoken;*

Debate ensued.

AMENDMENT PUT AND LOST (3-5)

<u>For</u>	<u>Against</u>
Cr Lake	Mayor Catania
Cr Maier	Cr Burns
Cr Youngman	Cr Doran-Wu
	Cr Farrell
	Cr Messina

(Cr Ker had left the Meeting and did not vote).

AMENDMENT

Moved Cr Maier, Seconded Cr Lake

That Clause 3.15.4 – “Motion that the Council committee meet behind closed doors – Effect of motion” be amended to include the words “including all amendments” after the words “is to cause the motions” in the third line.

Debate ensued.

AMENDMENT PUT AND LOST (3-5)

<u>For</u>	<u>Against</u>
Cr Lake	Mayor Catania
Cr Maier	Cr Burns
Cr Youngman	Cr Doran-Wu
	Cr Farrell
	Cr Messina

(Cr Ker had left the Meeting and did not vote).

AMENDMENT

Moved Cr Lake, Seconded _____.

That Clause 3.6.1(v) – Order in Call of Debate be amended to include the word “on” after the word “against”;

The Presiding Member did not accept the Amendment as it had already been considered as an amendment and was not carried.

MOTION PUT AND CARRIED (5-3)

<u>For</u>	<u>Against</u>
Mayor Catania	Cr Lake
Cr Burns	Cr Maier
Cr Doran-Wu	Cr Youngman
Cr Farrell	
Cr Messina	

(Cr Ker had left the Meeting and did not vote).

PURPOSE

The purpose of this report is to seek Council's approval to commence the statutory review process of the Town of Vincent Local Law Relating to Standing Orders.

BACKGROUND

The Town of Vincent administers a number of Acts, regulations and local laws. The Acts and regulations are prepared by the State Government and proclaimed by Parliament. Local governments prepare their own local laws under the head of power contained in the Local Government Act 1995, Health Act 1911 and Dog Act 1976. To ensure that the local laws do not become antiquated and remain relevant they are legally required to be reviewed every eight (8) years. A number of legislative changes and Council meeting procedures/practices have occurred since the current local law has been introduced. These will be reflected in the revised new local law.

The following table outlines the Town's current local law, indicating when the Standing Orders local law was gazetted and amended.

Title	Date Gazetted	Date of Amendment
Standing Orders	11 September 2001	25 June 2004 14 January 2005

The review of the existing Local Law Relating to Standing Orders is based on the Town's current local law and has been amended where considered necessary. Where possible, the Western Australian Local Government Association's (WALGA's) Model Standing Local Law has been used where an amendment has been proposed.

The relevant changes are shown by strike-thru, where an item has been deleted and underline, when a new item has been included.

Formatting is in accordance with the Department of Local Government Guidelines. Reference to the Local Government Act has been deleted throughout, as this is a formal requirement.

The term "member" has been used to replace "Councillor", where necessary and the term "employee" to replace "officer". Lower case lettering has been used for a number of definitions and terms throughout, where necessary. These have not be shown as they do not affect the intent of the Local Law. The relevant changes are as follows;

1. Clause 1.1 – Citation

The correct title, including year of adoption has been included.

2. Clause 1.2 - Objective and Intent

Clause 1.2(1) is new and prescribes the objective and intent of the Standing Orders.

3. Clause 1.3 - Commencement

Renumbered from previous Clause 1.2.

4. Clause 1.4 - Repeal

Renumbered from previous Clause 1.3.

5. Clause 1.5 – Application

This Clause has been re-worded to be consistent with WALGA's Model Local Law.

6. Clause 1.6 - Interpretation

A number of definitions, which are specified in the Local Government Act have been deleted. Superfluous definitions have also been deleted.

A **new** paragraph (2) has been added, to be consistent with the Model Local Law.

7. Clause 2.8 – Order of Business

This clause has been amended as follows;

(1)(i) has been changed to (k) and will now be after "Motions of which previous notice has been given".

(1)(j) correction of typo – delete "*on*" and insert "*of*".

(1)(n) a new item – "Matters for which the meeting may be closed" – this reflects the Councils' current practice of dealing with Confidential Items, at the end part of the meeting.

(5)(c) "Special Majority" has been deleted, as the Local Government Act has deleted this requirement.

8. Clause 2.1.4 – Meetings to be generally open to the public

Correction of typo - delete "*and (3)*" in the current local law.

9. Clause 2.19.2 - Minute Book – has been retitled Contents of Minutes

This is copied from the Model Local Law.

A **new** sub-clause 2.19.4 – Preservation of Minutes – copied from the Model Local Law.

10. Clause 3.6.3 - Permissible Procedural Motions

Wording has been tidied up to be consistent with the Model Local Law.

11. Clause 3.6.9 - Unopposed Business / En-Bloc Motions

This is a **new** clause, as per Model Local Law – it specifies the Council's current practice of dealing with en-bloc reports.

12. Clause 3.7.2 - Amendment to be read

Minor re-wording to “tidy up” the clause which requires the amendment to be read when requested by a member. (not to occur as to interrupt a member whilst speaking).

13. Clause 3.7.7 - Procedure for Dealing with Amendments Which Will Significantly Alter an Officer Recommendation

This is a **new** clause which reflects the Council’s current new Policy Procedure.

14. Clause 3.15 - Motion that the Council (or Committee) meet Behind Closed Doors – Effect of Motion

New paragraphs (4) and (5) from the Model Local Law have been included. These will;

(a) require the Presiding Member to read out any motion carried “Behind Closed Doors”, once the Council resumes an Open Meeting – if members of the public are present. (Who may be awaiting such information).

(b) It prescribes conditions for keeping confidential information secure.

15. Clause 4.6 - Appointment of Deputy Members

This is a **new** clause which prescribes the obligations of deputy members.

16. Clause 4.7 - Qualification of Deputy Members

This is a **new** clause, self explanatory.

17. Clause 4.8 - Term of Appointment

This is a **new** clause, which clearly specifies the term for any deputy member.

18. Clause 4.9 - Forums

This has now been renumbered from 4.7.

19. Clause 5.4 - Cases not provided for in Standing Orders

Paragraph (2) has been reworded to be more specific.

20. Clauses 5.9 and 5.10 have been renumbered to be in a more appropriate order.

21. Clause 5.11 – Council may take action

This clause has been deleted as Section 9.24 (2) of the Local Government Act 1995 specifies who can take action for a breach of a local law (including Standing Orders).

ADVERTISING/CONSULTATION

Section 3.16 of the Local Government Act 1995 states:

“3.16 (2) The local government is to give Statewide public notice stating that:

- (a) the local government proposes to review the local law;*
- (b) a copy of the local law may be inspected or obtained at any place specified in the notice; and*
- (c) submissions about the local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given.”*

FINANCIAL/BUDGET IMPLICATIONS

The cost of an advertisement will be approximately \$250. An amount of \$5,000 has been included in the Budget 2007/08 for this project. The new local laws are required to be printed in the Government Gazette by the State Law Publisher which will cost approximately \$500. All other copying will be carried out in-house and will cost approximately \$500. (Employee costs have not been included.)

LEGAL/POLICY

Section 3.16 of the Local Government Act 1995 requires that all of the local laws of local governments must be reviewed within an eight (8) year period after their commencement to determine if they should remain unchanged or be repealed or amended.

The eight year period is taken to be from either when the local law commenced or when the last review of the local law (using section 3.16) was completed.

The local laws are required to be advertised in their current status for a period of six (6) weeks. At the close of the submission period the Town may make any proposed changes and consider any submissions received and then readvertise for a further six week period.

STRATEGIC IMPLICATIONS

The matter is in keeping with the Council’s Strategic Plan 2005-2010 (Amended) – *Key Result Area 4.2 – Deliver services, effective communication and public relations in ways that accord with the expectations of the community, whilst maintaining statutory compliance and introduce processes to ensure continuous improvement in the service delivery and management of the Town.*

COMMENTS

In view of the recent legislative change (and the need for a statutory review), it is recommended that the review process be commenced.

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

12. REPRESENTATION ON STATUTORY AUTHORITIES AND PUBLIC BODIES

12.1 East Perth Redevelopment Authority Board - Appointment of Member and Deputy Member

Ward:	-	Date:	27 March 2008
Precinct:	-	File Ref:	ORG0045
Attachments:	-		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

CORRECTED REPORT

That _____ be nominated as Member for the East Perth Redevelopment Authority (EPRA) Board.

Moved Cr Farrell, Seconded Cr Youngman

That the recommendation be adopted.

The Chief Executive Officer advised that a nomination had been received from Mayor Catania.

The Presiding Member called for any other nominations.

Cr Lake advised that she would like to nominate.

Cr Youngman advised that he had a nomination from Cr Ker for the position of Member and nominated Cr Ker.

The Presiding Member advised Council Members as three nominations had been received, a Secret Ballot would be required to be carried out. He requested the Chief Executive Officer to issue the necessary ballot papers.

Ballot Papers were issued to all Council Members.

The Ballot Papers were collected by the Chief Executive Officer and counted in the presence of the Director Corporate Services, Mike Rootsey, then handed to the Presiding Member.

The Presiding Member advised the results of the Ballot, as follows:

Mayor Catania	5 votes
Cr Sally Lake	2 votes
Cr Ian Ker	1 vote

He declared Mayor Catania as the Member.

COUNCIL DECISION ITEM 12.1

That Mayor Catania be nominated as Member for the East Perth Redevelopment Authority (EPRA) Board.

CARRIED (8-0)

(Cr Ker had left the Meeting and did not vote).

PURPOSE OF THE REPORT:

For the Council to appoint its Member to the East Perth Redevelopment Authority Board.

DETAILS:

At the Ordinary Meeting of Council held on 4 December 2007 and the Council resolved inter alia as follows;

"That the Council; ...

(iii) REQUESTS the Minister for Planning and Infrastructure, the Hon Alannah MacTiernan MLA, to increase the East Perth Redevelopment Authority's Board to include a Council Representative."

On 5 December 2007, the Town wrote to the Minister for Planning and Infrastructure concerning the Town's membership on the EPRA Board.

On 18 March 2008, the Minister for Planning and Infrastructure wrote to the Town and advised as follows:

"As you are aware, the East Perth Redevelopment Authority (EPRA) now includes an area within the Town of Vincent boundaries.

Although the current EPRA legislation does not give the Town of Vincent representation on the board, as a matter of principle the Town of Vincent should have an opportunity to participate. As we want a balance of skills and gender, we would ask for names to be put forward from the Council for consideration."

The Board comprises of seven (7) members, including two (2) from the City of Perth and one (1) (proposed) from the Town of Vincent.

Meetings are held on a monthly basis at EPRA.

12.2 Future Planning for the Swan and Canning Rivers – Appointment of Advisory Committee Member(s)

Ward:	South	Date:	2 April 2008
Precinct:	Banks, P15	File Ref:	ORG0016
Attachments:	001		
Reporting Officer(s):	H Smith		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

That be nominated as a Member representing local government for the Swan and Canning Rivers Future Planning Advisory Committee established by the Swan River Trust.

The Presiding Member called for nominations – no nominations were received.

PURPOSE OF THE REPORT:

For the Council to appoint its Member to the Swan River Trust Advisory Committee for the Future Planning of the Swan and Canning Rivers.

DETAILS:

The Swan River Trust have advised in a letter dated 25 February 2008 the following in relation to their new phase of planning for the future management of the Swan and Canning rivers:

“Under the Swan and Canning Rivers Management Act 2006, the Swan River Trust must prepare a River Protection Strategy and Management Program for the newly created Riverpark, that is, the rivers and foreshore areas.

The Trust is establishing an Advisory Committee, comprised of a core Executive Committee of Trust board members and an expanded Full Committee, which would include representation of relevant State and local governments, and key stakeholders.

The Committee would be tasked with delivering a draft strategy by March 2009. After that time, we envisage the committee could evolve into an advisory committee for ongoing management of the Swan Canning Riverpark.

The Trust is seeking nominations from your council as a means to gain fair representation from different areas along the Swan and Canning rivers. It is planned that five local government representatives would sit as members, as well as a member from the WA Local Government Association.

As the Committee’s inception meeting is scheduled for 2pm Monday 12 May 2008, I would appreciate notification of your agency’s nomination before 18 April 2008.”

13. URGENT BUSINESS

Nil.

14. CONFIDENTIAL REPORTS (Behind Closed Doors)

Nil.

15. CLOSURE

The Presiding Member, Mayor Catania, declared the meeting closed at 9.55pm with the following persons present:

Mayor Catania, JP	
Cr Anka Burns	South Ward
Cr Helen Doran-Wu	North Ward
Cr Steed Farrell	North Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Izzi Messina	South Ward
Cr Noel Youngman	North Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Development Services
Rick Lotznicker	Director, Technical Services
Mike Rootsey	Director, Corporate Services

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 April 2008.

Signed:Presiding Member
Mayor Nick Catania, JP

Dated this day of 2008