



TOWN OF VINCENT

"Enhancing and celebrating our diverse community"

MINUTES

8 SEPTEMBER 2009

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INDEX (8 SEPTEMBER 2009)

ITEM	REPORT DESCRIPTION	PAGE
9.1 DEVELOPMENT SERVICES		
9.1.1	No. 103 (Lot 10 D/P: 56012) Harold Street, Highgate - Proposed Change of Use from Motel and associated Office and Storage Facilities to Four Storey Building consisting of Twenty-Seven (27) Multiple Dwellings - Short Term Accommodation (Unlisted Use) and associated Alterations and Additions (PRO0308; 5.2009.28.1)	49
9.1.2	No. 46 (Lot Y376 D/P: 2001) Joel Terrace, East Perth - Proposed Demolition of Existing Single House (PRO4726; 5.2009.279.1)	9
9.1.3	No. 478 (Lot 100 D/P: 89091) William Street, Corner Bulwer Street, Perth - Proposed Change of Use from Office to Non-Medical Consulting Room (Beauty Salon) and Shop (Hairdressing Salon) (PRO0508; 5.2009.251.1)	79
9.1.4	No. 25 (Lot 324 D/P: 33216) Venn Street, North Perth - Proposed Front Fence and Retaining Wall Additions to Approved Grouped Dwelling (PRO4271; 5.2009.212.1)	13
9.1.5	No. 226 (Lot 1 STR: 9760) Brisbane Street, Corner Dangan Street, Perth - Proposed Carport and Patio Addition to Existing Grouped Dwelling (PRO4771; 5.2009.232.1)	65
9.1.6	No. 100 (Lot 200 D/P: 54386) Oxford Street, corner Leederville Parade, Leederville - Proposed Outdoor Market (Unlisted Use) (RES0059; 5.2009.260.1)	69
9.1.7	Nos. 257-261 (Lot 1 D/P: 1925, Lot 2 D/P: 1925) Oxford Street, Corner Bourke Street, Leederville - Proposed Change of Use from Office to Eating House (Restaurant) with Associated Alterations and Additions (PRO2982; .2009.246.1)	17
9.1.8	No. 52 (Lot 3 STR: 28487) Forrest Street, Mount Lawley - Proposed Home Occupation (Hairdresser) (Application for Retrospective Approval) (PRO4788; 5.2009.273.1)	61
9.1.9	Building Amendment Regulations 2009 – Mandatory Installation of Hard-Wired Smoke Alarms in Existing Residential Dwellings (ADM0006)	21
9.2 TECHNICAL SERVICES		
9.2.1	Concept Plan for Streetscape Improvements to Newcastle Street, between Loftus Street and Carr Place - Progress Report No. 2 (TES0136) Oxford Centre Precinct	85
9.2.2	Possible Postponement of 2010 Perth Criterium Cycling Series (TES0171 & CMS0033) Mt Hawthorn Precinct	24
9.2.3	Proposed Introduction of Two (2) x Fifteen (15) Minute Parking Bays – Anzac Road, Mount Hawthorn (TES0508) Mt Hawthorn Precinct	28

9.3 CORPORATE SERVICES

- | | | |
|-------|--|----|
| 9.3.1 | Financial Statements as at 31 July 2009 (FIN0026) | 30 |
| 9.3.2 | Approval of Location for Percent for Art for Development at 9 Scarborough Beach Road, Mount Hawthorn (PRO3619) | 35 |
| 9.3.3 | Hyde Park Rotary Community Fair 2010 (RES0031) | 41 |

9.4 CHIEF EXECUTIVE OFFICER

- | | | |
|-------|--|----|
| 9.4.1 | Use of the Council's Common Seal (ADM0042) | 37 |
| 9.4.2 | Information Bulletin | 40 |

10. COUNCIL MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

- | | |
|------|----|
| Nil. | 91 |
|------|----|

11. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN (Without Discussion)

- | | |
|------|----|
| Nil. | 91 |
|------|----|

12. REPRESENTATION ON COMMITTEES AND PUBLIC BODIES

- | | | |
|------|---|----|
| 12.1 | WALGA Nomination - Local Government and Community Road Safety Grants Committee (<i>Re-advertised</i>) (ORG0045) | 91 |
|------|---|----|

13. URGENT BUSINESS

- | | |
|------|----|
| Nil. | 91 |
|------|----|

14. CONFIDENTIAL ITEMS / MATTERS FOR WHICH THE MEETING MAY BE CLOSED ("*Behind Closed Doors*")

- | | | |
|------|--|----|
| 14.1 | CONFIDENTIAL REPORT: Town of Vincent Internal Organisational Review 2009 – Recommendations (ADM0061) | 92 |
|------|--|----|

15. CLOSURE

116

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 September 2009, commencing at 6.00pm.

1. DECLARATION OF OPENING

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

2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE

(a) Apologies:

Cr Izzi Messina – apology due to personal commitments.
Cr Anka Burns – apology due to being unwell.

(b) Present:

Mayor Nick Catania, JP	Presiding Member
Cr Doran-Wu	North Ward
Cr Steed Farrell (<i>Deputy Mayor</i>)	North Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Development Services
Rick Lotznicker	Director Technical Services
Mike Rootsey	Director Corporate Services
Anita Radici	Executive Assistant (Minutes Secretary)
Phynea Papal	Journalist – “ <i>The Guardian Express</i> ” (until approximately 7.16pm)

Approximately 16 Members of the Public

(c) Members on Approved Leave of Absence:

Cr Ian Ker – due to local government business commitments.

(c) Cr Noel Youngman tendered his resignation as a Councillor at the Town of Vincent effective from Friday 21 August 2009.

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

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

1. Mudji Nielsen of behalf of the Rotary Club of North Perth (accompanied by the acting President Bruno Fic) of 214 Cape Street, Tuart Hill – Item 9.3.3. Read out the following:

“Thank you Mr Mayor, the Chief Executive Officer and Councillors for the opportunity to speak. The Rotary Club will be running the next community fair over the Labour Day long weekend, Sunday 28 February and Monday 1 of March 2010.

The Club is ever grateful to Councillors for their support of this charity event.

Over more than 20 years, the Hyde Park Community Fair has built a very strong following and this year was one of our most successful.

I think that’s because we have built a good reputation, attract families in a safe environment, we don’t charge for entry and there are two full days of free entertainment.

Thousands of people from the Town of Vincent, and some from outside, come along and sample dozens of stalls, see local entertainers, and enjoy a relatively cheap meal.

The Club endeavours to make a profit, so that it can provide further benefits to the community, for example, after this year's fair, we helped fund:

- *The Life Education Centre, consisting of 4 mobile caravans that visit primary schools in our state to teach drug awareness;*
- *Manna Industries in Northbridge and St Bartholomews in East Perth – supporting the less fortunate;*
- *Rotary Cordblood Bank in WA -- which requires funding in excess of 6 million dollars;*
- *The Rotary Foundation – which goes toward humanitarian help;*
- *Rotary Oceania Medical Aid for Children (ROMAC) – bringing children to Australia and New Zealand from the developing countries for life-saving and dignity-restoring surgery not available in their own country; and*
- *A whole range of other charities, including the Victorian Bushfire Appeal, Anglicare, Cerebral Palsy, Mission Australia, The Salvation Army, St Vincent de Paul, Foodbank, Alzheimers Association and Australian Rotary Health.*

In organising this fair, we have always put first the best interests of the people of the Town of Vincent.

The Rotary Club thanks and hopes that Councillors will continue to support our efforts and approve the use of Hyde Park and become our major sponsor of the Hyde Park Rotary Community Fair 2010.

In closing – I wish to acknowledge Rotarian Bevan McInerney from the North Perth Rotary Club for his tireless efforts in organising the fair for so many years.

Thank you”

2. Nick Silich of Hillam Architects, Unit 2, 31 Hood Street, Subiaco – Item 9.1.1. Stated this project has been in front of Council a number of times over the years and due to unforeseen circumstances the owners have changed and the site has become dilapidated. Advised it is currently a 59 room motel with a function centre and restaurant in quite a dilapidated state which they have been issued redevelopment orders for by Council. Stated earlier this year at a Forum they had proposed to develop into a 12 apartment complex with 2 floors of commercial space – 1,600m² and based on the valued feedback this has been rethought and the new proposal is for a solely residential property consisting of 27 quality apartments to be used as short stay and permanent accommodation. Stated the proposal complies with the intent of the Architectural Design Guidelines and meets the objectives in respect to retaining the style and character of the precinct with a high quality contemporary integration within the existing shell of the motel. Advised materials and colour reflect and compliment the materiality of the precinct and vastly improve on its current state. Stated the design promotes modern refurbishment of a current design and will make quite a statement on the streetscape therefore responding to the context not only in visual terms but in terms of an appropriate modernisation of the property. Believed this proposal to be one of the most economic responses to the site, great value to the motel and they propose to provide a very high quality development that will add a lot of integrity to the Mt Lawley and Forrest precincts. Thanked Council for their time and Planning Officers (who they have worked very closely with) for their extended efforts, as it has been quite laborious. Urged Council to support the application.
3. Leurissa Gooch, resident of North Perth/Mt Lawley – Item 9.1.8. Read out the following:
*“Amusingly the Applicant is one and the same person who submitted a petition to this Council in July 2007 asking for something to be done about the traffic on the street. The Applicants business will compound an already existing problem with traffic on Forrest Street which has never been fully resolved.
The other so-called hair salon referred to in the application is not a comparable business. As this application is an extension of an existing business, whereas the other salon is only operated by one person who works from home for a few hours each week, **much** less than what the Applicant has applied for.*

Customers: Since the Applicant began operating from home, they regularly have more than one client every 2 hours. At times we have witnessed particularly on Saturdays at least 3 clients at the premises at the one time. Again demonstrating more than one person is employed. They also advertise the business on the internet under the business name 'Studio 52' no doubt to further reach beyond their original clientele.

The Applicants should not be given a licence as past actions would indicate they will not abide with any conditions or restrictions imposed on their licence. They have conducted extensive alterations without shire approval and operated the business with complete disregard to shire regulations. Operating prior to applying for a retrospective licence application, outside of the days and hours requested in their application and with additional employees including the Applicants husband who is also a hairdresser. Additionally, on the 11 August when Susannah from the shire asked them to cease operating they failed to comply, it was only some time later they applied for retrospective approval.

Pension: The claim that this application is to avoid going on the pension is not the shires concern. This move to operate from home would appear to be commercially motivated to avoid paying rent at the original business site. Further evidenced by the Applicants own written letter regarding their trading hours and employees of the business, contrary to their application. This should not be a factor that the shire weighs in their decision.

Additionally should you decide to consider such an excuse then you should also consider the precedent this would set with an aging population on the street, with at least 40% of the residents retired. If the shire allowed such a business to operate it would open the floodgates for the other residents who already own their own businesses to also begin operating from home. Such businesses should be located within appropriately zoned commercial areas and not be inflicted upon residential neighbours. If the shire allowed this application in any form it would set an undesirable precedent."

4. Carolyn Muia of 52 Forrest Street, Mt Lawley – Item 9.1.8. Read out the following:

"I am speaking on behalf of my mother-in-law, the applicant, Lynette Muia due to the fact that she has laryngitis and cannot speak.

Dear Councils, my name is Lynette Muia I am a 66 year old woman living at 52 Forrest Street Mt Lawley. I have been a ladies hairdresser all my working life for the last 50 years.

In 2009 I decided that I did not want to go on an aged pension but wished to continue some hairdressing activity for my home. My garage was refurbished into a small working area using equipment from the closing down from my Fitzgerald Street Salon in June 2009. I was unaware that I had to obtain Council approval for the Home Occupation as I was guided by friends with a similar hair dressing setup in the Wembley area. They had no issues in establishing the same style of business including furnishings.

I would also like to draw Councils attention to the fact that another home occupation hair dressing salon currently operates in Forrest Street Mt Lawley as does a childcare centre which causes a significant traffic flow. In addition, I was unaware of any need to obtain building approval as all refurbishment work was within the boundary of the dwelling structure.

I note that under the Town of Vincent Town Planning Scheme Section 33, planning approval is not required for the maintenance, improvement or other alteration of any building were works only affect its interior or do not materially affect its external appearance.

The work from home business I have sort to establish is based on a small number of my existing clients up to a maximum of 5 people per day and no more than two cars being parked outside at any one time. More than enough room for this exists.

I wish to note that no pamphlets have been distributed in the area to surrounding landowners and I would like to request that such a pamphlet be served as evidence because it does not exist only a personal letter to already established clients was distributed. Also, at no time has there been advertising on the internet and we do not refer to the sale as Studio 52.

Due to my husband's ill health and my own lack of capacity to work long hours it was necessary for me to downgrade my business and to continue to serve select clients only. I will be the only person working the salon, we will not be employing anybody.

Given my right of appeal, I ask that the Council reconsider its decision to refuse the application submitted. I also take exception to some of the alleged claims represented to you such as the high volume of traffic to my property before or after the work from home business was established. We would ask the Council for guidance in any changes that they may require to enable me to operate a home occupation from 52 Forrest Street, Mt Lawley.

Thank you for your consideration."

5. Julie Bentley of BCA Homes and Patios, Unit 3, 1780 Albany Highway, Kenwick – Item 9.1.5. Thanked Planning for the recommendation which she supports.
6. Katrina Thompson, organiser of Oxford Street Markets (accompanied by Tony Clancy, Assistant Manager) of PO Box 1080, West Leederville – Item 9.1.6. Thanked Council for their consideration for them to continue in 2009/10 and appreciates the support for the market further in the next summer season and looks forward to working with Council further and contributing more with the regular event established in the area. Stated they will be commencing on a weekly basis on Saturday from 14 November 2009 until 7 March 2010 between 9am and 4pm.

There being no further speakers, public question time closed at approx. 6.23pm.

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND PRESENTATIONS

Nil.

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Minutes of the Ordinary Meeting of Council held on 25 August 2009.

Moved Cr Maier, Seconded Cr Farrell

That the Minutes of the Ordinary Meeting of Council held 25 August 2009 be confirmed as a true and correct record.

CARRIED (5-0)

(Cr Ker on approved leave of absence. Cr Burns & Cr Messina were apologies for the meeting.)

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

7.1 Employee of the Month Award for the Town of Vincent for September 2009

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

For SEPTEMBER 2009, the award is presented to Simon Cooper, Information Technology Officer in the Corporate Services Section.

Simon was nominated by the Manager Information Technology, Hunrhu Kek, further to an email received from Geoff Manson from Envisionware, which read as follows:

"It was great working with Simon [and yourself] while performing your installation. The assistance provided by Simon was outstanding. You are extremely lucky to have such valuable support for the IT Department."

The nomination was also endorsed by a number of other Town employees.

Simon is a helpful member of staff whose positive nature and "can do" attitude is always appreciated and as a result, deserving of the Employee of the Month Award.

Congratulations Simon - and well done!

Received with Acclamation!

7.2 Hyde Park Lakes

The Director Technical Services, Manager Parks & Property Services and I met with representatives from the Water Corporation and Department of Water last week to discuss the Hyde Park Lakes.

As a result of the meeting, letters were received from the Water Corporation Regional Business Manager - Perth Region, Peter Armanasco, and Department of Water Regional Manager - Swan Avon Region, Ross Sheridan as follows:

Extract from Water Corporation Letter:

"The Hyde Park Lakes are a part of the Water Corporation's drainage system. To enable the catchment, which is mostly contained within the Town of Vincent, to be adequately drained the Lakes will need to be retained as a drainage compensating basin into the future.

With respect to the specific issues raised with the Water Corporation at the meeting:

Reducing the Size of the "Lakes"

Preliminary indications are that the size of the Lakes can be reduced by at least 25% without compromising their function as a compensating basin. The actual reduction potential will need to be confirmed by detailed design."

Extract from Department of Water Letter:

“The Town currently has 28,000 kilolitres per annum allocated from the Perth Superficial Aquifer to maintain Lake water levels at Hyde Park. This license is valid until 30 November 2017.

The Department of Water recognises that well designed and maintained constructed lakes can have community benefits that are similar to those gained from natural wetlands, such as aesthetic and recreational values and if an application is made for additional water, it will be considered in line with the availability of water and current licensing policy and process at the time of application.

Additionally, the discussion held regarding the findings of the Gnamagara Sustainability Strategy highlighted concerns regarding the sustainability of maintenance of water levels in the Hyde Parks Lakes. The Sustainability Strategy refers to ‘ground water dependent ecosystems’ and significant ‘non-urban’ wetlands being impacted by declining water levels in the Gnamagara mound.

As the Hyde Park lakes are a ‘compensating basin’, supplied by storm water and, as noted above, by pumped groundwater, it is considered that they fall outside the scope of the ‘Gnamagara Sustainability Strategy’ draft recommendations.”

I feel it is important to inform the Council of the responses received from the two Departments to clarify comments which were raised during consideration of the item concerning the "Gnamagara Sustainability Strategy" (Item 9.1.10) at the Ordinary Meeting of Council held on 25 August 2009.

7.3 Quorum

As announced by the Chief Executive Officer, we have a number of Councillors away this evening. As such, we now only have the minimum number of Council Members to constitute a Quorum.

I therefore seek the Councillors' co-operation not to depart the Council Chamber, as this will cause the Meeting to be adjourned.

8. DECLARATIONS OF INTERESTS

- 8.1 Mayor Nick Catania declared an interest affecting Impartiality in Item 9.1.8 – No. 52 (Lot 3 STR: 28487) Forrest Street, Mount Lawley - Proposed Home Occupation (Hairdresser) (Application for Retrospective Approval) (PRO4788; 5.2009.273.1). The extent of his interest being that he owns a house in Forrest Street approximately 100 metres from the subject site. As a consequence, there may be a perception that his impartiality on the matter may be affected. He declared that he would consider this matter on its merits and vote accordingly.

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

Nil.

10. REPORTS

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

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

Items 9.3.3, 9.1.1, 9.1.8, 9.1.5 and 9.1.6.

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

Item 9.1.1.

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

Nil.

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

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

Cr Farrell	Nil.
Cr Doran-Wu	Nil.
Cr Lake	Item 9.2.1.
Cr Maier	Item 9.1.3.
Mayor Catania	Nil.

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

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

Items 9.1.2, 9.1.4, 9.1.7, 9.1.9, 9.2.2, 9.2.3, 9.3.1, 9.3.2, 9.4.1 and 9.4.2.

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

Item 14.1.

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

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

Items 9.1.2, 9.1.4, 9.1.7, 9.1.9, 9.2.2, 9.2.3, 9.3.1, 9.3.2, 9.4.1 and 9.4.2.

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

Items 9.3.3, 9.1.1, 9.1.8, 9.1.5 and 9.1.6.

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

Moved Cr Farrell, Seconded Cr Doran-Wu

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

Items 9.1.2, 9.1.4, 9.1.7, 9.1.9, 9.2.2, 9.2.3, 9.3.1, 9.3.2, 9.4.1 and 9.4.2.

CARRIED (5-0)

(Cr Ker on approved leave of absence. Cr Burns & Cr Messina were apologies for the meeting.)

9.1.2 No. 46 (Lot Y376 D/P: 2001) Joel Terrace, East Perth - Proposed Demolition of Existing Single House

Ward:	South	Date:	31 August 2009
Precinct:	Banks; P15	File Ref:	PRO4726; 5.2009.279.1
Attachments:	001 , 002		
Reporting Officer(s):	H Au		
Checked/Endorsed by:	H Smith, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by the owners Joric Pty Ltd, L J Hinchliffe, Le Grande Holdings Pty Ltd, M R Hinchliffe, Natassi Pty Ltd and Ucria Pty Ltd for proposed Demolition of Existing Single House, at No. 46 (Lot Y376 D/P: 2001) Joel Terrace, East Perth, and as shown on plans stamp-dated 4 August 2009, subject to the following conditions:

- (i) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
- (ii) 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;*
- (iii) support of the demolition application is not to be construed as support of the Planning Approval/Building Licence application for the redevelopment proposal for the subject property;*
- (iv) demolition of the existing dwelling will make the property ineligible for any development bonuses under the provisions of the applicable Town Planning Scheme and associated Policies for the retention of existing dwellings valued by the community;*
- (v) any redevelopment on the site shall be sympathetic to the scale and rhythm of the streetscape in line with the provisions of the applicable Town Planning Scheme and associated Policies;*
- (vi) at the completion of the demolition, the site levels shall match into the existing verge, footpath and road levels;*
- (vii) the applicant/owner(s) shall contact Western Power for any clearances on the site prior to the issue of a Demolition Licence, to ensure Western Power's Northern Terminal to East Perth/Belmont 81 (NT-EP/BEL81) Transmission Line, running parallel to the rear of the subject lot boundary, is protected;*
- (viii) no material, including fill, building materials, rubbish or any other deleterious matter shall be deposited on the Parks and Recreation Reserve, or allowed to enter the river as a result of the demolition;*

- (ix) *the applicant shall decommission, and backfill with clean material, any existing on-site effluent disposal systems; and*
- (x) *upon condition of the demolition, all waste materials shall be removed and the site cleaned-up to the satisfaction of the General Manager, Swan River Trust.*

COUNCIL DECISION ITEM 9.1.2

Moved Cr Farrell, Seconded Cr Doran-Wu

That the recommendation be adopted.

CARRIED “EN BLOC” (5-0)

(Cr Ker on approved leave of absence. Cr Burns & Cr Messina were apologies for the meeting.)

Landowner:	Joric Pty Ltd, L J Hinchliffe, Le Grande Holdings Pty Ltd, M R Hinchliffe, Natassi Pty Ltd and Ucria Pty Ltd
Applicant:	Joe Natoli
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R60
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	490 square metres
Access to Right of Way	N/A

BACKGROUND:

23 March 2009 The Council resolved to issue a Renovation Notice in accordance with section 409 of the *Local Government (Miscellaneous Provisions) Act 1960*. Specifically the notice required:

- "1. *You are hereby required to bring the appearance of the Building on the Property into conformity with the general standard of appearance of the buildings in the locality, including carrying out the works set out in the schedule:*

Schedule

- (a) *Repair and make good front gable end, front awning and verandah timber floor;*
- (b) *Remove all external ply-wood panels and corrugated iron to all external openings (doors and windows);*
- (c) *Reinstate and reglaze all external windows and doors to be in proper working order;*
- (d) *Remove general weeds and building debris; and*
- (e) *Reclad the rear building addition.*

to the satisfaction of the Town of Vincent."

24 July 2009 The applicant submitted an application for demolition of the existing dwelling.

DETAILS:

The proposal involves the demolition of the existing single dwelling at No. 46 (Lot Y376 D/P: 2001) Joel Terrace, East Perth.

The applicants do not wish to action the items specified in the Renovation Notice as it is understood that it is their intention to demolish the subject property and redevelop. However, the applicant has advised that they are in the early stages of design development and are unable, at this time, to satisfy the standard condition which requires a redevelopment proposal to be submitted prior to the issue of a Demolition Licence.

As such, the applicant has requested, in the event that the Council approves the proposed demolition of the subject place that it omits the standard condition that requires a redevelopment proposal for the subject property to be submitted and approved by the Town, prior to the issue of a Demolition Licence. In support of this request, a structural condition report prepared by Nardelli Homes dated 14 July 2009 has been submitted by the applicant/owners. This report is partially summarised below and contained as an attachment to this report:

- Main lower floor roof supporting beams, ceiling above lower level toilet/laundry/spare room, window and door frames, skirting, staircase, all floor boards, outside timbers and roof rafters show significant white ant damage;
- Majority of internal walls have structural cracks and are very unstable;
- All light points, switches and power points are in very poor condition and are extremely dangerous;
- Exposure to broken asbestos sheets throughout;
- Majority of walls to the house have signs of rising damp; and
- Bricks on front elevation are crumbling and separating.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	N/A	N/A	Noted.
Plot Ratio	N/A	N/A	Noted.
Consultation Submissions			
Support (2)	Western Power – Western Power has the Northern Terminal to East Perth/Belmont 81 (NT-EP/BEL81) Transmission Line running parallel to the rear of the property boundary. Western Power should be contacted in the event of any buildings proposed in this area. If the property is subdivided, an easement would be a condition.		Noted – This concern has been addressed in the conditions of Planning Approval.
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Sustainability Implications			Nil
Financial/Budget Implications			Nil

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

COMMENTS:

Swan River Trust

As per the statutory requirements, this application was referred to the Swan River Trust for their comments and recommendation. In a letter dated 25 August 2009, the Swan River Trust stated that they did not have any objection to the proposal subject to three conditions, which have been incorporated into the Officer Recommendation.

Heritage Services

The subject dwelling at No. 46 Joel Terrace, East Perth is an example of brick and tile Federation Style Bungalow constructed circa 1905. Whilst maintaining much of the external original detailing, the place has been subject to neglect and the building appears to be in a state of slow and steady decline. Furthermore, the dwellings historical context and its immediate surrounding cultural landscape has been eroded by the demolition of original housing stock, the introduction of garages and high brick walls within the street setback, and the introduction of contemporary buildings.

A full heritage assessment was undertaken for No. 46 Joel Terrace, East Perth in August 2009, which indicates that the place has little aesthetic, historic, scientific or social heritage significance. In accordance with the Town's Policy relating to Heritage Management – Assessment, the place does not meet the threshold for entry on the Town's Municipal Heritage Inventory. A detailed Heritage Assessment is contained in the attachment to this report.

In light of the above, it is considered reasonable that the application for the demolition of the subject dwelling be approved.

The applicant has requested that the condition, relating to the requirement for a redevelopment proposal, be removed by the Town prior to the issue of a Demolition Licence. This above condition is a standard condition, as per Clause 41 of the Town Planning Scheme No. 1, which is applied to the approval of all demolition within the Town and is intended to minimise parcels of land being left vacant over a lengthy period, and enables opportunity for the dwellings to be retained.

The applicant has submitted a letter issued by a Registered Builder and advised the Town that the subject dwelling is "*irreparable and a safety hazard*". It is noted that the Town's Building Services is of the view that many of the items listed on the applicant's condition report are able to be managed and addressed, and do not necessarily impact on the structural integrity of the place. It is further noted that the report is prepared by a Registered Builder, not a Qualified Structural Engineer.

In light of the above, it is considered that the subject single house be approved for demolition, without the standard redevelopment requirement, as per the Officer Recommendation.

9.1.4 No. 25 (Lot 324 D/P: 33216) Venn Street, North Perth - Proposed Front Fence and Retaining Wall Additions to Approved Grouped Dwelling

Ward:	South	Date:	31 August 2009
Precinct:	Norfolk; P10	File Ref:	PRO4271; 5.2009.212.1
Attachments:	001		
Reporting Officer(s):	A Reynolds		
Checked/Endorsed by:	H Smith , R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Arasi Constructions Pty Ltd on behalf of the owner G De Leo for proposed Front Fence and Retaining Wall Additions to Approved Grouped Dwelling, at No. 25 (Lot 324 D/P: 33216) Venn Street, North Perth, and as shown on plans stamp-dated 21 July 2009, subject to no street verge tree(s) being removed unless written approval has been received from the Town's Parks Services. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s).

COUNCIL DECISION ITEM 9.1.4

Moved Cr Farrell, Seconded Cr Doran-Wu

That the recommendation be adopted.

CARRIED "EN BLOC" (5-0)

(Cr Ker on approved leave of absence. Cr Burns & Cr Messina were apologies for the meeting.)

Landowner:	G De Leo
Applicant:	Arasi Constructions Pty Ltd
Zoning:	Metropolitan Region Scheme: (MRS): Urban Town Planning Scheme No. 1 (TPS 1): Residential R40
Existing Land Use:	Grouped Dwelling
Use Class:	Grouped Dwelling
Use Classification:	"P"
Lot Area:	673 square metres
Access to Right of Way	Not Applicable

BACKGROUND:

3 April 2008 The Town under delegated authority from the Council conditionally approved the demolition of existing single house and construction of single storey grouped dwelling and one, two storey grouped dwelling.

DETAILS:

The proposal involves Front Fence and Retaining Wall Additions to Approved Grouped Dwelling.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	Noted.
6.3.1 Buildings Setback from the boundary: Retaining Walls Front setback area - West	1.0 metre	0.65 metre	Supported – as not considered to have an undue impact on adjoining property and amenity of street. No objections received during advertising period.
Lot boundary retaining behind the main building line - South	1.5 metres	Nil	Supported – as not considered to have an undue impact on adjoining property. No objections received during advertising period.
- East	1.5 metres	Nil	Supported – as not considered to have an undue impact on adjoining property. No objections received during advertising period.
- West	1.0 metre	Nil – 3.42 metres	Supported – as not considered to have an undue impact on adjoining property. No objections received during advertising period.
	1.5 metres	Nil	Supported – as not considered to have an undue impact on adjoining property. No objections received during advertising period.

<p>BDADC 8 Retaining Walls: Front setback area</p> <p>Lot boundary retaining behind the main building line</p>	<p>Retaining wall are to not exceed 500 millimetres in height</p> <p>Retaining wall are to not exceed 500 millimetres in height</p>	<p>North: 836 millimetres</p> <p>East: 836 millimetres</p> <p>West: 836 millimetres</p> <p>South: 900 millimetres</p> <p>East: 300 – 900 millimetres</p> <p>West: 300 – 900 millimetres</p> <p>750 millimetres</p>	<p>Supported – as not considered to have an undue impact on adjoining property and amenity of street. No objections received during advertising period.</p> <p>Supported – as not considered to have an undue impact on adjoining property. No objections received during advertising period.</p> <p>Supported – as not considered to have an undue impact on adjoining property. No objections received during advertising period.</p> <p>Supported – as not considered to have an undue impact on adjoining property. No objections received during advertising period.</p> <p>Supported – as not considered to have an undue impact on adjoining property. No objections received during advertising period.</p> <p>Supported – as not considered to have an undue impact on adjoining property. No objections received during advertising period.</p> <p>Supported – as not considered to have an undue impact on adjoining property. No objections received during advertising period.</p>
<p>SADC 13. Street Walls and Fences:</p>	<p>Posts and piers are to have a maximum width of 355 millimetres and a maximum diameter of 500 millimetres.</p>	<p>Width of 470 millimetres (piers incorporating letter boxes)</p>	<p>Supported – see ‘Comments’ section below.</p>

Consultation Submissions			
Support	Nil	Noted.	
Objection	Nil	Noted.	
Other Implications			
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes (R Codes).	
	The distance between piers should not be less than the height of the piers except where pedestrian gates are proposed.	1.166 - 2.121 - 0.900 - 1.554 - 1.401 - 1.226 - 1.301 metres	Supported – see ‘Comments’ section below.
Strategic Implications		Nil	
Sustainability Implications		Nil	
Financial/Budget Implications		Nil	

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

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

COMMENTS:

The subject variations to the Acceptable Development Criteria (SADC 13) Street Wall and Fences, of the Town’s Residential Design Elements Policy 3.2.1 are of a minor nature and are not considered to have an undue impact on the Venn Street streetscape. The increased pier width of 470 millimetres allows for the incorporation of letter boxes for the two grouped dwellings on-site without compromising the adjacent visual truncation area, as per the Town’s Truncations Policy 2.2.6. Furthermore, the succession of reduced distances between the piers does not restrict the clear line of demarcation provided between the street and the development.

The above mentioned variations do not adversely affect the visual integrity and local character of the streetscape, and no objections were received during the community consultation process.

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

9.1.7 Nos. 257-261 (Lot 1 D/P: 1925, Lot 2 D/P: 1925) Oxford Street, Corner Bourke Street, Leederville - Proposed Change of Use from Office to Eating House (Restaurant) with Associated Alterations and Additions

Ward:	North	Date:	31 August 2009
Precinct:	Leederville; P03	File Ref:	PRO2982; 5.2009.246.1
Attachments:	001		
Reporting Officer(s):	R Narroo		
Checked/Endorsed by:	H Smith, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, REFUSES the application submitted by Domination Homes on behalf of the owner Aralia Investments Pty Ltd for proposed Change of Use from Office to Eating House (Restaurant) with Associated Alterations and Additions, at Nos. 257-261 (Lot 1 D/P: 1925, Lot 2 D/P: 1925) Oxford Street, Leederville, and as shown on plans stamp-dated 26 June 2009 , for the following reasons:

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) the non-compliance with the Town's Policy No. 3.7.1 relating to Parking and Access; and*
- (iii) consideration of the objections received.*

COUNCIL DECISION ITEM 9.1.7

Moved Cr Farrell, Seconded Cr Doran-Wu

That the recommendation be adopted.

CARRIED "EN BLOC" (5-0)

(Cr Ker on approved leave of absence. Cr Burns & Cr Messina were apologies for the meeting.)

Landowner:	Aralia Investments Pty Ltd
Applicant:	Domination Homes
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R60
Existing Land Use:	Mixed-Use Development (office/multiple dwellings) under construction
Use Class:	Eating House (Restaurant)
Use Classification:	"SA"
Lot Area:	711 square metres
Access to Right of Way	West side, 2.73 metres wide, unsealed , privately owned

BACKGROUND:

- 14 June 2005 The Council at its Ordinary Meeting conditionally approved an application for the demolition of vehicle sales premises and construction of three (3), two-storey grouped dwellings, at No. 257 Oxford Street, Leederville.
- 22 November 2005 The Council at its Ordinary Meeting conditionally approved an application for the demolition of existing vehicle sales premises and construction of three (3) two-three storey multiple dwellings at No. 257 Oxford Street, Leederville.
- 27 June 2006 The Council at its Ordinary Meeting conditionally approved an application for the construction of three (3) two-storey plus basement, multiple dwellings at No. 257 Oxford Street, Leederville.
- 4 December 2007 The Council at its Ordinary Meeting deferred an application for demolition of existing buildings and construction of three-storey mixed use development comprising office, eight (8) multiple dwellings (including 6 single bedroom dwellings and 2, two-bedroom dwellings) and associated car parking.
- 18 December 2007 The Council at its Ordinary Meeting conditionally approved an application for demolition of existing buildings and construction of three-storey mixed-use development comprising office, eight (8) multiple dwellings (including 6 single bedroom dwellings and 2, two- bedroom dwellings) and associated car parking.

DETAILS:

The proposal involves the change of use from office to eating house. The building is under construction.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	N/A	N/A	Noted.
Plot Ratio	N/A	N/A	Noted.
Car Parking			
Car parking requirement (nearest whole number)			23 car bays
Restaurant = 1 space per 4.5 square metres of public area (proposed 104 square metres)- 23.11= 23			
Apply the adjustment factors.			(0.68)
<ul style="list-style-type: none"> ▪ 0.85 (within 400 metres of a bus stop) ▪ 0.80 (development contains a mix of uses, where at least 45 per cent of the gross floor area is residential) 			15.64 car bays
Minus the car parking provided on-site			3 car bays
Minus the most recently approved on-site car parking shortfall			Not applicable
Resultant shortfall			12.64 car bays

Bicycle Parking		
Class 1 or 2 – 1 space per 100 square metres gross floor area= 2	No facilities provided on plans.	
Class 3- 2 spaces plus 1 space per 100 square metres of public area= 4		
Consultation Submissions		
Support	Nil	Noted.
Objections (8)	<p>Parking</p> <p>Lack of parking will impact on the adjoining residential area. It is likely that the cars will park along Muriel Place which will compound the existing parking problems on Muriel Place.</p> <p>Kitchen Exhaust</p> <p>There is no technical detail on the proposed method of kitchen exhaust. Concerns about the odours coming from the kitchen exhaust which will impact on the surrounding area.</p>	<p>Supported- refer to “Comments” below.</p> <p>Not supported- the design of the kitchen exhaust will be assessed at the Building Licence stage and will have to comply with the Australian Standards.</p>
Other Implications		
Legal/Policy	TPS 1 and associated Policies.	
Strategic Implications	Nil	
Financial/Budget Implications	Nil	
Sustainability Implications	Nil	

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

Car Parking

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

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

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

The subject application for Nos. 257-261 Oxford Street has a total car parking requirement of 15.64 car bays (after adjustment factors). If the above clause of the Parking and Access Policy is applied to the subject application, for the place at Nos. 257-261 Oxford Street, a total of 2.346 car bays are required to be provided on-site. Three car bays are provided for this development.

Whilst the applicant satisfies the Parking and Access Policy for cash-in-lieu, the Town's Officers still consider that its scale and nature will have an undue impact on the amenity of the area. This is due to the fact that a restaurant generates a lot of traffic and the site is located at the junction between Bourke Street and Oxford Street which will have an impact on the surrounding area. It is considered there may be car parking spillover to adjacent residential areas.

In the pursuit of orderly and proper planning, it is important that the Town manages future land uses in a manner that ensures the amenity of the nearby area is not unduly impacted upon by car parking spillover and also to ensure that visitors to the area are inconvenienced by acceptable levels of available parking.

Strategic Implications

The Town's Local Planning Strategy endorsed by the Council at its Ordinary Meeting held on 14 April 2009, and currently with the Western Australian Planning Commission for certification, identified the subject property within the Oxford Street Activity Corridor connecting the Town Centres of Mount Hawthorn and Leederville.

The Local Planning Strategy states the strategic direction of this section of Oxford Street to *'focus higher density residential, retail, entertainment and commercial activities along the corridor in a way that provides increased opportunities for diverse housing and employment within a 'walkable' catchment area through specific design guidelines.'*

Further to this, the Local Planning Strategy acknowledges that *'the character of Oxford Street will ideally include a wide range of pedestrian orientated activities that attract people and facilitate a vibrant high density mixed-use community setting and which encourages flexible live-work spaces including high quality apartments, studio/study-style developments, shop-top housing and affordable housing options suited to a range of household types.'*

At the time of preparing the Local Planning Strategy, the key strategic document relating to Activity Corridors was Network City (2004). Since the release of Network City, the Western Australian Planning Commission has released the strategic document Directions 2031 for public comment. In regards to Activity Corridors, Directions 2031 states that, *'it supports the principle of activity corridors and the intensification of residential development where appropriate along its length. However it does not support the expansion of ribbon development of commercial activities beyond the core of activity centres, as it diminishes the viability of centres and has the potential to create access and traffic conflicts along the corridor'*.

In light of the above, it is considered that the proposed change of use from an office to a restaurant is not supported and that the proposed use is better suited to be concentrated within identified Activity Centres, leaving the Activity Corridor to accommodate predominantly residential use and uses that better complement residential use.

Summary

In light of the above, it is recommended that the application be refused as per the Officer Recommendation.

9.1.9 Building Amendment Regulations 2009 – Mandatory Installation of Hard-Wired Smoke Alarms in Existing Residential Dwellings

Ward:	Both Wards	Date:	31 August 2009
Precinct:	All Precincts	File Ref:	ADM0006
Attachments:	-		
Reporting Officer(s):	E Lebbos, B Tran		
Checked/Endorsed by:	H Smith, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report in relation to the Building Amendment Regulations 2009, which required the mandatory installation of hard wired smoke alarms in existing residential dwellings; and*
- (ii) *NOTES that the enforcement of the new legislation (Building Amendment Regulations 2009) will incur a cost to the Town, mainly in terms of inspection/certification and staffing resources for ensuring compliance.*

COUNCIL DECISION ITEM 9.1.9

Moved Cr Farrell, Seconded Cr Doran-Wu

That the recommendation be adopted.

CARRIED “EN BLOC” (5-0)

(Cr Ker on approved leave of absence. Cr Burns & Cr Messina were apologies for the meeting.)

PURPOSE OF REPORT:

The purpose of this report is to inform the Council of the new regulations to amend the *Building Regulations 1989*. The *Building Amendment Regulations 2009*, published in the Government Gazette on 31 July 2009, as ‘*Laid on the Table*’, relates to the mandatory installation of mains powered smoke alarms to be fitted to existing residential dwellings subject to sale, lease or hire.

BACKGROUND:

Mains powered smoke alarms have been mandatory in all new residential dwellings since July 1997. Existing homes however, were exempt unless they were undergoing substantial renovation.

At the Ordinary Meeting of Council held on 11 March 2008, the Council received a report concerning the proposed amendments to the *Building Regulations 1989* relating to mandatory installation of hardwired smoke alarms to existing residential dwellings. This report outlined in the Infopage “*Mandatory Installation of Hardwired Smoke Alarms to Existing Residential Dwellings*”, which was circulated to Local Governments by the Western Australian Local Government Association (WALGA).

On 19 August 2009, the Town received a letter from the Fire and Emergency Services Authority of Western Australia (FESA) informing the Town that the new regulations (*Building Amendment Regulation 2009*) under the *Local Government (Miscellaneous Provisions) Act 1960* take effect from 1 October 2009. In short, these regulations stipulate that mains powered smoke alarms must be fitted in all existing residential buildings (BCA – Class 1, 2 and 4) prior to sale and when a new tenancy agreement is signed for rental properties.

DETAILS:

Mains powered smoke alarms have been mandatory in all new residential dwellings since July 1997. Existing homes however, were exempt unless they were undergoing substantial renovation. Despite extensive community awareness campaigns, highlighting the life safety advantages of mains powered smoke alarms, a FESA community survey in 2008 revealed that under 20% of homes built before 1997 have been fitted with mains powered smoke alarms. It is anticipated therefore that the new regulations will significantly increase the number of mains wired smoke alarms installed in Western Australia, as an average of 55,000 residential dwellings are sold annually, with approximately 250,000 rental properties with an estimated 60,000 tenancy changes per year.

The new regulations (*Building Amendment Regulation 2009*) under the *Local Government (Miscellaneous Provisions) Act 1960* that take effect on 1st October 2009 will require mains powered smoke alarms to be fitted to homes that are subject to sale, lease or hire.

The requirements are as follows:

- Homes for Sale

From 1 October 2009, vendors must ensure that hard-wired smoke alarms are installed by an electrical contractor prior to the transfer of the property to the new owner. In circumstances where the vendor fails to do so, the new owner must fit the alarms and may recover the costs in court.

- Rental Properties

Landlords must ensure that hard-wired smoke alarms are installed prior to the commencement of a new lease and also ensure that the smoke alarms are maintained and in working order. Dwellings being made available for hire must also have hard-wired smoke alarms installed. All rental properties must be fitted with hard-wired smoke alarms before 1 October 2011.

- Alternative Solution

The new regulations allow for an approved Alternative Building Solution, such as battery powered smoke alarms, where mains powered smoke alarms may not be installed.

- Local Government Involvement

FESA recently issued an Information Bulletin to local authorities outlining the requirements of the new regulations and the involvement, responsibility and authority of local government.

The new regulations amend the *Building Regulations 1989*, and were published in the Government Gazette on 31 July 2009, and are '*Laid on the Table*'.

Whilst the Regulations are largely self regulating, they require Local Government involvement and will form part of each Local Government's building law. Local Governments should consider:

- Setting and administering a fee and processes for approving battery powered smoke alarms under regulation 38O;
- Drafting a rectification notice as per the regulation 38P (6);
- Authorising an appropriate person in accordance with regulation 38P(9);
- Preparing an infringement notice as per regulation 38(Q).

Further information relating to the involvement, responsibility and authority for Local Government in the administration of *Building Amendment Regulations 2009*, along with a 'Frequently Asked Questions' document, are also '*Laid on the Table*'.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

The *Local Government (Miscellaneous Provisions) Act 1960*, the *Building Regulations 1989*, the *Building Amendment Regulations 2009*, and the Building Code of Australia (BCA).

STRATEGIC IMPLICATIONS:

The Town of Vincent Strategic Plan 2009 – 2014 states;

“Leadership, Governance and Management

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

FINANCIAL/BUDGET IMPLICATIONS:

It is anticipated that enforcement of the new legislation (*Building Amendment Regulations 2009*) will incur a cost to the Town, mainly in terms of inspection/certification and staffing resources for ensuring compliance.

COMMENTS:

Currently, various other States within Australia have legislation supporting mandatory installation of smoke alarms in residential dwellings.

Details provided by the Fire and Rescue Services of Western Australia indicate that by installing smoke alarms in every dwelling, the number of fatalities due to house fires can be drastically reduced. Although the financial impact of the new legislation for both the residents and the Town is inevitable, it will be offset by providing adequate safety protection for the community. Therefore, the Town's Officers support the *Building Amendment Regulations 2009*.

Accordingly, it is recommended that the Council receives this report and notes the *Building Amendment Regulations 2009* relating to mandatory installation of hard-wired smoke alarms, including the Town's involvement, responsibility, and enforcement.

9.2.2 Possible Postponement of 2010 Perth Criterium Cycling Series

Ward:	South	Date:	19 August 2009
Precinct:	Oxford Centre, P4	File Ref:	TES0172 & CMS0033
Attachments:	-		
Reporting Officer(s):	C Wilson		
Checked/Endorsed by:	R Lotznicker	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the possible postponement of the 2010 Perth Criterium Cycling Series including the Leederville Race;*
- (ii) *NOTES that:*
 - (a) *the Perth Criterium Cycling Series may be resurrected in 2010;*
 - (b) *a further report on any subsequent proposal will be submitted to the Council, if required; and*
- (iii) *ADVISES the organisers of the Perth Criterium's "Trievents" of its decision.*

COUNCIL DECISION ITEM 9.2.2

Moved Cr Farrell, Seconded Cr Doran-Wu

That the recommendation be adopted.

CARRIED "EN BLOC" (5-0)

(Cr Ker on approved leave of absence. Cr Burns & Cr Messina were apologies for the meeting.)

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of the indefinite postponement of the 2010 Perth Criterium Cycling Series.

BACKGROUND:

Over the past twelve years the Town has hosted a race in the Perth Criterium Cycling Series with the Leederville event being the only race to be held every year in which the series was run.

The series lapsed for three (3) years in 2005 when the "2005 World Criterium Championships", which was to be a one-off event in lieu of the local series, didn't eventuate.

The series was resurrected in 2008 by 'Trievents - Event Management and Consulting (Trievents)', who approached the Town, as well as three other Local Governments, seeking sponsorship and support to hold races within their respective areas.

At its Ordinary Meeting 9 October 2007, the Council received a report on the proposed series with the emphasis on the Leederville Race, and decided as follows (in part):

"That the Council;

- (ii) *APPROVES the Town's hosting the final event in the Perth Criterium Series, proposed to be held on Monday, 28 January 2008, subject to additional detailed information regarding the proposal being received by the Town from the organisers "Trievents";*

The race was subsequently held on the Australia Day public holiday, Monday 28 January 2008, and despite competing with the 'Sky Show' in the city, the event was adjudged by the organisers and cyclists as the best race of the series.

The 2009 Leederville race was approved by Council at its Ordinary Meeting of 26 August 2008, and again at its Ordinary Meeting of 2 December 2008, when Trievents asked that it be switched from the Monday Public Holiday on Australia Day, 26 January 2009, to the Saturday, 24 January 2009.

The Leederville Race was subsequently held on Saturday 24 January 2009 and, while again adjudged a success, it was not without complaint.

In June 2009 Trievents wrote to the Town advising that they were having difficulty attracting a major corporate sponsor for the 2010 series and, as a result, the series would either have to be postponed or cancelled.

Technical Services contacted Trievents to ascertain the current situation and, as of 31 August 2009, the series was still 'in limbo', with Trievents hoping to secure sponsorship from 'Events Corp' and hold the series in February or March 2010.

DETAILS:

Criterium racing is widely regarded as the most exciting form of road racing competitions. It involves high speed around a tight and intimate circuit, meaning that spectators can be very close to the action and, because it meets all the criteria, the Oxford Street race has always been very successful.

The 2009 Leederville Race was originally scheduled to be held on Australia Day, Monday 26 January 2009. However, Trievents subsequently sought the Town's approval to switch the Leederville race to Saturday 24 January 2009 to accommodate the City of Perth's request to incorporate the Perth race with the Australia Day 'Sky Show'. Council duly approved the change at its Ordinary Meeting of 2 December 2008.

In previous years the Leederville Race has been held either on a public holiday or in the evening, whereas the 2009 race was held on a Saturday afternoon/evening. As a consequence, road closures were installed from early afternoon.

In accordance with the Town's conditions of approval, Trievents consulted all the businesses in the Oxford Centre precinct prior to the event, with the majority supporting the series. Given the large crowds attracted to the event, the businesses generally benefit from the increased exposure and turnover. However, some of the business proprietors complained that with the race being on a Saturday, and not the public holiday, it had an adverse impact upon their trade and/or access to their property.

Public Consultation

As a result of the aforementioned complaints, the Town 'letter dropped' the businesses within the race circuit road closure area in February 2009 to attain an understanding of the level of support for the event. Some 62 letters were delivered in Oxford Street, between Leederville Parade and Melrose Street, and Newcastle Street, between Oxford Street and Carr Place.

The Town received five (5) replies, representing an 8% response rate.

One (1) respondent was in favour of the event and four (4) were against with their comments summarised below.

Comments *In Favour* of proposal

- The Leederville business precinct is changing and becoming a destination area for many locals and, in particular, visitors to Perth. It is vital that the Council maintains a strong outlook on developing this area and providing unique attractions. It has the potential for enormous recognition throughout Australia but only if we allow it to grow. Look at The Rocks, Lygon Street, Balmain, Bridge Street, etc., even Rokeby Road, Subiaco. Don't let it go!!

Comments *Against* the proposal

- As a business proprietor it is most damaging for obvious reasons. While not against social events, the closing of roads is totally damaging to not only my business but surrounding ones; also staff object!!
- Although other staff don't work on the weekends, I do occasionally come in but that weekend I couldn't. It is not right when we pay a premium in the area and can't even park in our own bays.
- Loss of customers, parking was impossible for staff and customers, the courtyard was full of patrons only purchasing one drink and spending a longer period at the tables, resulting in loss of revenue. The noise level from the speakers was unbearable. The passerby traffic didn't start until 7.00 pm so it was very quiet after that and not the hustle and bustle of the day-night trade coming and going.
- It is disruptive to my business and results in a significant drop in sales turnover on the day.

As mentioned above, the difference between the 2009 race and previous years was that the event was held on a Saturday afternoon/evening and not a public holiday. As a consequence, business that would not normally be affected suffered some inconvenience as suggested in their comments.

Comment

Without pre-empting Trievents' future proposals, if the series were to be held again it would be recommended that the event, where possible, be held on a public holiday or at night. The success of past events suggests that a public holiday/night event maximises the appeal of the Leederville race, while minimising the impact upon those businesses that do not directly benefit from the event.

CONSULTATION/ADVERTISING:

Not applicable at this stage

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

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

SUSTAINABILITY IMPLICATIONS:

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

FINANCIAL/BUDGET IMPLICATIONS:

Nil at this time.

If the series is resurrected, the Town's past contribution has been to engage an accredited Traffic Management contractor to undertake the necessary road closures and traffic management to facilitate the event.

COMMENTS:

At this time, the 2010 Perth Criterium Cycling Series has been deferred indefinitely due to a lack of a major sponsor.

As indicated in the main body of the report, while the 2009 Leederville event was a success, there were complaints by several of the businesses within the race circuit's road closure area. Given that there had been very few complaints in past years, when the event was either held on a public holiday or, as in the early years, at night, it is recommend that any future Leederville race be approved accordingly.

9.2.3 Proposed Introduction of Two (2) x Fifteen (15) Minute Parking Bays – Anzac Road, Mount Hawthorn

Ward:	North	Date:	31 August 2009
Precinct:	Mount Hawthorn (P1)	File Ref:	TES0508
Attachments:	001		
Reporting Officer(s):	T Blankenburg		
Checked/Endorsed by:	C Wilson	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the proposed introduction of two (2) x fifteen (15) minute parking bays adjacent to the ‘Lucky Deli’ in Anzac Road, Mt Hawthorn, corner Coogee Street;*
- (ii) *APPROVES the introduction of two (2) x fifteen (15) Minute parking bays to be in operation between 8.00am and 8.00pm Monday to Sunday, as illustrated on attached Plan 2666-PP-1;*
- (iii) *PLACES a moratorium on issuing infringement notices for a period of two (2) weeks from the installation of the new parking restriction signs; and*
- (iv) *INFORMS the applicant of the Council’s decision.*

COUNCIL DECISION ITEM 9.2.3

Moved Cr Farrell, Seconded Cr Doran-Wu

That the recommendation be adopted.

CARRIED “EN BLOC” (5-0)

(Cr Ker on approved leave of absence. Cr Burns & Cr Messina were apologies for the meeting.)

PURPOSE OF REPORT:

The purpose of this report is to inform the Council of a request by the owner of the ‘Lucky Deli’ at 2 Coogee Street, Mt Hawthorn, on behalf of the current tenant, for the Town to consider introducing parking restrictions in Anzac Road adjacent to the business premises.

BACKGROUND:

The Town received a request from the owner of ‘Lucky Deli’ to consider introducing a one (1) hour parking restriction for the two (2) parking bays in Anzac Road, adjacent to the property. This restriction was requested due to the prolonged use of these parking bays, particularly on weekends, having a detrimental impact on the turnover of the shop. The Town’s officers subsequently suggested to the applicant that a fifteen (15) minute restriction was more appropriate as it allowed enough time for the majority of customers to complete their purchases and ensure a constant turnover of parking.. The applicant duly agreed and therefore the operating hours for proposed restrictions would be 8.00am to 8.00pm Monday to Sunday, coinciding with the Deli’s hours of operations.

DETAILS:

The owner of No. 2 Coogee Street, Mt Hawthorn, trading as the 'Lucky Deli', sent a letter, on behalf of the lessee, to the Town requesting the introduction of parking restrictions in two (2) parking spaces in Anzac Road adjacent to the property. The owner cited the following reason for the request:

"It seems that there are particular vehicles left for long periods, sometimes several days at a time, which take up parking space adjacent to the shop. The effect of this is to severely restrict the available parking and cause potential customers to pass by.

It would be appreciated by the lessee if this restriction can be introduced."

The Town's officers have investigated the matter and concur with the validity of the applicant's concerns and therefore recommend a fifteen (15) minute restriction. This is based on the nature of the business whereby it can reasonably be expected that people will only take a short time to make a purchase. The hours of operation are standard hours for parking restrictions within the Town and coincide with the hours of operation of the deli.

CONSULTATION/ADVERTISING:

No consultation was carried out as the applicant is the one likely to be impacted most by the introduction of this restriction. The matter has been discussed with Ranger Services.

LEGAL/POLICY:

There is no legal consequence of the recommendation.

STRATEGIC IMPLICATIONS:

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

SUSTAINABILITY IMPLICATIONS:

N/A

FINANCIAL/BUDGET IMPLICATIONS:

Implementing the new restrictions will require the manufacture of two (2) new signs and installing two (2) new signs and poles, which will cost approximately \$200.

COMMENTS:

Similar restrictions are currently in place adjacent to other businesses on Anzac Road. These restrictions appear to have been installed to cater to the specific needs of the businesses. The proposed fifteen (15) minute restriction on these parking bays will provide an amenity for people wishing to make quick purchases at the 'Lucky Deli.

9.3.1 Financial Statements as at 31 July 2009

Ward:	Both	Date:	28 August 2009
Precinct:	All	File Ref:	FIN0026
Attachments:	001 ; 002		
Reporting Officer(s):	B Wong		
Checked/Endorsed by:	M Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That the Council:

- (i) *RECEIVES the Financial Statements for the month ended 31 July 2009 as shown in Appendix 9.3.1; and*
- (ii) *ADOPTS a value of ten (10) percent for the reporting of material variances for the 2009/10 financial year on amounts greater than \$10,000 in accordance with Regulation 34 (5) of the Local Government (Financial Management) Regulations 1996.*

COUNCIL DECISION ITEM 9.3.1

Moved Cr Farrell, Seconded Cr Doran-Wu

That the recommendation be adopted.

CARRIED “EN BLOC” (5-0)

(Cr Ker on approved leave of absence. Cr Burns & Cr Messina were apologies for the meeting.)

PURPOSE OF REPORT:

The purpose of this report is to present the provisional financial statements for the month ended 31 July 2009 and approve of an amount of 10% for budget variances.

BACKGROUND:

Regulation 34(1) of the Local Government (Financial Management) Regulations 1996 requires a local government to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the budget.

As stated above the financial reports as presented are provisional copies to provide an estimate of the year end position. There are still a number of year end transactions, and adjustments that need to be prepared before the year end accounts can be finalised.

It is anticipated that the final accounts will be available at the second council meeting in October.

A financial activity statements report is to be in a form that sets out:

- the annual budget estimates;
- budget estimates to the end of the month to which the statement relates;
- actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
- material variances between the year-to-date income and expenditure and totals and the relevant annual budget provisions for those totals from 1 July to the end of the period;
- includes such other supporting notes and other information as the local government considers will assist in the interpretation of the report.

A statement of financial activity and any accompanying documents are to be presented to the Council at the next Ordinary Meeting of the Council following the end of the month to which the statement relates, or to the next ordinary meeting of council after that meeting.

In addition to the above, under Regulation 34(5) of the Local Government (Financial Management) Regulations 1996, each financial year a local government is to adopt a percentage of value, calculated in accordance with AAS 5, to be used in statements of financial activity for reporting material variances.

****Note: The following Details were corrected and distributed prior to the meeting. Changes are indicated by strike through and underline.***

DETAILS:

The following documents represent the Statement of Financial Activity for the period ending 31 July 2009:

- Income Statement;
- Summary of Programmes/Activities (pages 1-17);
- Income Statement by Nature & Type Report (page 18)
- Capital Works Schedule (pages 19-25);
- Balance Sheet and Statement of Changes in Equity (pages 26-27);
- Reserve Schedule (page 28);
- Debtor Report (page 29);
- Rate Report (page 30);
- Statement of Financial Activity (page 31);
- Net Current Asset Position (page 32);
- Beatty Park Report – Financial Position (page 33);
- Variance Comment Report (page 34-39).
- Monthly Financial Positions Graph (page 40-42)

Comments on the financial performance are set out below:

Income Statement and Detailed Summary of Programmes/Activities

Net Result

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

YTD Actual	-	\$18.3 million
YTD Budget	-	\$19.3 million
Variance	—	\$0.1 million
	-	-\$1.0 million
Full Year Budget	-	\$12.9 million

Summary Comments:

The current unfavourable variance is due to ~~increase revenue received as outlined below a~~ timing difference on the receipt of revenue from Capital Grants.

Operating Revenue

YTD Actual	-	\$21.1 million
YTD Budget	-	\$21.1 million
YTD Variance	-	\$0 million
Full Year Budget	-	\$34.7 million

Summary Comments:

The total operating revenue is currently on budget.

Major variances are to be found in the following programmes:

Governance – 1,579% over budget;

Health – 29% over budget;

Community Amenities – 36% over budget;

Other Property & Services – 111% over budget;

Administration General – 1,151% over budget.

More details variance comments are included on the page 34 – 39 of this report.

Operating Expenditure

YTD Actual	-	\$2.7 million
YTD Budget	-	\$3.0 million
YTD Variance	-	\$0.3 million
Full Year Budget	-	\$36.2 million

Summary Comments:

The operating expenditure is currently operating at 7% under the year budget.

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

General Purpose Funding – 19% over budget;

Governance – 19% below budget;

Education & Welfare – 30% below budget;

Administration General – 87% below budget.

Detailed variance comments are included on the page 34 – 39 of this report.

Income Statement by Nature and Type Report

This income statement shows operating revenue and expenditure are classified by nature and type.

Capital Expenditure Summary

The Capital Expenditure summary details projects included in the 2009/10 budget and reports the original budget and compares actual expenditure to date against these.

Capital Works shows total expenditure including commitment for year to date at the 31 July 2009 of \$360,463 which represents 2 % of the budget of \$21,592,265.

	Budget	Actual to Date (Include commitment)	%
Furniture & Equipment	132,900	0	0%
Plant & Equipment	1,229,450	0	0%
Land & Building	12,659,500	98,609	1%
Infrastructure	7,570,415	261,854	3%
Total	21,592,265	360,463	2%

Balance Sheet and Statement of Changes in Equity

The statement shows the current assets of \$33,715,054 and non current assets of \$140,126,677 for total assets of \$173,841,731.

The current liabilities amount to \$8,180,786 and non current liabilities of \$13,082,423 for the total liabilities of \$21,263,209. The net asset of the Town or Equity is \$152,578,522.

Restricted Cash Reserves

The Restricted Cash Reserves schedule details movements in the reserves including transfers, interest earned and funds used, comparing actual results with the annual budget.

The balance as at 31 July 2009 is \$9.3m. The balance as at 30 June 2008 was \$7.3m.

General Debtors

Other Sundry Debtors are raised from time to time as services are provided or debts incurred. Late payment interest of 11% per annum may be charged on overdue accounts. Sundry Debtors of \$371,467 is outstanding at the end of July 2009.

Of the total debt \$110,962 (29.9%) relates to debts outstanding for over 60 days, of which is related to Cash in lieu Parking.

The Debtor Report identifies significant balances that are well overdue.

Finance has been following up outstanding items with debt recovery by issuing reminders when it is overdue and formal debt collection if reminders are ignored.

Rate Debtors

The notices for rates and charges levied for 2009/10 were issued on the 14 July 2009.

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

First Instalment	18 August 2009
Second Instalment	20 October 2009
Third Instalment	5 January 2010
Fourth Instalment	9 March 2010

To cover the costs involved in providing the instalment programme the following charge and interest rates apply:

Instalment Administration Charge (to apply to second, third, and fourth instalment)	\$7.00
Instalment Interest Rate	5.5% per annum
Late Payment Penalty Interest	11% per annum

Pensioners registered with the Town for rate concessions do not incur the above interest or charge.

Rates outstanding as at 31 July 2009 including deferred rates was \$15,911,120 which represents 79.44% of the outstanding collectable income compared to 88.6% at the same time last year.

Summary Comments:

The reduced percentage amount outstanding in comparison to last year is due to the fact that the Rates Notices were distributed one week earlier than last year.

Statement of Financial Activity

The closing surplus carry forward for the year to date 31 July 2009 was \$17,157,090.

Net Current Asset Position

The net current asset position as at 31 July 2009 is \$26,459,381.

Beatty Park – Financial Position Report

As at 31 July 2009 the operating deficit for the Centre was \$30,292 in comparison to the annual budgeted deficit of \$44,945.

The cash position showed a current cash surplus of \$8,825 in comparison annual budget estimate of a cash surplus of \$8,740. The cash position is calculated by adding back depreciation to the operating position.

Variance Comment Report

The comments will be for the favourable or unfavourable variance of greater than 10% of the year to date budgeted.

9.3.2 Approval of Location for Percent for Art for Development at 9 Scarborough Beach Road, Mount Hawthorn Development

Ward:	North	Date:	26 August 2009
Precinct:	Leederville	File Ref:	PRO3619
Attachments:	001		
Reporting Officer(s):	R Gunning		
Checked/Endorsed by:	J Anthony/ M Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECIEVES the report on the location of Percent for Art artwork with regard to the development at 9 Scarborough Beach Road, Mount Hawthorn and APPROVES the location of Percent for Art artwork with regard to the development to be Scarborough Beach Road and Anzac Road Reserve, and as shown in Appendix 9.3.2; and*
- (ii) *NOTES that a further report will be submitted to the Council once the Town’s Art Advisory Group has further considered the matter.*

COUNCIL DECISION ITEM 9.3.2

Moved Cr Farrell, Seconded Cr Doran-Wu

That the recommendation be adopted.

CARRIED “EN BLOC” (5-0)

(Cr Ker on approved leave of absence. Cr Burns & Cr Messina were apologies for the meeting.)

PURPOSE OF REPORT:

To seek approval for the proposed location of artwork regarding the development at 9 Scarborough Beach Road, Mount Hawthorn.

BACKGROUND:

The development at 9 Scarborough Beach Road, Mount Hawthorn is a mixed use development which is subject to the Town’s Percent for Art Scheme requirements. The Percent for Art Scheme was first adopted in 24 August 1998. The objective of the policy is ‘to develop and promote community identity within the Town of Vincent’ by requiring commissioned public art works associated with public and commercial developments which have a value over \$1,000,000 (one million). The financial requirement for public art placed on such projects is one percent of the cost of the development. In most cases the developer manages the artwork themselves; however they can also elect to pay cash-in-lieu. If the latter option is chosen, the Town manages the project and the artwork is placed on Town of Vincent land in the vicinity of the development.

DETAILS:

The amount required to be spent on public art for the 9 Scarborough Beach Road, Mount Hawthorn development, is \$21,000. The developers, QUBE Scarborough Beach Road Development Pty Ltd in November 2008 chose the cash-in-lieu option, and paid the Town the stated amount. As the building is now completed the Town can proceed with the implementation of public art regarding this development.

In July of this year the Town's Art Advisory Group met to consider the project and possible locations for the potential artwork. It was agreed that the closest suitable location to 9 Scarborough Beach Rd would be the Scarborough Beach Rd and Anzac Road Reserve, as shown in Appendix 9.3.2).

Once Council approval for the location has been received the Town will develop an artist's brief and advertise the project, asking for expressions of interest. The Art Advisory Group will consider the applications and make a recommendation based on the Artist's former work and the merit of their proposal. This recommendation will be reported to Council for approval. The selected artist would then be required to enter into a contract with the Town before the work can proceed.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Plan for the Future- Strategic Plan 2009-20014 - 3.1 Enhance and promote community development and well being.

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

SUSTAINABILITY IMPLICATIONS:

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

FINANCIAL/BUDGET IMPLICATIONS:

The entire budget for the artwork, including installation would be \$21,000. This amount has already been paid to the Town by the developer.

COMMENTS:

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

9.4.1 Use of the Council's Common Seal

Ward:	-	Date:	31 August 2009
Precinct:	-	File Ref:	ADM0042
Attachments:	-		
Reporting Officer(s):	M McKahey		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council NOTES the use of the Council's Common Seal on the documents listed in the report, for the month of August 2009.

COUNCIL DECISION ITEM 9.

Moved Cr Farrell, Seconded Cr Doran-Wu

That the recommendation be adopted.

CARRIED "EN BLOC" (5-0)

(Cr Ker on approved leave of absence. Cr Burns & Cr Messina were apologies for the meeting.)

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
10/08/09	Deed of Covenant	3	Town of Vincent and H Katsamakias and V R Traganopoulos of 59 Clieveden Street, North Perth 6006 and Australian and New Zealand Bank of No. 77 St Georges Terrace, Perth 6000 re: Nos. 13A-15 (Lot3, Strata Lot: 2 STR: 26712 and Lot: 2 D/P: 9815) Barnet Street, North Perth 6006 - <i>To satisfy the following condition - "Prior to the issue of a Building Licence, the subject land shall be amalgamated into one lot on Certificate of Title; OR alternatively, prior to the issue of a Building Licence the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bank/bond guarantee to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to amalgamate the subject land into one lot within 6 months of the issue of the subject Building Licence. All costs associated with this condition shall be borne by the applicant/owner(s)."</i>

Date	Document	No of copies	Details
10/08/09	Restrictive Covenant	3	Town of Vincent and Gilpin Park Pty Ltd of 51 Saunders Street, Mosman Park re: No. 2 and No. 6 (Lots 1 and 2) Wavertree Place, Leederville - <i>To satisfy conditional approval granted by the Western Australian Planning Commission for the subdivision at the aforementioned properties.</i>
10/08/09	Deed of Licence	3	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Chugg Touring Pty Ltd of PO Box 537, Surry Hills, NSW 2010 re: Concert* - 14 November 2009 and, if required, 15 November 2009 (Stadium) (<i>*Commercial in Confidence until released to public</i>) - <i>Supersedes previous Deed of Licence signed on 18 May 2009 and submitted on Common Seal Register to Ordinary Meeting of Council on 9 June 2009.</i>
12/08/09	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Spotless Services Ltd of Gate 7, Subiaco Oval, Subiaco Road, Subiaco 6008 re: Main Roads WA Meeting - 13 August 2009 (MEB Lounge)
12/08/09	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Spotless Services Ltd of Gate 7, Subiaco Oval, Subiaco Road, Subiaco 6008 re: RAC Conference - 18 to 20 August 2009 (MEB Lounge)
12/08/09	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Spotless Services Ltd of Gate 7, Subiaco Oval, Subiaco Road, Subiaco 6008 re: RAC Conference - 9 to 10 September 2009 (MEB Lounge)
19/08/09	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Spotless Services Ltd of Gate 7, Subiaco Oval, Subiaco Road, Subiaco 6008 re: Independent Education Union Conference - 30 September 2009 (Gareth Naven Room) - <i>Date changed from 17 July 2009</i>
19/08/09	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Spotless Services Ltd of Gate 7, Subiaco Oval, Subiaco Road, Subiaco 6008 re: Pharmaceutical Council of WA Conference - 17 to 20 November 2009 (Gareth Naven, MEB Lounge, Suites 1-12)
25/08/09	Contract Documents	2	Town of Vincent and Leederville Gardens Retirement Estate of 37 Britannia Road, Leederville and Mrs M M Key re: Unit 6, Leederville Gardens
27/08/09	Deed in Relation to Encroachments	2	Town of Vincent and The Owners of Strata Plan 52828 of 59-61 Brewer Street, Perth re: The Pavilion Apartments, 59-61 Brewer Street, Perth
31/08/09	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Spotless Services Ltd of Gate 7, Subiaco Oval, Subiaco Road, Subiaco 6008 re: Independent Education Union Function - 2 September 2009 (Gareth Naven Room)
31/08/09	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Spotless Services Ltd of Gate 7, Subiaco Oval, Subiaco Road, Subiaco 6008 re: Ox Help WA Conference - 3 September 2009 (Gareth Naven Room)

Date	Document	No of copies	Details
31/08/09	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Spotless Services Ltd of Gate 7, Subiaco Oval, Subiaco Road, Subiaco 6008 re: Lion Nathan WA Conference - 8 September 2009 (Gareth Naven Room)
31/08/09	Restrictive Covenant	1	Town of Vincent and Vincent Settlements of 142 Brisbane Street, Northbridge WA 6003 re: Nos. 270 and 272 (Lots 1 and 2 D/P: 11789) Bulwer Street, Perth - <i>To satisfy Condition 6 of the WAPC Approval dated 28 December 2006, which stated; "No development is to take place within 1.0 metre setback fro the western boundary of the abutting right-of-way."</i>
31/08/09	Transfer of Land	2	Town of Vincent and Perpetual Trustees WA Ltd of Angel Place, 123 Pitt Street, Sydney, NSW (as executor of the Will of Henry Briggs deceased) re: Right of Ways collectively described as Lot 67 on Plan 1493(1) (<i>Running off View and Vine Streets, North Perth</i>)

9.4.2 Information Bulletin

Ward:	-	Date:	1 September 2009
Precinct:	-	File Ref:	-
Attachments:	001		
Reporting Officer(s):	A Radici		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Information Bulletin dated 8 September 2009, as distributed with the Agenda, be received.

COUNCIL DECISION ITEM 9.4.2

Moved Cr Farrell, Seconded Cr Doran-Wu

That the recommendation be adopted.

CARRIED “EN BLOC” (5-0)

(Cr Ker on approved leave of absence. Cr Burns & Cr Messina were apologies for the meeting.)

DETAILS:

The items included in the Information Bulletin dated 8 September 2009 are as follows:

ITEM	DESCRIPTION
IB01	Letter from East Perth Redevelopment Authority (EPRA), Chief Executive Officer regarding the William Street Revitalisation Program
IB02	Letter from State Administrative Tribunal (SAT) regarding Matter No. DR/442 of 2008 – Hobbs v Town of Vincent (No. 241 Beaufort Street, Perth)
IB03	Letter from the Minister for Disability Services regarding Disability Access and Inclusion Plans
IB04	Letter from Fire & Emergency Services Authority of Western Australia regarding <i>Building Amendment Regulations 2009</i>
IB05	Vincent Accord ‘ <i>Socialise with Safety</i> ’ Minutes of Meeting held on 20 May 2009
IB06	Register of Petitions - Progress Report - September 2009
IB07	Register of Notices of Motion - Progress Report - September 2009
IB08	Register of Reports to be Actioned - Progress Report - September 2009
IB09	Register of Legal Action - Progress Report - September 2009
IB10	Register of State Administrative Tribunal Appeals - Progress Report - September 2009
IB11	Notice of Forum - 15 September 2009

9.3.3 Hyde Park Rotary Community Fair 2010

Ward:	South	Date:	24 August 2009
Precinct:	Hyde Park Precinct P12	File Ref:	RES0031
Attachments:			
Reporting Officer(s):	J. Anthony		
Checked/Endorsed by:	M. Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) **APPROVES** the application by the Rotary Club of North Perth to hold the Hyde Park Community Fair on 28 February and 1 March 2010, subject to;
 - (a) event application fees for the fair at Hyde Park being waived;
 - (b) a bond of \$2,000 being lodged by applicant as security for any damage to or clean-up of the park;
 - (c) full compliance with conditions of use being imposed including Environmental Health and other conditions as listed in the report;
 - (d) under no circumstances will stalls, storage containers or vehicles be permitted to encroach onto or park on any landscaped/mulched garden area located under any tree canopy;
 - (e) only vehicles with an official Town of Vincent parking permit will be permitted to remain within the confines of the park for the duration of the event;
 - (f) the Town will issue infringement notices to any vehicle not displaying an official Town of Vincent parking permit remaining in the park during the event;
 - (g) a plan be submitted for the layout of stalls so that vehicles and storage containers are not placed on the root zone of any trees within the park. The plan to be approved by the Town's staff; and
 - (f) acknowledgement of the Town of Vincent as a major sponsor of the events on all publications and advertising materials subject to the conditions listed in the report

to the satisfaction of the Chief Executive Officer; and
- (ii) **APPROVES** the Town's sponsorship contribution of \$13,000 to assist with the costs of the event as listed in the 2009/2010 Budget.

Moved Cr Farrell, Seconded Cr Doran-Wu

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Doran-Wu, Seconded Cr Farrell

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

“(ii) APPROVES the Town’s sponsorship contribution of \$15,000 ~~\$13,000~~ to assist with the costs of the event as listed in the 2009/2010 Budget.”

Debate ensued.

AMENDMENT PUT AND CARRIED (4-1)

For: Mayor Catania, Cr Doran-Wu, Cr Farrell, Cr Maier

Against: Cr Lake

Debate ensued.

MOTION AS AMENDED PUT AND CARRIED (5-0)

(Cr Ker on approved leave of absence. Cr Burns & Cr Messina were apologies for the meeting.)

COUNCIL DECISION ITEM 9.3.3

That the Council;

(i) APPROVES the application by the Rotary Club of North Perth to hold the Hyde Park Community Fair on 28 February and 1 March 2010, subject to;

- (a) event application fees for the fair at Hyde Park being waived;**
- (b) a bond of \$2,000 being lodged by applicant as security for any damage to or clean-up of the park;**
- (c) full compliance with conditions of use being imposed including Environmental Health and other conditions as listed in the report;**
- (d) under no circumstances will stalls, storage containers or vehicles be permitted to encroach onto or park on any landscaped/mulched garden area located under any tree canopy;**
- (e) only vehicles with an official Town of Vincent parking permit will be permitted to remain within the confines of the park for the duration of the event;**
- (f) the Town will issue infringement notices to any vehicle not displaying an official Town of Vincent parking permit remaining in the park during the event;**
- (g) a plan be submitted for the layout of stalls so that vehicles and storage containers are not placed on the root zone of any trees within the park. The plan to be approved by the Town’s staff; and**
- (f) acknowledgement of the Town of Vincent as a major sponsor of the events on all publications and advertising materials subject to the conditions listed in the report**

to the satisfaction of the Chief Executive Officer; and

(ii) APPROVES the Town’s sponsorship contribution of \$15,000 to assist with the costs of the event as listed in the 2009/2010 Budget.

PURPOSE OF REPORT:

To approve the Hyde Park Community Fair to be held in Hyde Park subject to conditions as listed in the report.

BACKGROUND:

At the Ordinary Council Meeting of 27 May 2008, Item 10.3.2 the following resolution was adopted;

"That the Council;

- (i) *APPROVES the application by the Rotary Club of North Perth to hold the Hyde Park Community Fair on 1 and 2 March 2009, subject to;*
 - (a) *event application fees for the fair at Hyde Park being waived;*
 - (b) *a bond of \$2,000 being lodged by applicant as security for any damage to or clean-up of the park;*
 - (c) *full compliance with conditions of use being imposed including Environmental Health and other conditions as listed in the report;*
 - (d) *under no circumstances will stalls, storage containers or vehicles be permitted to encroach onto or park on any landscaped/mulched garden area located under any tree canopy;*
 - (e) *only vehicles with an official Town of Vincent parking permit will be permitted to remain within the confines of the park for the duration of the event;*
 - (f) *the Town will issue infringement notices to any vehicle not displaying an official Town of Vincent parking permit remaining in the park during the event;;*
 - (g) *a plan be submitted for the layout of stalls so that vehicles and storage containers are not placed on the root zone of any trees within the park. The plan to be approved by the Town's staff; and*
 - (f) *acknowledgement of the Town of Vincent as a major sponsor of the events on all publications and advertising materials subject to the conditions listed in the report*

to the satisfaction of the Chief Executive Officer; and
- (ii) *APPROVES the sponsorship contribution of \$13,000 to assist with the costs of the event as listed in the 2008/2009 Budget."*

DETAILS:

The Rotary Club of North Perth has submitted a proposal to hold the Hyde Park Community Fair on the Labour Day long weekend of Sunday, 28 February and Monday, 1 March 2009.

The Club has organised the fair since 1988 and runs the event in order to raise funds to meet perceived needs in the community which have a vocational, youth and international focus.

The overall objective is to present the theme of "Environment and Conservation" for the 2010 fair and develop four key messages to match sponsor, grant and club requirements:

1. Bringing the community together:
 - Free community event to celebrate the diversity of Western Australian Communities and Western Australian Arts, Crafts & Entertainment;
 - Acceptance & greater understanding of cultures;
 - An event that provides fundraising opportunities to not for profit organisations and groups within the WA community.

2. A Healthy, Happy & Active Lifestyle:
 - Educate the wider community on obesity issues by promoting WA produce & healthy eating;
 - Promote an active lifestyle by setting the event in a beautiful outdoor park, hosting activities and challenges for children and providing awareness and educational information;
 - Provide free health checks and mental health information for all groups within the WA community;
 - Provide information and assistance on drug and alcohol addiction;
 - Hosting an alcohol & smoke free event.

3. Art & Entertainment
 - Providing the WA Community a free event that Celebrates Art & Entertainment;
 - Celebrate cultural and age diversity through art & entertainment;
 - Provide local artists and entertainers an opportunity to showcase their works;
 - Provide an outlet for rural & regional artists and entertainers to showcase their works.

4. Environment & Education – Learning Centre:
 - Provide free educational information on the environment;
 - Provide interactive displays;
 - Provide free activities/displays to the community that are based on science, education, and the environment.

The Rotary Club of North Perth considered the 2009 Hyde Park Fair to be extremely successful, with good attendance figures, increased stall holders and quality entertainment. Attendee numbers were high with an estimated attendance of around 40,000 people over the 2 days. Organisers are aiming to attract around 50,000 people to the 2010 fair.

Generally the attendee feedback was positive at the fair with many attendees stating they would visit the fair again next year.

The proceeds from the 2009 Rotary Fair totalling \$23,825 were distributed to the following projects:

- St Barts;
- Manna Industries;
- ROMAC;
- Australian Rotary Health Foundation;
- Bushfire Appeal;
- Anglicare;
- Cerebral Palsy Association
- Mission Australia;

- Salvation Army;
- St Vincent de Paul;
- Foodbank;
- Alzheimer's Association;
- Speak Up Awards
- Rotary Youth Exchange Project;
- Kennerson Youth Project;
- Hyde Park Fair Stage Building Fund;
- CordBlood Bank; and
- Life Education.

Since 2005, event organisers have continued to put in place the following additional conditions on stall holders to ensure appropriate behaviour in the park;

- Exhibitors are not permitted to affix anything to any trees or shrubs in the Park. If exhibitors are erecting a tent or shade, please advise the Organisers on your application form. The organisers are responsible for any damage to the Park vegetation;
- Exhibitors are requested to leave their site as clean as possible at the end of the Hyde Park Community Fair and to remove all cardboard cartons, boxes and containers;
- Leaf and ground coverage is not to be removed from the ground of the allocated site; and
- All exhibitors must be careful with their vehicles and any damage to facilities, trees or gardens will be charged to the exhibitor. Many trees on the park are of historical significance and must be preserved, please be respectful of this.

An internal working group has been established to determine a management plan and coordinate the Fair from the perspective of the Town with the following representatives:

- Manager Community Development (Chairperson)
- Manager Parks Services
- Manager Ranger Services and Community Safety
- Manager Health Services
- WA Police Service
- plus representatives from the organising committee.

In previous years, the Working Group has met regularly and discussed the conditions as stipulated plus coordinated a management plan for the smooth running of the fair.

The plan included the following aspects:

- Parking allocations and permits;
- Coordination of the Town of Vincent display;
- Allocation of sites and vetting events;
- Risk Management Plan;
- Food stall permits and inspections;
- Review number of community groups and strategies to increase their involvement;
- Site inspections; and
- Noise management.

The Fair will have community stalls, carnival rides, stage entertainment and other community attractions. Fair organisers continue to be committed to encouraging the involvement of local community groups. Organisers are also committed to improving the calibre of entertainment.

The Hyde Park Community Fair has in previous years been monitored by Council officers from various service areas. All officers involved reported satisfaction with the proceedings of the Fair with no major problems. Additional conditions pertaining to noise control, litter control and additional temporary toilet facilities (including accessible facilities) were implemented last year and will continue to be enforced in future events.

In seeking permission to hold the event the Rotary Club of North Perth Inc have agreed to the following amongst other conditions imposed by the Town:

- Abide by all health regulations in regard to food handling and preparation; provision of adequate toilet facilities; isolating pony and camel rides at a distance from food preparation and sales; and arranging for all food permits from food vendors to be completed and submitted to the Town of Vincent at an early date;
- Provision of staff to monitor the entrances to Hyde Park to prevent illegal parking;
- Policing of trucks being driven on to the park to ensure that no damage is caused to any equipment or flora; and
- The Rotary Club of North Perth Inc. will be responsible for carrying out any reasonable request placed on it by the Town of Vincent.

CONSULTATION/ADVERTISING:

The following advertising avenues are employed by the Fair organisers:

Extensive Marketing & Publicity Campaign in 3 rounds:

- September – December 2009 - Call to action campaign to attract exhibitors, artists, entertainers and vendors for the 2010 event;
- January 2010 - Call to action campaign to attract exhibitors, vendors and artists to the 2010 event;
- February & March 2010 - Awareness campaign to promote the event.

Advertising through key sponsors:

- The West Australian – all press advertising;
- Channel 7, all television advertising;
- 6PR, All radio advertising.

Webpage dedicated to the Hyde Park Community Fair on the Moo Marketing:

- Lotterywest Announcement on their website;
- Town of Vincent Website Advertising;
- Tourism WA advertising;
- RAC Event Guide;
- About Australian Events Guide;
- Flight Centre Events Guide;
- Numerous travel agent and resort event guides;
- Events WA guide;
- Rotary District 9450 Website.

Letter box drop:

- Flyers distributed schools, local shops & cafes in North Perth and surrounding areas;
- A mail to approximately 13,000 residents within the Town of Vincent;
- Mount Lawley TAFE;
- Flyer drop to 5000 letter boxes across North Perth & Leederville.

Exhibitor & Entertainment Flyer & Mail out Distribution:

- Mailout to exhibitors and stall holders of the Fremantle Markets;
- Mailout to exhibitors and stall holders of the Malaga Markets;
- Mail out to performers and exhibitors at the Perth Christmas Pageant;
- Website promotion through Moo Marketing Website;
- E-mail to entertainers across Perth.

Flyers distribution to the following events:

- Kalamunda Markets;
- Kalamunda Show,
- Darlington Arts Festival,
- Fremantle Craft Bazaar,
- Belmont Craft Fair,
- Mundaring Arts & Craft Markets,
- Canning Vale Markets,
- Kelmscott Show,
- Canning Show,
- Guilford Heritage Markets,
- Bayswater Artists Market,
- Zig Zag Festival,
- Subiaco Craft Markets,
- Treasured Craft Creations – Claremont Show Grounds,
- Fremantle Markets,
- Fremantle Arts Markets,
- Kwinana Festival.

LEGAL/POLICY:

The standard conditions for sponsorship would apply to this event:

- The events must not promote smoking, alcohol, any use of illicit substances and/or adult “R” rated entertainment;
- The sponsorship funds should be expended in keeping with ethical conduct and practices;
- The Town of Vincent must be acknowledged in associated publicity and promotional material with the Town’s Logo displayed appropriately;
- Event organisers must liaise with relevant Council officers before proceeding to use the Town’s Logo or material;
- Event organisers must liaise with relevant Council officers to determine the location and placement of significant infrastructure and stalls to minimise the impact and damage on the park’s flora and fauna;
- Upon completion of the sponsored event, a report outlining the outcomes of the event, publicity/promotion and how the sponsorship monies were expended must be submitted to Council no more than 30 (thirty) days after the event;
- The event organisers must take out and hold current a policy of insurance for Public Liability for an amount of not less than \$10,000,000 (ten million dollars) for any one event. A copy of the current certificate is to be provided to Council at least 10 (ten) days before the commencement of the event; and
- The event organisers must indemnify the Council against any claims, damages, writs, summonses or other legal proceedings and any associated costs, expenses, losses or other liabilities as a result of loss of life, personal injury or damage to property arising from an occurrence in or connected with the sponsored event, regardless of the cause. In addition, it is recommended that the Council impose similar conditions that were imposed for last year’s event.

STRATEGIC IMPLICATIONS:

Strategic Plan 2009-2014: *Objective 3.1.1 Celebrate and acknowledge the Town's cultural and social diversity.*

SUSTAINABILITY IMPLICATIONS:

The Town's officers have actively worked with the organisers to ensure that the fair takes place with the least possible impact on the park. This includes organisation of "bump in-bump out" procedures and placement of the various activities and stalls.

FINANCIAL/BUDGET IMPLICATIONS:

The Rotary Club of North Perth has received a sponsorship of \$3,000 (three thousand dollars) in 2003 and 2004 for this event. An increase in sponsorship to a total of \$10,000 (ten thousand dollars) was provided for the event since 2005. An amount of \$12,000 was approved in the 2007/2008 Budget for the 2008 event with an additional \$2,000 approved for the 20th Anniversary celebrations. In the 2008/09 Budget, an increased amount of \$13,000 was granted for the event. An amount of \$13,000 has been listed in the 2009/2010 Budget for the 2010 fair.

Event organisers have requested an increase in sponsorship to \$15,000 to cover increased costs in organising the Fair. It is submitted that whilst the new layout of the Fair has worked well, it has given rise to additional costs because of the wider spread of the event area. Additional funds are being requested for increased security and extra toilets required for the lower side of the lake.

In return, the sponsorship amount would entitle the Town to exposure through radio, television, and local and State wide newspaper coverage.

COMMENTS:

This is one of the most heavily patronised events organised in the Town. The sponsorship by the Town will provide the opportunity for the Town to be featured in advertisements in the West Australian and community newspapers. The revenue from the Fair will continue to be allocated to a variety of community based initiatives.

It is considered that the Rotary Club of North Perth has managed the Fair in partnership with the Town's officers, and continues to be well supported by the wider community.

9.1.1 No. 103 (Lot 10 D/P: 56012) Harold Street, Highgate - Proposed Change of Use from Motel and associated Office and Storage Facilities to Four Storey building consisting of Twenty-Seven (27) Multiple Dwellings - Short Term Accommodation (Unlisted Use) and associated Alterations and Additions

Ward:	South	Date:	31 August 2009
Precinct:	Forrest; 14	File Ref:	PRO0308; 5.2009.28.1
Attachments:	001		
Reporting Officer(s):	R Narroo, H Au		
Checked/Endorsed by:	H Smith, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES BY AN ABSOLUTE MAJORITY the application submitted by Hillam Architects on behalf of the owner G R Pennells & R J Begley for proposed Change of Use from Motel and associated Office and Storage Facilities to Four Storey building consisting of Twenty-Seven (27) Multiple Dwellings-Short Term Accommodation (Unlisted Use) and associated Alterations and Additions at No. 103 (Lot: 10 D/P: 56012) Harold Street, Highgate, and as shown on plans stamp-dated 5 August 2009, subject to the following conditions:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Harold Street and Stirling Street verges adjacent to the subject properties, shall be submitted and approved prior to the issue of a Building Licence. The landscaping of the verges shall include details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months. The Council encourages landscaping methods which do not rely on reticulation. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (iii) the development shall comply with the definition of the Town's Policy No. 3.4.5 relating to "Short Term Accommodation";*
- (iv) 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;*
- (v) first obtaining the consent of the owners of No. 101 Harold Street and No. 388 Stirling Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 101 Harold Street and No. 388 Stirling Street in a good and clean condition;*
- (vi) prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, parking of trade person vehicles, footpath access, traffic and heavy vehicle access via Harold Street or Stirling Street, dust and any other appropriate matters (such as notifying all affected landowners/occupiers of the commencement of construction works), shall be submitted to and approved by the Town;*

- (vii) *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 that the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential 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;

- (viii) *prior to the first occupation of the development, 4 visitor parking bays shall be clearly marked and signposted for the exclusive use of the ~~residents~~ visitors of the development;*

- (ix) *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;*

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

- (xi) *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; and*

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

(a) *Unit 12*

windows to master bedroom, bedroom 2 and kitchen on the eastern elevations;

Unit 20

windows to master bedroom, bedroom and kitchen on the eastern elevation;

Unit 21

windows to master bedroom on the eastern elevation;

Unit 26

balcony on the southern elevation;

Unit 27

balcony on the northern elevation;

within the cone of vision of 4.5 metres (bedroom windows), 6.0 metres (dining room windows) and 7.5 metres (balconies) respectively to the lot boundaries, being screened with a permanent obscure glazing and be non-openable to a minimum of 1.6 metres above the respective finished floor levels; OR alternatively, the provision of on-site effective permanent horizontal screening or equivalent preventing direct

sight within the cone of vision to ground level of adjoining properties. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2008. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the affected owners of the properties along the ~~northern, southern and western~~ eastern sides, respectively, stating no objections to the ~~respective~~ proposed privacy encroachment;

(b) the bin compound being redesigned to accommodate the following bins:

Residential Dwellings

General Waste: One (1) mobile garbage bin or equal to 240 litres per unit (collected weekly); and

Recycle Waste: One (1) mobile recycle bin or equal to 240 litres per unit (collected fortnightly);

(c) a Business Management Plan being submitted and approved by the Town, thereafter implemented and maintained, addressing the following issues:

(1) agreement arrangements between the owner of the property and the tenants;

(2) control of noise and other disturbances;

(3) complaint management procedure;

(4) security of guests, residents and visitors;

(5) elimination of anti-social behaviour and the potential conflict between short term residents and long term residents of the area;

(6) compliance with the Town of Vincent waste management requirements; and

(7) an on-going maintenance and servicing strategy to ensure an adequate standard of health and sanitary facilities, and visual amenity, while minimising comings and goings from the property;

(d) a Car Parking Management Plan being submitted and approved by the Town, thereafter implemented and maintained, demonstrating a commitment to advising occupiers of the premises, verbally and in writing, of the negative impact that inappropriate car parking can have on adjoining long term residents. Details are to include any relevant car parking restrictions applicable to the area in relation to parking vehicles on surrounding properties and within the streets and instructions that parking of vehicles on the verge is not permitted;

- (e) *all screens to the balconies on the west, south and east elevations, on the first, second and third floors shall be obscured and fixed;*
- (f) *the fence wall to the store along Stirling Street shall have a maximum height of 1.8 metres from the footpath level; and*
- (g) *amended plans being submitted showing any new street/front wall, fence, screen wall and gate within the Harold Street setback area, including along the side boundaries within this street setback area, shall comply with the following:*
- (1) *the maximum height being 1.8 metres above the adjacent footpath level;*
 - (2) *the maximum height of piers with decorative capping being 2.0 metres above the adjacent footpath level;*
 - (3) *the maximum height of the solid portion of the wall being 1.2 metres above the adjacent footpath level, and a minimum of fifty percent visually permeable above 1.2 metres;*
 - (4) *the piers having a maximum width of 355 millimetres and a maximum diameter of 500 millimetres;*
 - (5) *the distance between piers should not be less than the height of the piers except where pedestrian gates are proposed; and*
 - (6) *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.

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

COUNCIL DECISION ITEM 9.1.1

Moved Cr Farrell, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED
BY AN ABSOLUTE MAJORITY (5-0)

(Cr Ker on approved leave of absence. Cr Burns & Cr Messina were apologies for the meeting.)

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

BACKGROUND:

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

- 13 February 2007 The Council at its Ordinary Meeting considered “without prejudice” conditions to the SAT for the proposed change of use from Motel to Motel and Office and Associated Alterations and Relocation of Swimming Pool (State Administrative Tribunal- Review Matter No. DR 378 of 2006).
- 5 June 2007 The State Administrative Tribunal ordered that the application for review is allowed and planning approval is granted for a change of use from Motel and Associated Office and Storage Facilities to Motel and Office, Associated Alterations, and the Relocation of Swimming Pool, subject to standard conditions.
- 24 March 2009 The Council at its Ordinary Meeting noted that the Chief Executive Officer would take action under Delegated Authority for a “Renovation Notice” to be served on No. 103 Harold Street, Highgate (Pacific Motel) (owner: GR Pennells & RJ Begley).
- 6 April 2009 The Town issued a “Renovation Notice” to the owners of No. 103 Harold Street, Highgate.
- 28 April 2009 At the applicant’s request, the report for Proposed Change of Use from Motel and associated Office and Storage Facilities to Four Storey Mixed Use Development Comprising Sixteen (16) Offices and Twelve (12) Multiple Dwellings and associated Alterations and Additions was removed from the Council’s Agenda.

DETAILS:

The applicant initially submitted a proposal which involved the change of use from motel and associated office and storage facilities to a four storey mixed use development comprising sixteen (16) offices and twelve (12) multiple dwellings and associated alterations and additions.

Following feedback received from Council Members at the Council Member Forum held on 21 April 2009, the applicant amended the proposal.

The reviewed proposal is for change of use from motel and associated office and storage facilities to a four storey building consisting of twenty-seven (27) multiple dwellings - short term accommodation and associated alterations and additions.

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

The applicant has provided the following justification:

“The proposed alterations and additions are to a three storey existing Motel and will be of a very high standard and will be a positive contribution to the Forrest precinct. Due to the unique circumstances of its location within close proximity to the Mt Lawley Centre Precinct and restrictions on the site which includes the existing building, we are seeking minor concessions from Council principally with respect to the proposed addition of a third floor, and change of use for the site to allow the apartments to be managed as short stay residential accommodation.

Design intention

Our proposal complies with the intent of the architectural design guidelines, and meets the objectives in respect to retaining the style and character of the precinct. The design is a high quality, contemporary integration within the existing shell of the motel. Materials and colour selections reflect and compliment the materiality of the precinct and vastly improve on the current state of the property. The design promotes modern refurbishment of the current building with little impact on the street scale. Therefore the building responds to the context not only in visual terms but in terms of an appropriate modernisation of the property.”

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	R80-19 multiple dwellings	R109-27 dwellings (36.2 per cent density bonus)	Supported- refer to "Comments" below.
Plot Ratio	1 - 2,478 square metres	1.35 - 3,345 square metres	Supported- refer to "Comments" below.
Number of Storeys	Two storeys Existing = Three Storeys	Four storeys	Supported- refer to "Comments" below.
Height	Two storeys = 7 metres	Building Height= 12.3 metres	Supported- refer to "Comments" below.
Building Setbacks:			
<u>Ground Floor</u>			
North-Harold Street	Porch project not more than 1 metre into the street setback area	Awning projecting 1.2 metres in the street setback area	Supported- no undue impact on the streetscape.
West-Stirling Street (Secondary Street)	1.5 metres	Nil	Supported- the bin store, store and carport will be located in the setback area. They will be covered by a light weight open shading structure which is considered not to create an undue impact on the streetscape.
South-carport	1.5 metres	Nil to 1.2 metres	Supported- no undue impact on the adjoining southern property.
East	1.5 metres	Nil to 4.453 metres	Supported- as the setback variation is not considered to create and undue impact on the adjoining property.
Boundary Walls	Boundary wall on one side of boundary	Boundary wall on two sides of boundaries	Supported- the boundary walls comply with the required heights and are not expected to have undue impact on the adjoining properties.

<u>First Floor</u>			
North-Front-Harold Street	6.64 metres	5.25metres	Supported- as the proposed front facade incorporates appropriate articulation and design features to reduce the visual impact on the streetscape.
East	6.3 metres	4.477 metres	Supported- as the setback variation is not considered to create an undue impact on the adjoining property.
<u>Second Floor</u>			
North-Front-Harold Street	6.64 metres	5.733 metres	Supported- as the proposed front facade incorporates appropriate articulation and design features to reduce the visual impact on the streetscape.
East	8.3 metres	4.477 metres	Supported- as the building is existing and therefore, no undue impact on the adjoining property.
<u>Third Floor</u>			
North-Front-Harold Street	6.64 metres	5.3 metres to 5.733 metres	Supported- as the proposed front facade incorporates appropriate articulation and design features to reduce the visual impact on the streetscape.
East	9 metres	4.477 metres	Supported- as the setback variation is not considered to create an undue impact on the adjoining property. The proposal complies with the overshadowing requirements.
Privacy	Bedroom: 4.5 metres from boundary Kitchen: 6 metres from boundary Balcony: 7.5 metres	Unit 12-master bedroom, bedroom 2 and kitchen-4.477 metres from the eastern boundary Units 20 – master bedroom- 4.477 metres from the eastern boundary	Not supported in part- the plans show highlight windows but they do not comply with the 1.6 metres above floor level. If the application is supported, a condition of planning approval will be to ensure the highlight windows comply with the 1.6 metres.

		Unit 21-master bedroom, bedroom 2 and kitchen-4.477 metres from the eastern boundary Units 26 and 27-balcony- 6.3 metres from the eastern boundary	Not supported- if the application is supported, a condition of planning approval will be to ensure the balconies comply with the privacy requirements.
Street Wall along Harold Street and Stirling Street Street Wall along Stirling Street-	1.8 metres above adjacent footpath level Maximum of solid portion of wall to be 1.2 metres above adjacent footpath level	Solid wall and aluminium screen up to 1.8 metres Existing solid wall= 3 metres Solid fence wall to store along Stirling Street= 2.55 metres	Not supported in part- if this application is supported, a condition of planning approval will be to ensure that the new front fence/wall and solid screen complies with the requirements of the Town's Fence Policy. However, the existing solid fence is supported.
Car Parking	Car Parking within the street setback area is not permitted	Visitors car parking within the street setback area	Supported- the existing parking is within the street setback area and there will be only four visitor's bays, which will not impact on the streetscape.
Outdoor Living Area	Outdoor living area behind the street setback area.	Outdoor living area is within the street setback area.	Supported- no undue impact on the streetscape.
Communal Space	16 square metres per dwelling Total= 432 square metres	Not provided	Supported- each dwelling is provided with a courtyard or balcony with minimum area of 16 square metres.

Consultation Submissions

The first proposal for change of use from motel and associated office and storage facilities to a four storey mixed use development comprising sixteen (16) offices and twelve (12) multiple dwellings and associated alterations and additions was advertised for public comment for twenty-one days. Three objections were received which are listed below.

The amended proposal was not readvertised as it was considered to have less impact on the amenity given the removal of the office component, and also generally, the same setbacks and height are proposed, as were advertised previously. Moreover, due to the anti-social behaviour evident on-site, it was considered that the current situation posed a threat to the safety of the public. Therefore, to expedite the matter, the reviewed proposal was not readvertised.

Support	Nil	Noted.
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<p>Objections(3)</p>	<ul style="list-style-type: none"> • Parking <p>The increased traffic demands will impact on the street parking.</p> <p>The Town should provide for off-street parking for the existing residents along Harold Street.</p> <p>The main parking area should be along Stirling Street and not along Harold Street.</p> <ul style="list-style-type: none"> • Commercial <p>Intensification of use on-site.</p> <ul style="list-style-type: none"> • Height and Setbacks <p><i>“Non compliance with building height and building setbacks impact on privacy.”</i></p> <ul style="list-style-type: none"> • Fascia <p>Does not like compressed fibre fascia on fourth floor.</p>	<p>Not supported- the vehicles associated with this development are required to park within the site. As per the car parking calculation below, the proposed development complies with the parking requirements.</p> <p>Not supported- the Town does not provide private parking.</p> <p>Not supported- the main parking is along Stirling Street and it is considered the parking within the front setback of Harold Street will not impact on the streetscape.</p> <p>Supported- applicant has amended the plans to have only residential dwellings.</p> <p>Not supported- refer to Assessment Table above.</p> <p>Supported for privacy-refer to Assessment Table.</p> <p>Not supported- the fascia is considered acceptable.</p>
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Other Implications	
Legal/Policy	TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications	Nil
Sustainability Implications	Nil
Financial/Budget Implications	Nil

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

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

Car Parking

		Required	Proposed
Short Accommodation No. 3.4.5	Term Policy	<p>1 car parking space per bedroom or 1 car parking space per 3 beds provided, whichever is the greater.</p> <p>Given that each dwelling is accommodating 2 to 3 beds and this building was previously used as a motel, the parking assessment is based on 1 car parking space per 3 beds or 1 parking per dwelling. Therefore, the car parking spaces required are 27.</p> <p>Visitors parking = not less than 10 per cent of the required spaces provided for exclusive use of visitors = 2.7 car parking spaces.</p>	<p>31 car parking spaces which include two car parking spaces in tandem.</p> <p>4 visitor car parking spaces provided.</p>

COMMENTS:

Demolition

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

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

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

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

Density, Plot Ratio and Building Height

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

The Town's Local Planning Strategy has identified Beaufort Street as an Activity Corridor and the subject site as a strategic development site which states the following;

“The property is regarded as a strategic development site, not only because of its size, but given its position on the fringes of the Mount Lawley town centre, acting as a transitional site from predominately residential development to the east and higher density, mixed use development towards Beaufort Street.

The site's location to Beaufort Street and access to public transport maximises the opportunity to provide a number and range of housing types at this strategic site. Ideally, the site would be suited to high-density residential development, in the form of multiple dwellings. A building height of 2 storeys to Harold Street and Stirling Street with a maximum building height of 4 storeys within the site is considered appropriate. Building setbacks to the primary are to be consistent with those adjacent to the property on either side, however a lesser setback distance is considered appropriate to the secondary street, provided that no undue impact on adjoining and surrounding residential developments.”

Accordingly, the proposal demonstrates suitable redevelopment of the site consistent with the Local Planning Strategy.

The fourth storey does not occupy the whole site and the proposal complies with the overshadowing and open space requirements. Moreover, at the corner of Harold Street and Beaufort Street, there is a building of four storeys. Therefore, the proposed four storeys are supported.

In the context of surrounding development close to and along Beaufort Street, and the support of a four-storey development on the subject site, the proposed density bonus and plot ratio are also recommended for approval. Moreover, the existing building is in a disused state and has been subject to numerous complaints relating to persistent anti-social behaviour occurring on the subject site. The proposed development will contribute to a change in this area towards a more friendly residential area and will contribute to the diversity in housing types that is a long-term strategic goal for the Town of Vincent as stated in the Town's Local Planning Strategy.

Absolute Majority

Given that there is a density bonus, as per Clause (40)(3)(b) of the Town's Scheme No. 1, the Council is required to approve this application by an absolute majority decision.

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

9.1.8 No. 52 (Lot 3 STR: 28487) Forrest Street, Mount Lawley - Proposed Home Occupation (Hairdresser) (Application for Retrospective Approval)

Ward:	South	Date:	31 August 2009
Precinct:	Norfolk Precinct; P10	File Ref:	PRO4788; 5.2009.273.1
Attachments:	001		
Reporting Officer(s):	S Kendall		
Checked/Endorsed by:	H Smith, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, REFUSES the application submitted by L Muia on behalf of the owner J & L Muia for proposed Home Occupation (Hairdresser)(Application for Retrospective Approval), at No. 52 (Lot 3 STR: 28487) Forrest Street, Mount Lawley, and as shown on plans stamp-dated 16 July 2009, for the following reasons:*
- (a) *the development will unduly adversely affect the orderly and proper planning and the preservation of the amenities of the locality;*
 - (b) *does not comply with the Town's home occupation requirements as outlined in the Town's Policy No. 3.5.1 relating to Minor Nature Development, specifically:*
 - (1) *the hairdressing salon will attract customers on a regular and frequent basis to the dwelling;*
 - (2) *the hairdressing salon will result in the requirement for a greater number of parking facilities than normally reserved for a single dwelling; and*
 - (3) *the hairdressing salon will occupy an area greater than 20 square metres;*
 - (c) *approval of the proposed development would create an undesirable precedent for other similar developments encroaching into established residential areas; and*
 - (d) *consideration of the objections received; and*
- (ii) *the Council ADVISES the applicant that the bathroom, laundry and salon shall be removed and the carport reinstated as per the City of Perth Planning Approval dated 26 April 1994. These works shall be completed within twenty-eight (28) days of the refusal notification and the Council AUTHORIZES the Chief Executive Officer to proceed with legal proceedings should the subject works not be completed within this twenty-eight (28) day period.*

COUNCIL DECISION ITEM 9.1.8

Moved Cr Farrell, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED (5-0)

(Cr Ker on approved leave of absence. Cr Burns & Cr Messina were apologies for the meeting.)

Landowner:	J & L Muia
Applicant:	L Muia
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R40
Existing Land Use:	Grouped Dwelling
Use Class:	Home Occupation
Use Classification:	"P"
Lot Area:	1012 square metres
Access to Right of Way	N/A

BACKGROUND:

26 April 1994 The City of Perth granted approval for the construction of two grouped dwellings to the rear of the subject existing dwelling.

DETAILS:

The proposed Home Occupation involves the utilisation of the former carport for hair dressing.

An inspection by the Town's Officers on 11 August 2009 revealed the subject carport had already been converted for the purposes of a Hairdressing Salon and it was evident that the use had commenced. Due to the unauthorised commencement of the use, the current development application is now considered by the Town as retrospective.

In support of the application, the applicant has provided a written submission, which is partially summarised below and is "*Laid on the Table*":

- Proposed hours of operation:
 - Thursday 9am - 5pm;
 - Friday 9am - 5pm; and
 - Saturday 9am - 1 pm.
- No employees.
- 1 client every two hours.
- The Home Occupation utilised fixtures, fittings and products from the applicants for Hairdressing Business, which was located at Shop 5/400 Fitzgerald Street, North Perth.
- The business is to make a living rather than go on the pension.
- Applicant is too old to continue in a full salon and is virtually unemployable.
- There is another hair dressing salon already operating along Forrest Street.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	N/A	N/A	Noted.
Plot Ratio	N/A	N/A	Noted.
Minor Nature Development Policy No. 3.5.1	Does not occupy an area greater than 20 square metres	28 square metres	Not Supported - refer to 'Comments' section below.

	Does not attract customers or regular and frequent deliveries of goods or equipment to the site	Proposed Hours of Operation: - Thursday and Friday 9am - 5pm; - Saturday 9am - 1pm.	Not Supported - refer to 'Comments' section below.
	Parking - 2 car bays for residential and 1.36 car bays for the hairdressing.	Two non-complaint car bays.	Not Supported - refer to 'Comments' section below.
	Does not entail the retail sale, display or hire of goods of any nature	The provision of services (Hairdressing).	Not Supported - refer to 'Comments' section below.

Consultation Submissions

Support	Nil.	Noted.
Objection (3)	<ul style="list-style-type: none"> - There will be a constant and regular flow of customers, which will in turn increase the traffic along Forrest Street. - Parking at the subject residence has been an issue for a number of years as there are always a number of cars associated with the place parking on the verge and at the opposite playground. - It will not be a small business; the home owners have closed their business 'Hair Smart', formally located along Fitzgerald Street, to open a new business 'Studio 52' at the new premises. - The nature of the proposal is significantly different to what is intended, as evidenced by a flyer sent to surrounding landowners, which indicates it will operate on Wednesdays in addition to Thursdays - Saturdays as proposed; and that three people are available to service clients. 	<p>Supported - refer to 'Comments' section below.</p>

Other Implications

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

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

COMMENTS:

Retrospective Works

The applicants have enclosed the former garage to create an area for the Hairdressing Salon, which includes a bathroom, a laundry, three work stations and two hair wash basins. A search of the City of Perth and Town of Vincent Building Licence archives has been undertaken and reveals that no Planning Approval or Building Licence has been issued for the works to enclose the carport or for the internal salon fit out. The enclosure of the carport to create the Salon has resulted in there being no car parking bays on-site, which comply with AS289.1.

Furthermore, Building Services have identified that in the event of approval a Form 8 retrospective Building Approval would be required to ensure that the works were undertaken in accordance with the Building Code of Australia.

Home Occupation

The intent of Home Occupations is to seek a balance between supporting a quiet, safe and aesthetic residential environment while supporting home-based uses of a small nature. However, when the scale and intensity of the business activity expands to such a level that the business no longer achieves such a balance, a commercial site is appropriate. As can be seen in the above Assessment Table, the subject development involves significant variation to the Town's Home Occupation requirements as outlined in the Town's Policy No. 3.5.1 relating to Minor Nature Development. The regular attendance of clients to the site, and the associated car parking requirements for the proposed Home Occupation (Hairdresser), is not considered appropriate for this residential area. Accordingly, there is concern regarding the scale and extent of the proposal. Whilst the applicant has stated that only one hairdresser that will be in operation, the salon is set up with two wash bays and three works stations, which would enable the employment of additional staff. Furthermore, it is understood the intention of the applicants is that the proposed Home Occupation will service the clients from their former Salon, located along Fitzgerald Street, which indicates that the utilisation of the space will be similar to a proper commercial operation.

In light of the above, it is recommended that the application be refused, and that the Council authorise the Chief Executive Officer to initiate legal proceedings in the event that removal of the bathroom, laundry and salon and reinstatement of the carport, as per the previous approval, is not completed within 28 days of the refusal notification.

**9.1.5 No. 226 (Lot 1 STR: 9760) Brisbane Street, Corner Dangan Street, Perth
- Proposed Carport and Patio Addition to Existing Grouped Dwelling**

Ward:	South	Date:	28 August 2009
Precinct:	Hyde Park; P12	File Ref:	PRO4771; 5.2009.232.1
Attachments:	001		
Reporting Officer(s):	S Kendall		
Checked/Endorsed by:	H Smith, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by BCA Homes and Patios on behalf of the owner R Allan for proposed Carport and Patio Addition to Existing Grouped Dwelling, at No. 226 (Lot 1 STR: 9760) Brisbane Street, Corner Dangan Street, Perth, and as shown on plans stamp-dated 19 June 2009, subject to the following conditions:

- (i) vehicles utilising the car port shall not protrude over the eastern property boundary and obstruct pedestrian traffic;*
- (ii) any future modifications to the existing northern and western boundary walls and/or the existing vehicle access shall ensure compliance with the Town's Policy No. 2.2.6 relating to Truncations. Details of the modifications are to be submitted to and approved by the Town's Technical Services prior to the commencement of works;*
- ~~*(iii) no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s); and*~~
- ~~*(iv) any new street/front wall, fence and gate within the Dangan Street setback area, including along the side boundaries within this street setback area, shall comply with the following:*~~
 - ~~*(a) the maximum height being 1.8 metres above the adjacent footpath level;*~~
 - ~~*(b) the maximum height of piers with decorative capping being 2.0 metres above the adjacent footpath level;*~~
 - ~~*(c) the maximum height of the solid portion of the wall being 1.2 metres above the adjacent footpath level, and a minimum of fifty percent visually permeable above 1.2 metres;*~~
 - ~~*(d) the piers having a maximum width of 355 millimetres and a maximum diameter of 500 millimetres;*~~
 - ~~*(e) the distance between piers should not be less than the height of the piers except where pedestrian gates are proposed; and*~~

~~(f) — 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 revised and distributed prior to the meeting. Changes are indicated by strike through and underline.**

Moved Cr Farrell, **Seconded** Cr Maier

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED (5-0)

(Cr Ker on approved leave of absence. Cr Burns & Cr Messina were apologies for the meeting.)

COUNCIL DECISION ITEM 9.1.5

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by BCA Homes and Patios on behalf of the owner R Allan for proposed Carport and Patio Addition to Existing Grouped Dwelling, at No. 226 (Lot 1 STR: 9760) Brisbane Street, Corner Dangan Street, Perth, and as shown on plans stamp-dated 19 June 2009, subject to the following conditions:

- (i) vehicles utilising the car port shall not protrude over the eastern property boundary and obstruct pedestrian traffic; and*
- (ii) any future modifications to the existing northern and western boundary walls and/or the existing vehicle access shall ensure compliance with the Town's Policy No. 2.2.6 relating to Truncations. Details of the modifications are to be submitted to and approved by the Town's Technical Services prior to the commencement of works.*

Landowner:	R J Allan
Applicant:	BCA Homes and Patios
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R80
Existing Land Use:	Grouped Dwelling
Use Class:	Grouped Dwelling
Use Classification:	"P"
Lot Area:	488 square metres
Access to Right of Way	Northern side, three metres wide, sealed, privately owned.

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves the removal and replacement of the existing carport and patio.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	N/A	N/A	Noted.
Plot Ratio	N/A	N/A	Noted.
Building Setbacks:			
Carport/patio to Dangan Street	1 metre	Nil	Supported - it is not considered that compliance with the 1 metre setback requirement will improve the development's interface with the Dangan Street streetscape. The proposal will improve the existing eclectic interface.
Carport/patio to Right of way	1 metre	Nil	Supported - Technical Services have advised that there is no Right of Way widening requirement for this development.
Carport/patio to western boundary	1 metre	Nil	Supported - the adjacent neighbour's signature has been obtained consenting to the nil setback variation.
Building on Boundary	One side and no more than two thirds the length of the boundary behind the street setback (18.9 metres)	Three sides The new carport/patio, in addition to the existing building, comprises almost the whole site as building on boundary	Supported - as per the above Building Setback Officer Comment.
Driveways	Not closer to 0.5 metre to side boundary	Nil setback to right of way boundary	Supported - there are no changes proposed to the existing boundary walls, vehicle access gates or driveway.
Visual Truncations	1 metre by 1 metre visual truncation	No visual truncation	Supported in part - there are no changes proposed to the existing boundary walls, vehicle access gates or driveway. However, a condition of approval has been imposed to require the provision of visual truncations in the event that these elements are modified in the future.

Open Space	45 per cent or 72 square metres	5.5 per cent or 9 square metres	Supported - whilst the Town is generally reluctant to support variations to open space, it is noted that the existing built form, and the small lot size, make it difficult to achieve the open space requirement. Having regard to these factors and in acknowledging that the existing situation has almost nil open space, it is considered that this variation is supportable as it meets the needs of the residents as proposed.
Car bays	Minimum length 5.4 metres	5 metres	Supported in part - the ability to provide compliant car parking at the subject place is restricted by the small dimensions of the lot. It is noted that the applicant is providing on-site car parking to relieve street car parking. A condition has been imposed to ensure no cars protrude onto the adjacent footpath.
Consultation Submissions			
Support (1)	No Comment		Noted.
Objection	Nil		Noted.
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Sustainability Implications			Nil
Financial/Budget Implications			Nil

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

COMMENTS:

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

9.1.6 No. 100 (Lot 200 D/P: 54386) Oxford Street, corner Leederville Parade, Leederville - Proposed Outdoor Market (Unlisted Use)

Ward:	South	Date:	31 August 2009
Precinct:	Oxford Centre; P04	File Ref:	RES0059; 5.2009.260.1
Attachments:	001		
Reporting Officer(s):	S Kendall		
Checked/Endorsed by:	H Smith, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by K Thomson on behalf of the owner Town of Vincent for proposed Outdoor Market (Unlisted Use), at No. 100 (Lot 200 D/P: 54386) Oxford Street, corner Leederville Parade, Leederville, and as shown on plans stamp-dated 3 July 2009, subject to the following conditions:

- (i) the outdoor market shall not promote smoking, alcohol, any use of illicit substances and/or adult “R” rated entertainment;*
- (ii) the Town of Vincent shall be acknowledged in any associated publicity and promotional material for the outdoor market;*
- (iii) the event organisers shall take out and hold current a policy of insurance for Public Liability for an amount of not less than \$10,000,000 (ten million dollars). A copy of the current certificate is to be provided to the Town at least ten (10) days prior to the commencement of the outdoor market use;*
- (iv) the organisers shall indemnify the Town against any claims, damages, writs, summonses or other legal proceedings and any associated costs, expenses, losses or other liabilities as a result of loss of life, personal injury or damage to property arising from an occurrence in or connected with the outdoor market;*
- (v) a letter drop with details of the event including a mobile telephone number (which shall be operational for the duration of the market) for complaints shall be undertaken at least ten (10) days prior to the commencement of the outdoor market use. A copy of the letter shall be provided to the Town for prior approval;*
- (vi) the hours of operation for the outdoor market shall be limited to 9am to 4pm on Saturdays during the period between 14 November 2009 to 27 March 2010, inclusive. This excludes the setting up and packing up time. This approval is for a period of 5 months only and should the applicant wish to continue the use after this period, it shall be necessary to reapply to and obtain approval from the Town prior to continuation of the use;*
- (vii) a maximum of 35 stalls shall be in operation at any one time. Any increase in the number of stalls shall require further consent (further Planning Approval is not required);*

- (viii) *a maximum of 35 parking permits will be made available to the organisers, at a cost of \$11.00 per permit per day (7:00am to 7:00pm) for the days the outdoor market is in operation, to enable each stallholder to park one (1) vehicle in Frame Court Car Park. Please note the car parking bays will not and are not to be marked as reserved;*
- (ix) *a Stallholders' Permit will be issued to the organisers, with the cost being incorporated into the existing Reserve Hire Fee, which will allow up to 35 stalls to operate in the specified area, on the days that the outdoor market are in operation;*
- (x) *a maximum of three (3) Buskers Permits will be issued to the organisers, which will allow the buskers to operate within the Reserve, at any given time, for the days that the outdoor market are in operation. The Town reserves the right to cancel and withdraw any permit, if the holder breaches any of the relevant conditions. The cost of the permits shall be incorporated into the proposed Reserve Hire Fee;*
- (xi) *the organiser shall ensure that any busker operating in the Reserve complies with the following requirements:*
- (a) *the busker must be in possession of the permit when busking (can be passed from one busker to the next, when the first busker finishes their act);*
 - (b) *the busker must not use inappropriate language, material, etc;*
 - (c) *the busker must remain within the "Reserve", while undertaking their act;*
 - (d) *the busker must not impede or prevent pedestrians from going about their normal business; and*
 - (e) *the busker must not restrict ready access to the premises;*
- (xii) *any "A" Frame signage placed on the footpath area ~~would~~ will require a permit with conditions set under the Town's Local Government Property Local Law 2008;*
- (xiii) *the following permits shall be applied for and obtained from the Town prior to the commencement of the outdoor market use:*
- (a) *an Application for Casual Reserve Hire shall be obtained from the Town's Park Services;*
 - (b) *a Special Events Permit is required for all temporary food stalls/food vans. Application forms together with the relevant fees shall be submitted one month prior, or a minimum of 14 days prior to the commencement of trade. Full compliance with the provisions of Health Act 1911 (as amended), Health (Food Hygiene) Regulations 1993, and compliance with the FSANZ Food Safety Standards is required for all temporary food stalls/food vans. No food must be sold to the public unless approved by the Town's Health Services;*
 - (c) *a Buskers Permit shall be obtained from the Town's Rangers and Community Safety Services. The permit shall detail the location and size of the "Entertainment Area"; and*
 - (d) *a Stallholders' Permit shall be obtained from the Town's Rangers and Community Safety Services;*

(xiv) *within 28 days of the issue of the 'Approval to commence Development' the following shall be undertaken:*

(a) *the outstanding Reserve hire fee of \$4,590 from the 2008/2009 markets shall be paid to the Town. This debt shall be settled prior to the Town issuing any permits for the hire of the Reserve for the 2009/10 Summer Market Season; and*

(b) *a bond of \$2,500 to cover any repairs to reticulation, turf, etc that may occur as a result of the outdoor market, for the 2009/2010 period shall be paid to the Town.*

Any other minor charges (that is, power at a cost of \$25 per week and bin hire at a cost of \$60 per week) will be invoiced separately on a monthly basis;

(xv) *no vehicles shall be permitted to drive on the Oxford Street Reserve. All loading and unloading of goods from vehicles shall take place in the adjacent car parking areas;*

(xvi) *the Oxford Street Reserve shall be left in a clean and tidy state after each weekly market; and*

(xvii) *compliance with all Technical Services, Building and Environmental Health Specific requirements*

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

Moved Cr Farrell, Seconded Cr Doran-Wu

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Maier, Seconded Cr Doran-Wu

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

“(xviii) the Reserve Hire fee for 2009/10 Summer Markets be set at the same rate as were charged in 2008/09.”

AMENDMENT PUT AND CARRIED (4-1)

For: Cr Doran-Wu, Cr Farrell, Cr Lake, Cr Maier

Against: Mayor Catania

Debate ensued.

MOTION AS AMENDED PUT AND CARRIED (5-0)

(Cr Ker on approved leave of absence. Cr Burns & Cr Messina were apologies for the meeting.)

COUNCIL DECISION ITEM 9.1.6

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by K Thomson on behalf of the owner Town of Vincent for proposed Outdoor Market (Unlisted Use), at No. 100 (Lot 200 D/P: 54386) Oxford Street, corner Leederville Parade, Leederville, and as shown on plans stamp-dated 3 July 2009, subject to the following conditions:

- (i) the outdoor market shall not promote smoking, alcohol, any use of illicit substances and/or adult "R" rated entertainment;*
- (ii) the Town of Vincent shall be acknowledged in any associated publicity and promotional material for the outdoor market;*
- (iii) the event organisers shall take out and hold current a policy of insurance for Public Liability for an amount of not less than \$10,000,000 (ten million dollars). A copy of the current certificate is to be provided to the Town at least ten (10) days prior to the commencement of the outdoor market use;*
- (iv) the organisers shall indemnify the Town against any claims, damages, writs, summonses or other legal proceedings and any associated costs, expenses, losses or other liabilities as a result of loss of life, personal injury or damage to property arising from an occurrence in or connected with the outdoor market;*
- (v) a letter drop with details of the event including a mobile telephone number (which shall be operational for the duration of the market) for complaints shall be undertaken at least ten (10) days prior to the commencement of the outdoor market use. A copy of the letter shall be provided to the Town for prior approval;*
- (vi) the hours of operation for the outdoor market shall be limited to 9am to 4pm on Saturdays during the period between 14 November 2009 to 27 March 2010, inclusive. This excludes the setting up and packing up time. This approval is for a period of 5 months only and should the applicant wish to continue the use after this period, it shall be necessary to reapply to and obtain approval from the Town prior to continuation of the use;*
- (vii) a maximum of 35 stalls shall be in operation at any one time. Any increase in the number of stalls shall require further consent (further Planning Approval is not required);*
- (viii) a maximum of 35 parking permits will be made available to the organisers, at a cost of \$11.00 per permit per day (7:00am to 7:00pm) for the days the outdoor market is in operation, to enable each stallholder to park one (1) vehicle in Frame Court Car Park. Please note the car parking bays will not and are not to be marked as reserved;*
- (ix) a Stallholders' Permit will be issued to the organisers, with the cost being incorporated into the existing Reserve Hire Fee, which will allow up to 35 stalls to operate in the specified area, on the days that the outdoor market are in operation;*

- (x) *a maximum of three (3) Buskers Permits will be issued to the organisers, which will allow the buskers to operate within the Reserve, at any given time, for the days that the outdoor market are in operation. The Town reserves the right to cancel and withdraw any permit, if the holder breaches any of the relevant conditions. The cost of the permits shall be incorporated into the proposed Reserve Hire Fee;*
- (xi) *the organiser shall ensure that any busker operating in the Reserve complies with the following requirements:*
- (a) *the busker must be in possession of the permit when busking (can be passed from one busker to the next, when the first busker finishes their act);*
 - (b) *the busker must not use inappropriate language, material, etc;*
 - (c) *the busker must remain within the "Reserve", while undertaking their act;*
 - (d) *the busker must not impede or prevent pedestrians from going about their normal business; and*
 - (e) *the busker must not restrict ready access to the premises;*
- (xii) *any "A" Frame signage placed on the footpath area will require a permit with conditions set under the Town's Local Government Property Local Law 2008;*
- (xiii) *the following permits shall be applied for and obtained from the Town prior to the commencement of the outdoor market use:*
- (a) *an Application for Casual Reserve Hire shall be obtained from the Town's Park Services;*
 - (b) *a Special Events Permit is required for all temporary food stalls/food vans. Application forms together with the relevant fees shall be submitted one month prior, or a minimum of 14 days prior to the commencement of trade. Full compliance with the provisions of Health Act 1911 (as amended), Health (Food Hygiene) Regulations 1993, and compliance with the FSANZ Food Safety Standards is required for all temporary food stalls/food vans. No food must be sold to the public unless approved by the Town's Health Services;*
 - (c) *a Buskers Permit shall be obtained from the Town's Rangers and Community Safety Services. The permit shall detail the location and size of the "Entertainment Area"; and*
 - (d) *a Stallholders' Permit shall be obtained from the Town's Rangers and Community Safety Services;*
- (xiv) *within 28 days of the issue of the 'Approval to commence Development' the following shall be undertaken:*
- (a) *the outstanding Reserve hire fee of \$4,590 from the 2008/2009 markets shall be paid to the Town. This debt shall be settled prior to the Town issuing any permits for the hire of the Reserve for the 2009/10 Summer Market Season; and*

(b) *a bond of \$2,500 to cover any repairs to reticulation, turf, etc that may occur as a result of the outdoor market, for the 2009/2010 period shall be paid to the Town.*

Any other minor charges (that is, power at a cost of \$25 per week and bin hire at a cost of \$60 per week) will be invoiced separately on a monthly basis;

(xv) *no vehicles shall be permitted to drive on the Oxford Street Reserve. All loading and unloading of goods from vehicles shall take place in the adjacent car parking areas;*

(xvi) *the Oxford Street Reserve shall be left in a clean and tidy state after each weekly market;*

(xvii) *compliance with all Technical Services, Building and Environmental Health Specific requirements; and*

(xviii) *the Reserve Hire fee for 2009/10 Summer Markets be set at the same rate as were charged in 2008/09.*

Landowner:	Town of Vincent
Applicant:	K Thomson
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): District Centre
Existing Land Use:	Park
Use Class:	Unlisted Use
Use Classification:	Unlisted Use
Lot Area:	736 square metres
Access to Right of Way	N/A

BACKGROUND:

21 October 2008 The Council at its Ordinary Meeting resolved to conditionally approve an application for proposed Outdoor Market (Unlisted Use).

DETAILS:

The proposal involves utilising the Oxford Street Reserve for a summer outdoor market, held every Saturday, during the period between 14 November 2009 to 27 March 2010, between the hours of 9am and 4pm. The proposal is similar to the Markets, which were held last year on the Oxford Street Reserve.

The market will be for the display and sale of art and will promote independent fashion designers, jewellery designers, photographers, painters and other creative arts. The applicant proposes that there will be up to a maximum of thirty-five (35) stalls operating at any one time.

In addition to the above, the applicant has requested that the Council review the fees charged to the previous 2008/2009 Oxford Street Market. The applications request is partially summarised below and is '*Laid on the Table*':

- Condition (xv) of the previous approval (serial no. 5.2008.299.1) stated '*prior to the commencement of the outdoor market use a fee of \$250 shall be paid to the Town for the hire of bins, and a bond of \$5000 to cover any repairs to reticulation, turf, etc that may occur as a result of the outdoor market shall be paid to the Town. The weekly hire fee and any other minor charges (that is, power) will be invoiced separately on a monthly basis*'.

- None of the invoices for the hire fees were sent on a monthly basis. Rather on July 23, 2009, an invoice for all of the months combined with the addition of GST, totalling \$4,590.00 was sent requesting the amount be paid in full by August 6, 2009.
- As a result of initial poor turnouts, the exhibitors could not keep participating at the original fee of \$120. To keep enough participants for the market to survive, the fee was cut by half to \$60. With half the fees and half the booked exhibitors, the cost of running the market far exceeded the amount available to pay the costs.
- Therefore, it is requested that the Council waive the hire fees charged to the Oxford Street Market for the summer 2008/2009 season.
- In addition it is requested that the Council grant the use of the park at Oxford Street for the next summer season 2009/2010 at no charge.
- The support from the Council to allow the money to be directed instead to promoting the market and developing the event, would allow for the addition of paid acoustic performers and children's entertainers. Investing the money toward the growth and fruition of the Oxford Street Market, will be a much more sustainable use of funds rather than to simply collect the fees.

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)	To protect existing Café Businesses in Oxford Street, it is requested that a specific clause prohibiting coffee sales from the Markets be imposed.		It is noted that the applicant has detailed the nature of the use of the markets will promote fashion designers, jewellery designers, photographers, painters, fair-trades and local produce suppliers. Accordingly, a condition reinforcing this will be imposed; however, specific reference to the sale of coffee is not appropriate.
Objection	Nil.		Noted.
General Comment (1)	Concern over parking encroachment onto the Water Corporation site at times. This could create problems from a security perspective as emergency access points may be blocked and unauthorised people would be traversing the site.		Not Supported - the Water Corporation Security Officer is authorised to contact the Town's Rangers to issue infringement notices in the event of unlawful parking at the Water Corporation site. It is not considered the Markets will result in any additional threat to the security of the property then the existing uses and activities associated with Oxford Street.

Other Implications	
Legal/Policy	TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications	Nil
Sustainability Implications	Nil
Financial/Budget Implications	Nil
Car Parking	
Car parking requirement (nearest whole number) - Market - 3 spaces per stall provided (35 stalls proposed).	105 car bays
Apply the adjustment factors. - 0.85 (within 400 metres of a bus stop) - 0.85 (the proposed development is within 400 metres of one or more public car parks in excess of a total of 75 car parking spaces). - 0.90 (the proposal is located within a District Centre zone) - 0.85 (the proposal is located within 400 metres of a rail station).	(0.5527125) 58.03 car bays
Minus the car parking provided on-site.	Nil
Minus the most recently approved on-site car parking shortfall. (At the Ordinary Meeting of Council held on 21 October 2008, a shortfall of 58.03 car bays was approved for the pervious season of the markets)	58.03 car bays
Resultant surplus	0 car bays

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

COMMENTS:

The proposal requires input from several of the Town's Service areas. The following advice is provided from the various Service areas:

Community Development Services

- Information has been submitted in accordance with Policy No. 3.8.3 relating to Concerts and Events. This includes event details along with references, risk management and emergency response plans. In accordance with the Policy, the proposal is classified as low risk and has the potential to provide a new creative event within the Leederville area.

Parks Services

- The hire fee for the use of the Oxford Street Reserve would be \$335 per hour. Last year it was \$270 per hour, but this was reduced to \$270 per day.
- Power is available from an electrical cabinet located on the north western side of the park; there are no restrictions regarding its use. However, the use of power would accrue a separate charge of \$25 per week and would not be covered in the Hire Fee for the use of the Oxford Street Reserve.
- Parks Services will supply two 660 litre rubbish bins for the market's duration at a cost of \$60 per week. These rubbish bins will be provided permanently at two locations within the park and will be emptied weekly as part of the Town's rubbish collection.
- A bond will be set at \$2,500, to cover any repairs to reticulation, turf, etc that may occur as a result of the outdoor market.

Rangers and Community Safety Services

- If the Council is inclined to support the proposal, the Town's Ranger and Community Safety Services would be prepared to supply the organiser, who would arrange payment for the number of weeks required and distribute the parking permits to the relevant stall holders. Since the Town would not necessarily be in a position to confirm that a person is or is not a participant, this will ensure that only stallholders will receive the permits.
- The entertainers wishing to busk within the site should apply for a permit, as per the requirements of the Town's Local Law relating to Trading in Public Places.
- A Busking Permit can be issued to the organisers of the event and, at this time, the cost can be incorporated into the Application Fee, with a review after 2 or 3 market days.
- In accordance with the Town's Local Law relating to Trading in Public Places, each stall trader would generally need to apply for a permit to trade. However, to assist elevating the large level of permits that are required, the Town's Rangers Services have advised that they will issue 35 Traders Permits to the organiser with the Planning Approval should the application be approved. A Stallholders' Permit will be issued to the organisers, with the cost being incorporated into the existing Reserve Hire Fee, which will allow up to 35 stalls to operate in the specified area, on the days that the market is in operation.

Health Services

- A Special Events Permit to sell food from a temporary food stall (low risk food) or food van (medium to high risk food) will be required by the Town Health Services.
- Full compliance with the provisions of relevant food legislation and compliance with the Food Safety Standards is required for all temporary food stalls. No food must be sold to the public unless approved by the Town's Health Services.
- All application forms must be submitted one month prior, or a minimum of 14 days prior to the commencement of the event. All relevant supporting documents, such as approvals from other authorities, shall be submitted along with the relevant forms.
- The relevant fees adopted by the Council for this financial year (2009/2010) are:
 - Licence of Special Events Permit – Food Stall (low risk food only): \$80; and
 - Licence of Special Events Permit - Food Van (medium to high risk food): \$210

Planning Services

The proposed use of the Oxford Street Reserve is considered an appropriate temporary land use in context with the District Centre Zoning and associated Oxford Centre Precinct.

In terms of the Leederville Masterplan, the proposed market fall within an area designated as an icon building on and around the existing parkland largely associated with Stage 2 of the Masterplan. It is not considered that the operation of the proposed market, which has been recommended for approval for the 2009/2010 Summer period, will be in conflict with the Masterplan requirements. Should the applicant wish to run the outdoor market on an annual basis, further approvals will need to be obtained from the Town and further consideration will be given in context with the status of the Leederville Masterplan.

Wavering of Fees

The Markets, whilst providing a different interactive element to Oxford Street, are ultimately a business venture and the Town should not be expected to waiver all costs associated with its production. In response to the applicant's request, the Town's Officers have reviewed the required fees and have made recommendations to which fees can be waived:

Fees to be Paid:

- Bond - The bond (\$2,500) is considered a crucial component to ensure the Reserve is not damaged by the ongoing use of the markets. This fee is refundable at the end of the Market Season if there is no damage to the Reserve.
- Parking Permits - the Town's Rangers and Community Safety Services have advised that the reduction in last year's car parking fees were initiated to assist the market in its first year. However, the reduction of the Parking Permits fee for the 2009/2010 Markets is not supported as the car park is a public facility and the Town needs to be remunerated appropriately.
- Furthermore, the Frame Court Car Park is a busy car park and services the businesses along Oxford Street. The business owners and patrons of these businesses are required to pay for parking in this car park at the standard rates. It is considered the Markets should be subject to the same requirements.
- Utilities - the provision of power would accrue a separate charge of \$25 per week and the provision of bins would accrue a fee of \$60 per week. The Town should not be responsible to pay for the Markets operational costs.
- Special Events Permit (Food Stall) - the Town's Health Services will be required to regularly inspect and assess all proposed food stalls/food vans. The fees associated with the permit are imposed to ensure costs for such inspections are recovered.

Fees Recommended to be Waived:

- Stallholders' Permits - last year this fee was waived. The Officers considered the wavering of this fee for the 2009/10 markets acceptable.
- Buskers Permit - last year this fee was waived. The Officers considered the waving of this fee for the 2009/10 markets acceptable.
- Reserve Hire Fee - the Manager of Parks Services has consented to the waving of this fee for the 2009/2010 markets, subject to the applicant fulfilling last years Reserve Hire Fee of \$4,590.

It is considered that the proposed weekly summer outdoor market will add vibrancy and interest to the Leederville area over the summer months. Therefore, it is recommended that the application be approved as per the Officer Recommendation.

9.1.3 No. 478 (Lot 100 D/P: 89091) William Street, Corner Bulwer Street, Perth - Proposed Change of Use from Office to Non-Medical Consulting Room (Beauty Salon) and Shop (Hairdressing Salon)

Ward:	South	Date:	31 August 2009
Precinct:	Hyde Park- P12	File Ref:	PRO0508; 5.2009.251.1
Attachments:	001		
Reporting Officer(s):	R Narroo		
Checked/Endorsed by:	H Smith, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Calvin Koh Architects (Aust) Pty Ltd on behalf of the owner Primewest Developments Pty Ltd for proposed Change of Use from Office to Non-Medical Consulting Room (Beauty Salon) and Shop (Hairdressing Salon), at No. 478 (Lot: 100 D/P: 89091) William Street, corner Bulwer Street, Perth, and as shown on plans stamp-dated 2 July 2009, subject to the following conditions:

- (i) this approval is for Consulting Rooms (Non-Medical) (Beauty Salon) and Shop (Hairdressing Salon) uses only, and any change of use from Consulting Rooms (Non-Medical) and Shop shall require Planning Approval to be applied for and obtained from the Town prior to commencement of such use;*
- (ii) this approval for Consulting Rooms (Non-Medical) (Beauty Salon) is for a period of 12 months only and should the applicant wish to continue the use after that period, it shall be necessary to re-apply to and obtain approval from the Town prior to continuation of the use;*
- (iii) doors, windows and adjacent floor areas fronting Bulwer Street shall maintain an active and interactive relationship with this street;*
- (iv) the Consulting Room (Non-Medical) (Beauty Salon) shall be limited to a maximum of 1 consulting room/consultant operating at any one time, as shown on the approved plans. Any increase in the number of consulting room/consultant shall require Planning Approval to be applied to and obtained from the Town;*
- (v) the maximum gross floor area of the Shop (Hairdressing Salon) shall be limited to 53.2 square metres as shown on the approved plans. Any increase in floor space or change of use for the subject land shall require Planning Approval to be applied to and obtained from the Town;*
- (vi) the subject Consulting Room (Non-Medical)(Beauty Salon)/Shop (Hairdressing Salon) shall not be used for massage activity of a sexual nature, prostitution, as a brothel business, as an agency business associated with prostitution, as an escort agency business, or the like;*
- (vii) the hours of operation for the proposed Consulting Rooms (Non-Medical) (Beauty Salon) and Shop (Hairdressing Salon) shall be limited to the following times: 9.30 am to 5.30 pm weekdays inclusive;*

- (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; and*
- (ix) *within twenty-eight (28) days of the issue date of this 'Approval to Commence Development', the owner(s) or the applicant on behalf of the owner(s) shall comply with the following requirements:*
- (a) *pay a cash-in-lieu contribution of \$8,528 for the equivalent value of 3.046 car parking spaces, based on the cost of \$2,800 per bay as set out in the Town's 2009/2010 Budget; OR*
- (b) *lodge an appropriate assurance bond/bank guarantee of a value of \$8,528 to the satisfaction of the Town. This assurance bond/bank guarantee will only be released in the following circumstances:*
- (1) *to the Town at the date of issue of the Building Licence for the development, or first occupation of the development, whichever occurs first; or*
- (2) *to the owner(s)/applicant following receipt by the Town of a Statutory Declaration of the prescribed form endorsed by the owner(s)/applicant and stating that they will not proceed with the subject 'Approval to Commence Development'; or*
- (3) *to the owner(s)/applicant where the subject 'Approval to Commence Development' did not commence and subsequently expired.*

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

Moved Cr Farrell, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Maier, Seconded Cr Farrell

1. *That clause (ix) be amended to read as follows:*

- “(ix) ... (a) *pay a cash-in-lieu contribution of ~~\$8,528~~ \$3,673 for the equivalent value of ~~3.046~~ 1.312 car parking spaces, based on the cost of \$2,800 per bay as set out in the Town's 2009/2010 Budget; OR*
- (b) *lodge an appropriate assurance bond/ bank guarantee of a value of ~~\$8,528~~ \$3,673 to the satisfaction of the Town. This assurance bond/bank guarantee will only be released in the following circumstances:*
-”

2. *That the Assessment Table be amended to read as follows:*

“

Car Parking	
Car parking requirement (nearest whole number)	7 4 car bays
Area of Hair Salon <u>and Non-Medical Consulting Room (Beauty Salon)</u> : 1 space per 15 square metres of gross floor area (proposed 53.2 <u>62.19</u> square metres) = 3.546 <u>4.146</u> bays	
Non Medical Consulting Room (Beauty Salon): 3 parking bays per consulting room = 3	
Total = (6.546 <u>4.146</u>) = 7 4 bays	
Apply the adjustment factors.	(0.578)
<ul style="list-style-type: none"> ▪ 0.85 (within 400 metres of a bus stop) ▪ 0.80 (development contains a mix of uses, where at least 45 per cent of the gross floor area is residential) ▪ 0.85 (within 400 metres of an existing public car park with in excess of 75 car bays) 	4.046 2.312 car bays
Minus the car parking provided on-site	1 car bay
Minus the most recently approved on-site car parking shortfall after applying adjustment factors	Not applicable
Resultant shortfall	3.046 <u>1.312</u> car bays

”

AMENDMENT PUT AND CARRIED (4-1)

For: Mayor Catania, Cr Farrell, Cr Lake, Cr Maier

Against: Cr Doran-Wu

MOTION AS AMENDED PUT AND CARRIED (5-0)

(Cr Ker on approved leave of absence. Cr Burns & Cr Messina were apologies for the meeting.)

COUNCIL DECISION ITEM 9.1.3

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Calvin Koh Architects (Aust) Pty Ltd on behalf of the owner Primewest Developments Pty Ltd for proposed Change of Use from Office to Non-Medical Consulting Room (Beauty Salon) and Shop (Hairdressing Salon), at No. 478 (Lot: 100 D/P: 89091) William Street, corner Bulwer Street, Perth, and as shown on plans stamp-dated 2 July 2009, subject to the following conditions:

- (i) *this approval is for Consulting Rooms (Non-Medical) (Beauty Salon) and Shop (Hairdressing Salon) uses only, and any change of use from Consulting Rooms (Non-Medical) and Shop shall require Planning Approval to be applied for and obtained from the Town prior to commencement of such use;*

- (ii) *this approval for Consulting Rooms (Non-Medical) (Beauty Salon) is for a period of 12 months only and should the applicant wish to continue the use after that period, it shall be necessary to re-apply to and obtain approval from the Town prior to continuation of the use;*
- (iii) *doors, windows and adjacent floor areas fronting Bulwer Street shall maintain an active and interactive relationship with this street;*
- (iv) *the Consulting Room (Non-Medical) (Beauty Salon) shall be limited to a maximum of 1 consulting room/consultant operating at any one time, as shown on the approved plans. Any increase in the number of consulting room/consultant shall require Planning Approval to be applied to and obtained from the Town;*
- (v) *the maximum gross floor area of the Shop (Hairdressing Salon) shall be limited to 53.2 square metres as shown on the approved plans. Any increase in floor space or change of use for the subject land shall require Planning Approval to be applied to and obtained from the Town;*
- (vi) *the subject Consulting Room (Non-Medical)(Beauty Salon)/Shop (Hairdressing Salon) shall not be used for massage activity of a sexual nature, prostitution, as a brothel business, as an agency business associated with prostitution, as an escort agency business, or the like;*
- (vii) *the hours of operation for the proposed Consulting Rooms (Non-Medical) (Beauty Salon) and Shop (Hairdressing Salon) shall be limited to the following times: 9.30 am to 5.30 pm weekdays inclusive;*
- (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; and*
- (ix) *within twenty-eight (28) days of the issue date of this 'Approval to Commence Development', the owner(s) or the applicant on behalf of the owner(s) shall comply with the following requirements:*
 - (a) *pay a cash-in-lieu contribution of \$3,673 for the equivalent value of 1.312 car parking spaces, based on the cost of \$2,800 per bay as set out in the Town's 2009/2010 Budget; OR*
 - (b) *lodge an appropriate assurance bond/ bank guarantee of a value of \$3,673 to the satisfaction of the Town. This assurance bond/bank guarantee will only be released in the following circumstances:*
 - (1) *to the Town at the date of issue of the Building Licence for the development, or first occupation of the development, whichever occurs first; or*
 - (2) *to the owner(s)/applicant following receipt by the Town of a Statutory Declaration of the prescribed form endorsed by the owner(s)/applicant and stating that they will not proceed with the subject 'Approval to Commence Development'; or*
 - (3) *to the owner(s)/applicant where the subject 'Approval to Commence Development' did not commence and subsequently expired.*

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

Landowner:	Primewest Developments Pty Ltd
Applicant:	Calvin Koh Architects (Aust) Pty Ltd
Zoning:	Metropolitan Region Scheme: Urban and abutting Other Regional Roads (ORRS) Town Planning Scheme No. 1 (TPS 1): Commercial and abutting ORRs
Existing Land Use:	Mixed Use Development comprising Offices and Grouped Dwellings
Use Class:	Shop (Hairdressing Salon), Consulting Rooms (Non-medical)(Beauty Salon)
Use Classification:	"P", "AA"
Lot Area:	1022 square metres
Access to Right of Way	N/A

BACKGROUND:

7 December 2004 The Council at its Ordinary Meeting conditionally approved a three-storey mixed-use development comprising offices and six (6) two-storey grouped dwellings, at No. 478 William Street, Perth.

11 October 2005 The Council at its Ordinary Meeting conditionally approved a three-storey mixed-use development comprising offices and six (6) two-storey grouped dwellings with respect to reconsideration of a condition.

DETAILS:

The proposal involves a change of use from Office to Non-Medical Consulting Room (Beauty Salon) and Shop (Hairdressing Salon). The applicant has provided the following details:

Hours of operation: 9.30 am to 5.30 pm Monday to Friday (except Public Holiday).

Number of employees: 2

Maximum expected number of customers at any given time: 6 to 8 clients a day (approximately 1 client per hour).

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

ASSESSMENT:

The existing development has been strata-titled. If the parking requirement is calculated for the subject office and applying adjustment factors, then only an additional 0.578 bay is required. However, the existing office, which is subject to this application, is allocated 1 parking bay via strata-titling.

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	N/A	N/A	Noted.
Plot Ratio	N/A	N/A	Noted.

Car Parking		
Car parking requirement (nearest whole number)		7 <u>4</u> car bays
Area of Hair Salon <u>and Non-Medical Consulting Room (Beauty Salon)</u> : 1 space per 15 square metres of gross floor area (proposed 53.2 <u>62.19</u> square metres) = 3.546 <u>4.146</u> bays		
Non-Medical Consulting Room (Beauty Salon): 3 parking bays per consulting room = 3		
Total = (6.546 <u>4.146</u>) = 7 <u>4</u> bays		
Apply the adjustment factors.		(0.578)
<ul style="list-style-type: none"> ▪ 0.85 (within 400 metres of a bus stop) ▪ 0.80 (development contains a mix of uses, where at least 45 per cent of the gross floor area is residential) ▪ 0.85 (within 400 metres of an existing public car park with in excess of 75 car bays) 		4.046 <u>2.312</u> car bays
Minus the car parking provided on-site		1 car bay
Minus the most recently approved on-site car parking shortfall after applying adjustment factors		Not applicable
Resultant shortfall		3.046 <u>1.312</u> car bays
Bicycle Parking		
Given that the building is existing and bicycle parking facilities have already been provided on-site, there is no requirement for bicycle parking.		
Consultation Submissions		
Support	Nil	Noted.
Objections	Nil	Noted.
Department of Planning	The application was referred to the Department of Planning as the subject site abuts William and Bulwer Streets which are reserved as Category 2 Other Regional Road (ORR). The Department has no objection to the proposal.	Noted.
Other Implications		
Legal/Policy		TPS 1 and associated Policies.
Strategic Implications		Nil
Financial/Budget Implications		Nil
Sustainability Implications		Nil

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

COMMENTS:

Car Parking

The Town's Policy relating to Parking and Access suggests that the Council may determine to accept a cash-in-lieu payment where the shortfall is greater than 0.5 car bay to provide and/or upgrade parking in other car parking areas in proximity of a development. In view of the above, the application is recommended for approval subject to standard and appropriate conditions. In this instance, the resultant car parking shortfall of car bays would equate to a payment of \$8,528. The parking shortfall is not considered excessive given its locational context, and is therefore supported subject to a cash-in-lieu payment.

9.2.1 Concept Plan for Streetscape Improvements to Newcastle Street, between Loftus Street and Carr Place - Progress Report No. 2

Ward:	South	Date:	1 September 2009
Precinct:	Oxford Centre P4	File Ref:	TES0136
Attachments:	001		
Reporting Officer(s):	R Lotznicker		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES progress report No 2 on Concept Plan for Streetscape Improvements to Newcastle Street, between Loftus Street and Carr Place, Leederville;*
- (ii) *APOPTS IN PRINCIPLE, concept plan No. 2597-CP-1A for Streetscape Improvements to Newcastle Street, between Loftus Street and Carr Place, Leederville at an estimated cost for the project (including undergrounding of power) to be \$1,130,000;*
- (iii) *AUTHORISES the Chief Executive Officer to;*
 - (a) *enter into discussions with the Water Corporation to determine an equitable cost sharing arrangement for the upgrading of the portion of Newcastle Street adjoining the Water Corporation frontage and the proposed timing of the proposed streetscape upgrade project to coincide with the Water Corporation redevelopment;*
 - (b) *determine the possible staging of the project over a number of financial years; and*
 - (c) *explore additional sources of funding e.g. Metropolitan Regional Road Funding, developer contributions etc. for the project; and*
- (iv) *RECIEVES a further report/s on the matter following discussions with the Water Corporation prior to formally advertising the proposed concept plan to the public.*

Moved Cr Farrell, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Lake, Seconded Cr Maier

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

- “(ii) *APOPTS IN PRINCIPLE, concept plan No. 2597-CP-1A for Streetscape Improvements to Newcastle Street, between Loftus Street and Carr Place, Leederville at an estimated cost for the project (including undergrounding of power) to be \$1,130,000, subject to the concept plan being reviewed to incorporate water sensitive urban design principles in liaison with the Water Corporation,”*

Debate ensued.

AMENDMENT PUT AND CARRIED (4-1)

For: Cr Doran-Wu, Cr Farrell, Cr Lake, Cr Maier
Against: Mayor Catania

MOTION AS AMENDED PUT AND CARRIED (5-0)

(Cr Ker on approved leave of absence. Cr Burns & Cr Messina were apologies for the meeting.)

COUNCIL DECISION ITEM 9.2.1

That the Council;

- (i) *RECEIVES progress report No 2 on Concept Plan for Streetscape Improvements to Newcastle Street, between Loftus Street and Carr Place, Leederville;*
- (ii) *APOPTS IN PRINCIPLE, concept plan No. 2597-CP-1A for Streetscape Improvements to Newcastle Street, between Loftus Street and Carr Place, Leederville at an estimated cost for the project (including undergrounding of power) to be \$1,130,000, subject to the concept plan being reviewed to incorporate water sensitive urban design principles in liaison with the Water Corporation;*
- (iii) *AUTHORISES the Chief Executive Officer to;*
 - (a) *enter into discussions with the Water Corporation to determine an equitable cost sharing arrangement for the upgrading of the portion of Newcastle Street adjoining the Water Corporation frontage and the proposed timing of the proposed streetscape upgrade project to coincide with the Water Corporation redevelopment;*
 - (b) *determine the possible staging of the project over a number of financial years; and*
 - (c) *explore additional sources of funding e.g. Metropolitan Regional Road Funding, developer contributions etc. for the project; and*
- (iv) *RECIEVES a further report/s on the matter following discussions with the Water Corporation prior to formally advertising the proposed concept plan to the public.*

PURPOSE OF REPORT:

To advise the Council of the status of the Newcastle Street Streetscape upgrade concept proposal and associated costs.

BACKGROUND:

At its Ordinary Meeting held on 11 March 2004, the Council considered a report on the Proposed Amendment to the long term Commercial Precinct Streetscape Upgrade Program. This report also outlined a preliminary concept plan for the upgrade of Newcastle Street, between Loftus Street and Carr Place.

The officer's recommendation was amended and the Council decision regarding Newcastle Street focused primarily on how the Newcastle Street upgrade project could be funded from the redevelopment of the Council owned land in the Leederville Master Plan study area.

At its Ordinary Meeting held on 16 December 2008, the Council approved in principle, the development of a Policy relating to Development Contributions for Infrastructure, specifically relating to the Leederville Masterplan and West Perth Regeneration Masterplan Areas and any other areas the Council nominates as being appropriate for inclusion.

DETAILS:

The Council, at its Ordinary Meeting held on 11 March 2004, indicated that its preferred option for Newcastle Street is one that would provide a higher level of streetscape upgrade as a gateway into the Oxford Centre and would possibly need to be staged over several financial years, depending on the availability of funding:

The upgrade option would comprise the following elements:

- Embayed parking
- Centrally planted trees (Cut Leaf Plane, Spotted Gum or Apple Gum)
- Verge plantings (Chinese Tallow, Apple Gum or Bradford Pear)
- Double outreach Central road lighting
- Street furniture
- Brickpaved paths/urban stone mix
- Bore/Reticulation
- New Kerbing
- Entry Statements
- Line marking, signage
- Undergrounding of power

Note: The Oxford Centre Study recommended London Plane Trees for this section of Newcastle Street.

The Town's Technical Services officers have further refined the concept plan (refer attached Plan No. 2597-CP-1A) based on the above parameters and have estimated the (possibly staged) cost of the upgrade (refer Financial Implications Section of the report).

Water Corporation:

The Water Corporation are progressing with their Masterplan Development and have been updating the Town's officers regarding progress. They are at the "Request for Proposal" stage and are tentatively proposing to submit an application to commence development to the Town, in early 2010.

As can be seen from the following photograph, approximately 208m of the Water Corporation Land directly adjoins Newcastle Street. (Total length of Newcastle Street Loftus to Carr Place is 365m.)



It is therefore considered important to "sign off" on the proposed Streetscape upgrade design so that at least the portion of Newcastle Street adjoining the Water Corporation land can be upgraded as part of the redevelopment of the Water Corporation Land.

CONSULTATION/ADVERTISING:

It is considered that the concept plan be advertised in accordance with the Town's consultation policy and that the Chief Executive Officer be authorised to enter into discussions with the Water Corporation to further progress the matter in terms of the extent of work (staged implementation) and their financial contribution towards part of the overall project.

LEGAL/POLICY:

Newcastle Street comprises a District Distributor road under the care, control and management of the Town. As previously reported to the Council, the difficulty of growing trees to maturity within a sometimes "hostile" environment and safety considerations should be taken into when considering planting of trees within the road reserve.

Main Roads (WA) have compiled a draft document referring to the placement of vegetation within a road reserve. The information is based on the AASHTO (2002) *Roadside Design Guide*, American Association of State Highway Transportation Officials.

Dependant on the speed restrictions, location and road conditions, the document makes various recommendations in relation to the type and height of vegetation and how close it is planted to the nearest driving lane edge.

While the planting of trees along street verges and within median islands is common practice, in future, Local Governments and other Road controlling bodies need to consider any legal implications prior to planting large trees in restrictive areas.

STRATEGIC IMPLICATIONS:

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

SUSTAINABILITY IMPLICATIONS:

N/A

FINANCIAL/BUDGET IMPLICATIONS:

As mentioned above, the section of road is approximately 365m long.

The revised estimated cost of the works is as follows:

Western Power/lighting/underground power	\$465,000
Paving/island Infill	\$200,000
Landscaping/Bore/Street furniture	\$120,000
Traffic management/Supervision/Survey/Contingency	\$115,000
Road Resurfacing	\$80,000
Earthworks including profiling	\$40,000
Removals	\$30,000
Kerbing	\$30,000
Drainage	\$25,000
Road base construction	\$15,000
Utilities	\$10,000
TOTAL:	\$1,130,000

It is considered that the project should possibly be undertaken in two (2) stages to coincide with the Water Corporation Masterplan Project: Based on the total length of road of 365m (excluding the Western Power cost) the estimated cost per lineal metre is \$1,822. The Water Corporation Contribution could be based a cost proportionate with the Water Corporation Newcastle Street road frontage.

It is considered the Western Power cost should again be shared between the Water Corporation and the Town on a cost proportionate with the Water Corporation Newcastle Street road frontage.

COMMENTS:

The success of the streetscape upgrades carried out in the Town to date suggests that most members of the community, be they businesses, visitors or residents, are very much in favour of these types of upgrading works.

Streetscape improvements not only improve the aesthetics of roadways but also reduce the liability on the Town resulting from ageing and unsafe footpaths and pavements.

Business proprietors have in the past indicated they want a high quality streetscape to give an area some sort of identity. It is considered that this section of Newcastle Street comprises a gateway into the Oxford Centre.

It is therefore recommended that the Council authorises the Chief Executive Officer to enter into discussions with the Water Corporation on the matter and receives a further report on the matter following discussions with the Water Corporation prior to formally advertising the proposed concept plan to the public.

10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

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

Nil.

12. REPRESENTATION ON COMMITTEES AND PUBLIC BODIES

12.1 WALGA Nomination – Local Government and Community Road Safety Grants Committee

Ward:	-	Date:	28 August 2009
Precinct:	-	File Ref:	ORG0045
Attachments:	001		
Reporting Officer(s):	M McKahey		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That _____ be nominated as WALGA Member - Local Government and Community Road Safety Grants Committee (Re-advertised).

The Presiding Member, Mayor Nick Catania called for nominations, however none were received.

DETAILS:

Please see Appendix 12.1 for further details.

N.B.:

NOMINATIONS CLOSE 4PM THURSDAY 17 SEPTEMBER 2009

13. URGENT BUSINESS

Nil.

At 7.16pm **Moved** Cr Farrell, **Seconded** Cr Doran-Wu

That Council proceed “behind closed doors” to consider confidential item 14.1 as the matter contains information affecting employees.

PROCEDURAL MOTION PUT AND CARRIED (5-0)

(Cr Ker on approved leave of absence. Cr Burns & Cr Messina were apologies for the meeting.)

There were no members of the public present. There was one journalist present who departed the Chamber.

At 7.16pm the Council proceeded “Behind Closed Doors” to consider the follow item:

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

14.1 CONFIDENTIAL REPORT: Town of Vincent Internal Organisational Review 2009 - Recommendations

Ward:	Both	Date:	2 September 2009
Precinct:	All	File Ref:	ADM0061
Attachments:	-		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

(i) *RECEIVES the Progress Report as at 3 September 2009, concerning on the Town of Vincent Internal Organisational Review 2009, as detailed in this report; and*

(ii) **NOTES:**

(a) *that cost savings which have been achieved (or will be achieved) during the 2009-2010 financial year, as outlined in this report;*

(b) *the Chief Executive Officer has commenced implementation of a number of recommendations of an administrative nature on the priority basis of:*

- *“High;*
- *Medium;*
- *Low”;*

(c) *the action taken concerning a review of the Town of Vincent Development Approval Process, as outlined in this report;*

(d) *that any Officer Recommendations which require a Council decision will be reported to the Council, as required; and*

(e) *further reports will be submitted, as the matter is further progressed.*

COUNCIL DECISION ITEM 14.1

Moved Cr Farrell, Seconded Cr Lake

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED (5-0)

(Cr Ker on approved leave of absence. Cr Burns & Cr Messina were apologies for the meeting.)

Note: The Chief Executive Officer advised that this report is now released to the public as the Council has determined the matter.

PURPOSE OF THE REPORT:

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

BACKGROUND:

As reported to the Ordinary Meeting of Council 24 March 2009, the Chief Executive Officer conducted an internal review of the Town's organisation under the following terms of reference:

REVIEW - TERMS OF REFERENCE

1. *Review the current Organisational Structure to ascertain if it best meets the needs of our organisation to achieve our current and future objectives, as outlined in our Strategic Plan 2009-2014 and Plan for the Future 2009-2014.*
2. *Identify better efficiencies and improvements which can be achieved in our internal and external service delivery.*
3. *Review our;*
 - (a) *processes, procedures and Council Policies/Guidelines (and other relevant documentation) to;*
 - (i) *improve the processing of development applications, subdivisions to ensure they are issued within the statutory timeframes;*
 - (ii) *and the issuing of building licences within 20 working days; and*
 - (b) *processes and procedures with the view to improving our internal customer service and external customer focus and delivery and focus.*
4. *Review our employee resources, including remuneration levels and performance expectations, when benchmarked against other similar local governments and organisations.*

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

Process

All employees were invited to submit comments and/or suggestions concerning the review and a number of submissions were received.

All Section Manager and Directors were requested to submit a report addressing each of the Terms of Reference by 30 April 2009. (This enabled cost savings to be included in the Budget 2009-10).

The Chief Executive Officer presented information to an Elected Member Forum (confidential) on 16 June 2009.

Approximately 150 recommendations/suggestions were received and the majority have been supported by the Chief Executive Officer and Directors. These recommendations have been categorised as “High”, “Medium” and “Low”, priority. In addition where cost savings can be early achieved, these have been implemented.

A summary of the Recommendations/Suggestions is shown below:

TERM OF REFERENCE NO. 1

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

Chief Executive Officer’s Comment:

As the Council has recently adopted a new Strategic Plan 2009-2014 it was considered appropriate to review the organisation structure to ensure that it is in the best position to implement and deliver the objectives and key result areas. The changes to the organisation structure have been positively received by the Directors, Managers and employees.

Recommendations:

1. As a result of a review of each position in the Organisation, the Town's Organisational Structure has been restructured as follows;

Corporate Services:

1. The Administration Officer to provide more assistance to Community Development on a day-to-day basis and to lose responsibility for Leases (which is now the responsibility of the Parks and Property Services Section).
2. Director Corporate Services Executive Secretary position was advertised on an internal basis and filled.

Financial Services:

1. The Finance Officer - Payroll was transferred to Human Resources Section, as this person is located on the first floor and works closely with the Manager Human Resources – Effective from 1 June 2009.
2. Finance Officer - Rates/Electoral to reduce to 3 days per week in the future (when the current incumbent retires).

Information Technology:

1. The Records Section was restructured to include a new position of Senior Records Officer and Records Assistant. All new positions were advertised and filled internally. A position of Records Officer was made redundant and the incumbent was paid in accordance with the Award.

Community Development:

Various positions have been redesignated to "*Community Development Officer*". Two vacant positions were advertised internally, in the first instance and subsequently filled.

Beatty Park Leisure Centre:

1. The Customer Service Officer (Administration) and Customer Service Officer (Membership) positions were combined into one.
2. The maintenance person role was changed to also include some cleaning duties.

Development Services:

Library:

1. A major restructure of the Library and Local History Services Section was carried out to provide an improved structure and additional resources. This Section was transferred to the Corporate Services Directorate, effective 1 July 2009, as Library Services is more of a "Corporate Services" function and has a closer synergy with the Community Development Section. This change will also allow the Director Development Services to concentrate on the development approval process and strategic planning matters.
2. A new position was created - "*Co-ordinator Library Services*", which replaced "Senior Librarian" position. The Senior Librarian position was made redundant. (The incumbent resigned and obtained a position with another local government).
3. One part-time Librarian position was increased to Full-time and the other increased from 54 Hours to 56 hours. The Full-time position is now responsible for "*Young People's Services*".
4. New position of "*E-Services Librarian*" was created to replace the position of "*Library Technician*" and has been filled. This position is responsible for the provision, development and operation of automated systems, resources and services for the Library and Local History Service and its customers.
5. New position of "*Administration Officer*" was created and filled internally. The creation of this position will allow the Manager to concentrate on strategic matters, as opposed to administrative matters.

6. Sunday Opening - employees are to be recruited from both internal and external on a Permanent P/T basis. New Agreement to be introduced for penalty rates. Sunday hours have been reduced from 4 to 3 hours, following a review of opening hours in adjoining Local Government Libraries. (The majority are only open for 3 hours).
7. Library Assistants have been redesignated "*Customer Service Officers*" and salary increased from Level 1/2 to Level 2/3.

Health Services:

1. Customer Service Officer position was increased from Part-time (3 days/week) to Full-time. Position has been advertised and filled.
2. New position of "*Environmental Health Assistant (Permanent P/T)*" has been created. (This position will provide assistance when Environmental Health Officers (EHOs) are on leave. Relief EHOs will not be employed in the future).

Planning, Building and Heritage Services:

1. The Administration Officer now reports directly to the Director Development Services, to provide more support to the Director.
2. The Manager Planning Building and Heritage position will be advertised externally (as is normal for a managerial position) in late 2009, (following progression of the development approval process review).
3. The Strategic Planning Unit has been given a broader and more strategic role as follows:
 - (a) Strategic Planning
 - Planning Officer – Projects (e.g. Town Planning Scheme, Leederville Masterplan and West Perth Regeneration Project).
 - Planning Officer – Policies/Economic development.
 - Planning Officer (part time) – Policies.
 - (b) Heritage

The Heritage Officer has been placed in this unit.
 - (c) Sustainability

A new position of "*Sustainability Officer*" has been created and placed in the Strategic Planning Unit. The position has been advertised concurrently internally and externally and interviews are currently being held. (11 applications were received).

The main role is to give strategic direction on all sustainability and environmental matters (e.g. Town Planning Scheme Policies, Strategies, application for grants and funds, climate change initiatives, supporting the Town's Sustainability Advisory Group etc.) The role will closely liaise with the Project Officer – Environment, located in the Technical Services Directorate.
4. The Senior Heritage Officer position has been made redundant and Heritage Services Unit has been incorporated under "Strategic Planning" - a new role of "*Co-ordinator Strategic Planning*" has been created. To be advertised internally in late 2009.

5. The Heritage/Planning Officer position has been made redundant and Heritage Services is now incorporated under "Strategic Planning" - a new role of "*Senior Planning Officer - Strategic*" has been created. Position will be advertised internally in late 2009.
6. Planning Officer (Special Projects) Part-time (2 days per week) - position has been made redundant. Incumbent has been paid out in accordance with the Award.
7. Temporary Planning Officers' contracts will not be renewed after the employment of new Full-time Planning Officers (in mid-late September 2009). Two vacant Planning Officer positions have been advertised and are currently being filled (Note: 19 applications received).

Technical Services:

1. Environmental Officer Position has been redesignated "*Project Officer - Environment*" - to report to Director Technical Services.

The former position of Environmental Officer has been made more manageable and achievable by redefining the role and responsibilities to those more closely aligned to the Town's Technical Services Directorate (i.e. a more "hands-on" project role). This includes:

- implementation of the Town's Waste Minimisation Plan;
- implementation of the Town's Water Strategy;
- assisting with the Hyde Park Lakes Restoration Project, and Lakes water quality monitoring; and
- assisting with strategies for biodiversity, bushland management, river rehabilitation, parks and reserves.

Parks Services:

1. Manager Parks Services has been renamed "*Manager- Parks & Property Services*" – to reflect new responsibilities and lost responsibility for fleet matters (which is now in the Assets and Design Services Section).
2. New Property Unit has been created, headed by "*Project Officer - Properties*" who is now responsible for Property Maintenance Officer, Graffiti Officer and CSO Halls & Reserves Bookings.
3. Part-time Halls Caretaker position has been made redundant and the duties assumed by the Property Unit CSO. (This position was previously vacant).

Engineering Design Services:

1. Manager Engineering Design Services has been renamed "*Manager Asset & Design Services*" to reflect new responsibilities. This position has assumed responsibility for fleet matters and Waste Management (Administration). (Manager Engineering Operations to remain responsible for Waste Management (Operations)).
2. Senior Technical Officer to be responsible for the "*Technical Officer - Development*" position. Technical Officer position was advertised internally and filled.
3. New position of "*Technical Officer - Assets & Fleet*" has been created, reporting direct to the Manager Asset & Design Services. Position has been advertised internally and filled.
4. Customer Service Officer Waste Management was upgraded and redesignated "*Waste Management Officer*", to reflect the increased responsibility.

Engineering Operations:

1. A new Part-time position of "Clerical Support Officer" has been created and will be located at the Depot, to provide clerical support for the Manager Engineering Operations and Depot Purchasing Officer.

TERM OF REFERENCE NO. 2

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

Chief Executive Officer's Comment:

A formal internal review has not been carried out for over five (5) years and it is considered appropriate to do so as there have been a number of employee and procedure changes over this period. The need to review and improve internal customer service will improve efficiency and effectiveness between sections, with the ultimate being an improvement to external customer services.

Recommendations:

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

No.	Item/Recommendation	Indicative Cost Savings/ Increased Revenue (per annum)	Priority
1.	Transfer of Leases from Corporate Services to New Property Unit	\$5,000	High
2.	Introduction of regular meetings between Customer Service Centre and "back office" sections	Unspecified	High
3.	Introduction of centralised ordering of stationery	\$8,000	High
4.	Improvements to online orders and requisition process	Unspecified	High
5.	Introduce restrictions on use of colour printing	\$2,500	High
6.	Introduce quarterly internal customer service surveys	Unspecified	High
7.	Improve online payment facilities	Unspecified	High
8.	Review Town's Welcome Packs and contents	\$2,500	High
9.	Review Town's advertising	\$22,500	High
10.	Review Town's catering and discontinue meals/sandwiches at some meetings	\$1,500	High
11.	Down size two vehicles to four cylinders	\$6,000	High
12.	Discontinue media monitoring	\$4,800	High
13.	Review mobile phone allocation and expenses	\$2,500	High
14.	Introduce new procedures for use of fuel cards	\$5,000	High
15.	Discontinue attendance to after hours noise complaints (after purchase of monitoring equipment)	\$9,000	High
16.	Review application forms	Unspecified	High
17.	Review purchase and use of consumables (teas, coffee, milk etc.)	\$3,500	High
18.	Review payment of home telephone allowance to save FBT	\$2,600	High

No.	Item/Recommendation	Indicative Cost Savings/ Increased Revenue (per annum)	Priority
19.	Review allocation of responsibilities in financial services section for works bonds, Leederville Garden Retirement Village accounts etc.	Unspecified	Medium/ High
20.	Implement emailing of EFT creditor payments instead of hard copy to save postage, envelopes etc.	\$2,000	High
21.	Creation of print prompt before printing to save unnecessary printing/wastage	\$1,000	High
22.	Rates section to have higher involvement in debt collection thereby saving legal costs etc	\$10,000	High
23.	Implement changes to Investment Policy to change institutions for higher return	\$70,000*	High
24.	Provide enhancement to Town's GIS System	\$5,000	Medium/ High
25.	Provide improvements to IT Helpdesk	Unspecified	Medium/ High
26.	Review use of two-way radio costs and procedures	\$5,000	High
27.	Review Town's webpage	Unspecified	Medium/ High
28.	Review use of temporary employees for annual leave of less than two weeks in some positions	\$25,000	High
29.	Review and improve employee annual performance review forms	Unspecified	Medium/ High
30.	Review training requirements for employees	Unspecified	Medium/ High
31.	Review all existing contracts/quotes, due to change in labour market	\$10,000	Medium/ High
32.	Review preparation and printing of Annual Report	\$3,500	High
33.	Review air conditioning use and temperature controls	\$1,500	Medium/ High
34.	Review responsibility for verge permits	Unspecified	Medium/ High
35.	Investigate introduction of automated library books	Unspecified	Medium/ High
36.	Introduce stricter control for use of solicitors	\$5,000	Medium/ High
37.	Lease main photocopier (instead of purchase)	\$1,000	High
38.	Review procedures for traffic management requirements	\$10,000	Medium/ High
39.	Investigate energy (electricity and gas) providers	Unspecified	Medium/ High
40.	Restructure rosters for gym contract staff at Beatty Park	\$18,000	High
41.	Change membership mail out procedures at Beatty Park	\$3,600	High
42.	Change swim school mail out procedures at Beatty Park	\$1,100	High
	TOTAL	\$247,100 approx.	

* estimate only

TERM OF REFERENCE NO. 3

Review our;

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

Chief Executive Officer's Comment:

The Chief Executive Officer considers it necessary to review and improve our development approval process for the following reasons:

1. negative feedback received from applicants, builders and residents concerning a variety of matters (e.g. delays, need to supply too much information, employee non-performance, conditions too onerous etc.);
2. comments from the Department of Local Government in response to the Town of Vincent Checklist No. 1 requesting the Town to address '*delays with processing development applications*';
3. negative feedback received from Council Members considering various aspects of the development approval process (time delays, onerous conditions); and
4. requests from Town's Officers involved in the process for a need for change (e.g. ambiguity in some areas, need to simplify etc.).

Local Government Structural Reform Process

As previously reported to the Council, on 5 February 2009, the Minister for Local Government; Heritage; Citizenship and Multicultural Interests, the Hon G M (John) Castrilli, MLA issued Circular No. 1 - 2009 which provided the following information in relation to the State Government's package of Local Government reform strategies.

The Minister required that all Local Governments forward their final Reform Submission by 31 August 2009 (subsequently extended to 30 September 2009). Such submissions are to include the following items:

- Voluntary amalgamation;
- The number of Elected Members required(with a range of six (6) to nine (9));
- Regional Groupings; and
- A transition timeline.

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

'Thank you for providing the Local Government Reform Steering Committee with your completed Reform Checklist. This is an important part of the reform process and we thank you for the effort which your local government has invested in this exercise.

The Steering Committee has developed a standardised methodology for assessing the information provided in the checklists against objective criteria. The purpose of this methodology is to assess the current operations of each local government and to identify capacity gaps which might impact on its ability to meet current and future community needs.

This assessment identifies particular strengths and weaknesses and includes recommendations relating to structural reform where this might address the capacity gaps identified to assist local governments with progressing reform.

The assessment places local governments into one of three categories:

Category One: *evidence indicates that there is existing organisational and financial capacity to meet current and future community needs. Local governments should still consider reform opportunities which enhance service provision to local and regional communities.*

Category Two: *structural reform including amalgamation/boundary adjustments and formalisation of regional groupings should be considered to enhance organisational and financial capacity to meet current and future community needs.*

Category Three: *significant structural reform including amalgamation and formalisation of regional groupings is required to ensure long term community and organisational benefit in order that the needs of the current and future generations are met.*

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

Please refer to the attached table for specific comments recorded relevant to the first 12 questions of the Local Government Reform Checklist.

The assessment of the Town of Vincent's checklist and associated documents identified some key strengths, in particular:

- *comprehensive strategic planning in place with identified funding strategies;*
- *progress towards a structured asset and infrastructure management framework;*
- *demonstrated evidence of a long term financial management plan in place with clear links to the Town's operations and strategic planning;*
- *community participation in standing at local government elections;*
- *demonstrated ability to efficiently process building applications and meet statutory reporting timeframes;*
- *demonstrable evidence of a strategic policy approach to attract investment and business development to the district;*
- *demonstrable evidence of significant funding partnerships in place with the State Government and the private sector to attract investment and increase community service provision;*
- *demonstrable evidence of a formal consultation policy in place to effectively engage with the community in future planning processes;*
- *demonstrable evidence of planning for demographic change and population growth incorporated into key corporate documents;*
- *demonstrable evidence of comprehensive environmental management planning undertaken across a range of environmental issues;*
- *demonstrable planning and finance strategies in place to provide optimal service delivery in response to community expectations; and*
- *demonstrable evidence of partnerships in place to address regional issues.*

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

- **noted delays with processing development applications."**

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

"5. Proficient organisational capacity

...

○ Your local government processes residential building licence applications within 20 working days.	-	Yes	Building Licence applications from 1 July 2007 to 30 June 2008 took an average 8.5 working days. Building Licence applications from 1 July 2008 to 31 March 2009 took an average 7.6 working days.
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Guiding principle	Are these elements in place at your organisation?		Explanatory comment
	Yes	No	
○ Under delegations, your local government processes development applications within 20 working days.	-	No	Development applications processed under Delegated Authority: <ul style="list-style-type: none"> • Determination of Subdivisions from 1 July 2007 to 30 June 2008 took an average of 25 working days. • Determination of Subdivisions from 1 July 2008 to 31 March 2009 took an average of 30 working days. • Determination of Development Applications from 1 July 2007 to 31 March 2008 took an average of 36 working days. • Determination of Development Applications from 1 July 2008 to 31 March 2009 took an average of 43 working days.
○ All other development applications are processed within 40 working days.	-	No	Development applications approved / refused by Council: <ul style="list-style-type: none"> • Determination of Subdivisions from 1 July 2007 to 30 June 2008 took an average of 80 working days. • Determination of Subdivisions from 1 July 2008 to 31 March 2009 took an average of 39 working days. • Determination of Development Applications from 1 July 2007 to 31 March 2008 took an average of 61 working days. • Determination of Development Applications from 1 July 2008 to 31 March 2009 took an average of 59 working days.

...."

Department of Planning – Discussion Papers

The State Government has also recently presented a series of Discussion Papers and recommended procedural changes with the intent of streamlining the planning process in all local governments across the State. From a strategic planning perspective, the Discussion Papers have included: 'Building a Better Planning System', the review of the Town Planning Regulations 1967 and Model Scheme Text and Directions 2031 - Spatial Framework for Perth and Peel. From a statutory planning perspective, initiatives such as the 'Fast Tracking' system for subdivision referrals have been initiated by the Western Australian Planning Commission.

In response to these State-led initiatives, various mechanisms to improve the building application and development application process were identified as part of the Town's recent Internal Organisational Review.

Town of Vincent – Overview of Building Application and Development Application Processing Time July 2007 to March 2009

Application Type	Period	Average Processing Time	Statutory Requirement
Building Licence Applications	1 July 2007 to 30 June 2008	8.5 working days	35 or 60 days*
Building Licence Applications	1 July 2008 to 31 March 2009	7.6 working days	35 or 60 days*
Development Applications under delegation	1 July 2007 to 31 March 2008	36 working days	60 calendar days as stipulated in the Town Planning Regulations 1967 and Town's Town Planning Scheme No 1. This equates to 44 working days. For Heritage listed properties, the period is 120 calendar days as stipulated in the Town's Town Planning Scheme No.1. This equates to 88 workings days.
Development Applications under delegation	1 July 2008 to 31 March 2009	43 working days	60 calendar days as stipulated in the Town Planning Regulations and Town's Town Planning Scheme No 1. This equates to 44 working days. For Heritage listed properties, the period is 120 calendar days as stipulated in the Town's Town Planning Scheme No.1. This equates to 88 working days.
Subdivision Applications under delegation	1 July 2007 to 30 June 2008	25 working days	42 calendar days as required in the Planning and Development Act 2005. This equates to 30 working days.

Application Type	Period	Average Processing Time	Statutory Requirement
Subdivision Applications under delegation	1 July 2008 to 31 March 2009	30 working days	42 calendar days as required in the Planning and Development Act 2005. This equates to 30 working days.
Development Applications determined by Council	1 July 2007 to 31 March 2008	61 working days	60 calendar days as stipulated in the Town Planning Regulations and Town's Town Planning Scheme No 1. This equates to 44 working days. For Heritage listed properties, the period is 120 calendar days as stipulated in the Town's Town Planning Scheme No.1. This equates to 88 working days.
Development Applications determined by Council	1 July 2008 to 31 March 2009	39 working days	60 calendar days as stipulated in the Town Planning Regulations and Town's Town Planning Scheme No 1. This equates to 44 working days. For Heritage listed properties, the period is 120 calendar days as stipulated in the Town's Town Planning Scheme No.1. This equates to 88 working days.
Subdivision Applications considered by Council	1 July 2007 to 30 June 2008	80 working days	42 calendar days as required in the Planning and Development Act 2005. This equates to 30 working days.
Subdivision Applications considered by Council	1 July 2008 to 31 March 2009	39 working days	42 calendar days as required in the Planning and Development Act 2005. This equates to 30 working days.

* The time period stipulated within the requirements of Section 374 (2a) of the Local Government (Miscellaneous Provisions) Act 1960 is 35 days, and 60 days in cases when the Heritage of Western Australia Act 1990 applies. It is noted that the Act does not specifically distinguish between working days or calendar days.

Shading denotes non-compliance with statutory requirements.

Summary of Table

A total of 844 Planning Applications were determined during the 2008/2009 year and comprised:

- 517 development applications
- 66 change of land use applications
- 5 new home occupations
- 0 renewal home occupations
- 54 applications for demolition only of existing buildings
- 202 applications for demolition of existing buildings and redevelopment.

Delays

Of this total, **233** applications (**27.6%**) were determined outside the 60 day statutory processing time. A breakdown of the reasons why these applications were not determined within the statutory timeframe is outlined in the following table.

Category	Total - Development Applications over 60 days	Percentage - Development Applications over 60 days
Deferred by Council	2	.9%
Deferred by Applicant	1	.4%
Request to Applicant to submit revised plans	75	32.2%
Withdrawn/Cancelled by Applicant	13	5.6%
Suspended	22	9.4%
Referred Internally and delayed	4	1.7%
Referred Externally (i.e.: DPI, Heritage Council, Main Roads) and delayed	10	4.3%
Additional Information Requested	45	19.3%
Other: <ul style="list-style-type: none"> • Officers taking excessive time to consider/determine applications (generally relate to past 'staff issues') • Applications taken over by other Officers due to leave and staff resignation. 	55	23.6%
21 Day Advertising Delay (The onus is placed on the Applicant to action the requirements for advertising i.e.: sign on-site, newspaper advertisement.)	6	2.6%
TOTAL	233	100%

'Other' and 'Revised Plans' – Comments

It is noted that the two significant percentages of 32.2% and 23.6 % relating to '*request for revised plans*' and '*other*' respectively, are of particular concern and warrant further investigation. The latter figure is relatively easily explained given the 'staff matters' which were being experienced by the Statutory Planning Services during 2008. Essentially, this related to a particularly '*volatile and fluid*' labour market and a high demand for Planning Officers in the local and national market. In addition, the Section was subject to 'under performance' by 2 of its Planning Officers during this time, which impacted on the processing times of a number of applications.

The category relating to '*Request to Applicant to submit revised plans*' however, is not emphatically explained; it is quite likely that a significant number of these applications were subject to changes in the Town's Residential Development Policies, in particular, the Residential Design Elements (RDEs) Policy. Notwithstanding the introduction of the RDEs and the resultant changes in development requirements, it is noted that there are any number of reasons why revised plans are requested; for example, non-planning related matters such as Technical Services requirements.

Reduction in Processing Time

It is noted that a reduction in the number of days taken to deal with planning applications has been evidenced as a result of further monitoring of outstanding planning applications, cancellation of proposals that have been in the system for long periods of time, and also due to planning applications being referred to the Planning Officers within 24 hours of being received at the Customer Service Centre. With respect to subdivision applications, the target response period has been reduced to 21 days from the required 42 days statutory period.

Notwithstanding the above, the following table outlines a number of initiatives recommended to be included in the review of the Development Approval process to ensure all development applications are determined within the statutory timeframes.

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

No.	Initiative	Timeframe	Comment
1.	Immediate collection and allocation to a Planning Officer or planning applications by the Co-ordinator Statutory Planning	Commenced April 2009 and successfully implemented.	Shown to improve current internal processes and customer service quality. Completed.
2.	Increase in the regularity of DAT from 3 days per week to daily and ensure that a representative from all Service areas attend DAT.	Commenced April 2009 and successfully implemented.	Shown to improve current internal processes and customer service quality. Completed.
3.	Implementation of new target response times for subdivision applications to the WAPC is 21 days	Commenced 13 March 2009 and successfully implemented.	New target response times have been met. Completed.
4.	Implementation of new target response times for built strata applications to the WAPC is 14 days.	Commenced 13 March 2009 and successfully implemented.	New target response times have been met. Completed.
5.	Remove overlap of double handling of work by Customer Service and Planning Administration Staff	Commenced March 2009 and successfully implemented.	Shown to improve planning application registration system. Completed.
6.	Review of the Town's checklist for Planning and Building Applications.	Commenced July 2009 and scheduled to be completed August 2009.	A working group has been formed and a review of the two main checklists has been completed.
7.	Review the extent of the conditions placed on Development Applications.	Commenced July 2009 and fully implemented August/September 2009.	To be incorporated into Statutory Planning core business. Matter being progressed. Part completed.
8.	Improve clearance procedures for subdivisions.	Commenced July 2009 and procedure put in place by August 2009.	Specific timeframes to be set for final Building Licence clearances to be issued. Part completed.
9.	Review of Community Consultation Policy.	Policy review almost completed. Agenda Report being prepared for Council.	Amended Policy to be reported to Council to reduce the timeframes and complexity for the advertising of Development Applications. Simplified consultation letters now introduced. Part completed.

No.	Initiative	Timeframe	Comment
10.	Category 3 and 4 Applications to be signed off by Co-ordinator Statutory Planning.	To be implemented by September 2009.	Full complement of Statutory Planning Officers is required to re-distribute workload of Co-ordinator Statutory Planning.
11.	Planning, Building Heritage Services be provided with a full complement of staff.	Advertising of vacant positions completed in August 2009.	Recruitment is well advanced and at the time of writing this report interviews were being held (19 applications for Planning Officer, 11 applications for Sustainability Officer position). Part completed.
12.	Pre-application meetings between applicants and planning officers to be restricted to (1) meeting per application and only (1) set of revised plans will be accepted per application.	Practice to be implemented by September 2009.	Planning Officers and Customer Service Centre to inform applicants of new procedure. To be included in written procedural information published by the Town. Opportunity to introduce fees for further meetings.
13.	Any more than 2 on-site meetings with regard to Strata Form 7 clearance/certificate of classification shall be subject to a flat-rate inspection fee.	Introduction of a fee to be investigated.	Investigations currently being carried out.
14.	Provide relief staff for extended leave over two weeks.		Not required as yet.
15.	Reduce the processing time of Development Applications determined by Council .	To commence August 2009.	<p>A total of 30 Development Applications were determined by the Council between 24 July and 27 August 2009. Of these 37% were completed within the 40 working day period outlined in the Local Government Reform Checklist.</p> <p>It is noted that the current statutory requirement is 60 days. Of all applications determined 73% were completed within the statutory timeframe.</p> <p>Details of the statistics are shown in the statistical summary section of this report.</p>
16.	Reduce the processing time of Development Applications determined under delegation.	To commence August 2009.	<p>A total of 42 (up from 28 last period) Development Applications were determined under delegation between 24 July to 27 August 2009. Of these 26% were completed within the 20 working day period outlined within the Local Government Reform.</p> <p>It is noted that the current statutory requirement is 60 days. Of all applications determined, 98% were completed within the statutory timeframe. Part completed.</p>

No.	Initiative	Timeframe	Comment
17.	New approach to compiling submissions in Agenda Reports.	To commence inclusion in relevant Council Reports both for statutory and strategic related matters, where numerous submissions are received, to take effect as of for next Council Meeting scheduled for 8 September 2009.	New format to be formalised and made available to relevant service areas. Reference to Agenda Item 9.1.6 relating to proposed light additions to Menzies Park considered at the OMC 25 August 2009 to be used as a guide, as well as implications raised regarding the Residential Streetscape Policy Item No. 9.1.6 also considered at the OMC 25 August 2009. Part completed.

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

No.	Initiative	Timeframe	Comment/Status Update
1.	Review of Town's Policy relating to fencing requirements and increase delegation.	Internal review of Policy to commence September 2009 and completed by December 2009.	Key focus for Strategic Planning in August/September 2009 is to finalise the draft Town Planning Scheme No.2 and maps and forward to the WAPC by October 2009. Policy work on fences to commence in September / October 2009.
2.	Prepare a progress table for all Statutory Planning Officers that details Development Applications, Subdivision Applications, Council Member Requests and Building Licence Applications allocated to each Planning Officer. Responsibility for Statutory Officers to update Table as required. Progress Table to be managed by CSP and/or A/MPBHS and to be used to monitor progress of applications.	Interim progress table to be prepared by September 2009. To be supported by extensive internal review of Authority System to commence in September/October 2009 following the preparation of a Brief to the Consultants, CIVICA.	Initial meeting with IT consultant held on 11 August 2009. Training, workshops, reporting and upgrade of IT software to be carried out at a cost of \$9,480. Part completed.
3.	Formalise a BL 'fastrack' approval process for minor BL's such as patios, sheds, pools. etc.	To commence August 2009.	Finalisation of practices has been agreed upon by the Town's various Service Areas. It is estimated that 20-25 % of the total number of BL applications can be considered in any 'fastrack' system. The fastrack system was introduced on 1 September 2009 with an interim/trial system effective immediately for a limited number of (minor) application types. Multi media installed in meeting room 1 on 31 August 2009 to improve DAT meetings. Completed.

No.	Initiative	Timeframe	Comment/Status Update
4.	Cancellation and Suspension practices of DA and BL applications to be reviewed for consistency.	To commence August 2009.	<p>The Town's Officers met with an Authority Consultant on 11 August 2009 to discuss measures to improve the use and reporting methods of Authority.</p> <p>Updated details regarding Authority System in point 2 above. Part completed.</p>
5.	Investigate improvement of the Authority System to work to the Town's needs.	Brief to be prepared and provided to Consultants CIVICA by August 2009 and work to commence by September 2009.	As per No. 4 above. Part completed.
6.	Review the Town's Development Application Flowcharts and Processes.	Review to commence September 2009 and completed November 2009. The focus will be to streamline the charts to incorporate proposed changes to the processing system.	A new procedure for DAT was finalised by 31 August 2009. Completed.
7.	Increased delegation from Council to Officers to determine planning applications.	To commence October 2009. Report to Council in November 2009. To be reviewed further as part of Town Planning Scheme Review in 2010.	<p>Current delegation procedures to be reviewed by Strategic Planning with input from Statutory Planning. Strategic Planning currently preparing Town Planning Scheme No.2 and will incorporate amendments to advertising procedures and use class table where appropriate and consistent with the Model Scheme Text and Town Planning Regulations 1967.</p> <p>To be implemented once full compliment of planners is achieved. Currently 2 of the 3 and half positions identified have been advertised and interviews to commence the week beginning 31 August 2009.</p> <p>The A/MPBHS and CSP will prepare a report to consider broader delegation, and further delegation to the CSP in terms of Category 3 and 4 applications. It is scheduled to report this matter to the Council in October 2009.</p>

No.	Initiative	Timeframe	Comment/Status Update
8.	Introduce greater emphasis on assessing development applications against Performance Criteria.	Procedural practice review to commence in August 2009 with implementation in October/November 2009.	The A/MPBHS and CSP will prepare a report to consider broader delegation, and further delegation to the CSP in terms of Category 3 and 4 applications. It is scheduled to report these matters to the Council at its 27 October 2009 Ordinary Meeting. An interim proposal relating to delegation to be forwarded to the Chief Executive Officer by mid September 2009.
9.	A system relating to the re-allocation of Applications to Officers whilst on leave is set in place to ensure continued accountability and consistency.	New procedure to be put in place by September 2009.	New procedure currently being finalised.
10.	Form a Working Group to assist in facilitating and monitoring the progression of improving the efficiency of the planning and building application process.	Working Group to commence meetings in August 2009.	An inaugural meeting of a Working Group was held on 11 August 2009 with representatives from all relevant service areas. Part completed.
11.	Category 3 and 4 Applications to be signed off by Co-ordinator Statutory Planning.	To be implemented by November 2009.	To be implemented once full compliment of planners is achieved.

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

No.	Initiative	Timeframe	Comment/Status Update
1.	Review and consolidate the Town's Planning and Building Policy Manual as part of the Town Planning Scheme Review.	Review and consolidation of the Town's Planning, Building and Policy Manual commenced as part of the Scheme Review in May 2009. Complete consolidation of Manual is determined by the promulgation of the Town's TPS No.2 likely to be in July 2010; however, in the process, some Policies can be reviewed to be rescinded in the interim.	Town's Acting Manager Planning, Building and Heritage Services and Acting Senior Planning Officer (Strategic) met the Department of Planning on 12 August 2009 to discuss the progress of the review of the Town's Town Planning Scheme. Review of the Town's Local Planning Strategy (LPS) has commenced by Department of Planning and written feedback on the document will be forwarded to the Town in mid September 2009. It was agreed that the Draft Town Planning Scheme No. 2 (TPS No. 2) and Maps would be forwarded to the Department of Planning by October 2009 with the intent for both the LPS and the TPS No. 2 being authorised by the WAPC to be advertised concurrently by January / February 2010.

No.	Initiative	Timeframe	Comment/Status Update
			Strategic Planning Officers have commenced the review and consolidation of the Town's Planning Policy Manual. Following the in-principle verbal support for the Local Planning Strategy by the Department of Planning at the meeting on 12 August 2009, the Town's Officers can continue to prepare the new Planning and Building Policy Manual and consolidate existing Manual where required.
2.	Commence extensive review of the Residential Design Elements Policy.	Extensive review of Policy to commence September 2009 and completed by March 2010.	As detailed above, the key focus of the Strategic Planning Officers in August / September 2009 is to finalise the draft Town Planning Scheme No.2 and Maps, it is envisaged that the review of the Residential Design Elements Policy will commence in October 2009.
3.	Research electronic systems in place at other local government authorities in WA and interstate regarding the lodging and processing of development applications and building licences.	Research commenced August 2009 and to continue in the next 6 months with the intention of reporting with recommendations in due course. Implementation dependent on suitability of alternative system for the Town and budgetary constraints.	Initial contact has been made with the City of Wanneroo to investigate rolling out of electronic Development Applications and Building Licences with CIVICA. To be followed up further. Initial research has been made into the Shire of Tweed Heads in NSW. To be followed up further.

Employee Matters

A full complement of staff within the immediate to short term will greatly enhance the capability to action the suggested improvements to the building and development applications procedure as detailed in the tables above, and assist to ensure long term sustained improvement in the efficiency of the Town's customer service relating to planning and building matters. Recruitment of vacant positions is well advanced and should be finalised in September 2009.

The Chief Executive Officer personally addressed all employees involved in the development approval process on Friday 21 August 2009, to emphasise the need for change.

TERM OF REFERENCE NO. 4

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

Chief Executive Officer's Comment:

It is well recognised that an organisation's employees are one of its most important assets. It is therefore important to remain competitive in a highly volatile and competitive market place. It was therefore prudent to conduct this review on a whole organisation basis.

Recommendations:

A number of positions had their salary band increased, to reflect the job market place, increased responsibility, to maintain competitiveness with other local governments.

Several positions had their salary band reduced. It should be noted that the current incumbents are not affected and the changes will occur when the position becomes vacant.

All of the above changes are adequately covered in the Town's Operational Budget and there are no financial implications for the Town.

TERM OF REFERENCE NO. 5

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

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

Chief Executive Officer's Comments:

As Council Members are aware, the global financial crisis has had a devastating effect on many economies, including (to a lesser degree) Australia. Therefore, to ensure any rate increase is kept to a minimum, employees were requested to achieve a minimum of 3% cost savings, without impacting or reducing frontline services, identify which services could be discontinued or modified, reduce duplication and identify additional services of revenue. Such reviews are common place now days.

Recommendation/Findings:

Listed below are a number of high priority recommendations. The list is not exhaustive and recommendations of a medium and low priority have not been included.

No.	Item/Recommendation	Indicative Cost Savings/ Increased Revenue (per annum)	Priority
1.	Change six monthly fire inspection program to annual	\$5,500	High
2.	Utilise in-house photographer for Garden Competition	\$1,500	High
3.	Review annual turf renovation contracts	\$20,000	High
4.	Review Town property annual termite inspections	\$1,300	High
5.	Review procedures of manual watering of trees/gardens	\$10,000	High
6.	Review Garden Competition, Photographic Competition Awards/Functions	\$5,000	High
7.	Review Annual Art Exhibition and Award Function	\$20,000	High
8.	Review herbicide treatment to footpaths and kerbs	\$45,000	High
9.	Minimise Town employees involvement in new cross-over installations	\$15,000	High
10.	Introduce installation of parking and other minor signage erection instead of contractor	\$5,000	High

No.	Item/Recommendation	Indicative Cost Savings/ Increased Revenue (per annum)	Priority
11.	Increase usage of in-house employees for design works	\$10,000	High
12.	Introduce in-house Sunday Swim School Programmes at Beatty Park due to increased demand	\$65,000	High
13.	Reduce advertising in Beatty Park pool area	\$1,500	High
14.	Review procedures for high precision cleaning of tiled areas	\$4,200	High
15.	Minimise use of indoor plants and pool area at Beatty Park	\$1,500	High
16.	Reduce café opening hours in winter to save salaries at Beatty Park	\$7,000	High
20.	Pursue additional sponsorship of Town events	\$5,000	Medium/ High
21.	Investigate introduction of fee for overdue books	\$5,000	Medium
22.	Investigate introduction of follow up inspection fee for major developments	\$9,000	Medium/ High
23.	Commission library media room for possible use	\$5,000	High
24.	Introduce fee for non-ratepayers for library internet use	\$15,000	High
25.	Review tariff for “green energy” from 25% to 10% (subject to Council decision – report to Ordinary meeting of Council 22 September 2009)	\$35,000	High
	TOTAL	\$291,500	

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

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

“(d) *manage the day to day operations of the local government;*” and

“(g) *be responsible for the employment, management, supervision and dismissal of other employees (except designated senior employees)*”.

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

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

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

STRATEGIC IMPLICATIONS:

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

“Leadership Governance and Management

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

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

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

The financial implications of the Internal Organisational Review are as follows:

1. Term of Reference No. 1 – Organisational Structure

The restructure of the Organisation, including a number of positions, made redundant and new positions created, has resulted in savings of \$591,000 (approx) and expenditure of \$417,000, with an immediate **saving of \$204,000** (approx).

2. Term of Reference No. 2 – Service Delivery

Cost savings/increased revenue of approximately **\$247,100** have been identified. At the time of writing this report, the amount has not been fully quantified as a number of recommendations are still being progressively implemented.

3. Term of Reference No. 3 – Development Approval Process

Specific financial savings have not been qualified at the time of writing this report, as the effect of the various changes has not been fully determined.

The Town's CIVICA (Authority) Development Approval Software Module which was introduced approximately 5 years ago has been identified as needing upgrading, at a cost of \$9,450. This cost will be met out of the Town's IT Operating Budget.

4. Term of Reference No. 4 – Remuneration Levels

A number of positions had their salary band increased, to reflect the job market place, increased responsibility and to maintain competitiveness with other local governments.

Several positions had their salary band reduced. It should be noted that the current incumbents are not affected and the changes will occur when their position becomes vacant.

All of the above changes are adequately covered in the Town's Operational Budget and there are no financial implications for the Town.

5. Term of Reference No. 5 – Achieve 3% cost savings

Cost savings/increased revenue of approximately **\$291,500** have been identified. At the time of writing this report, the amount has not been fully quantified as a number of recommendations are still being progressively implemented.

The review has resulted in cost savings of approximately **\$742,600** as a result of “high” priority recommendations. Final cost savings will not be identified until the end of the financial year.

(It should be noted that some of the savings have already been included in the 2009/10 Budget).

COMMENTS:

The Chief Executive Officer is pleased to report that whilst there may have been some apprehension by the Town’s employees towards the internal review (which is understandable), almost all employees embraced the opportunity to submit their comments and suggestions for improvement.

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

The Chief Executive Officer will continue to implement the recommendations over the forthcoming 12 months in order to improve efficiency and service and will submit a further report in early 2010.

PROCEDURAL MOTION

At 7.37pm **Moved Cr Doran-Wu, Seconded Cr Farrell**

That Council resume an “open meeting”.

PROCEDURAL MOTION PUT AND CARRIED (5-0)

(Cr Ker on approved leave of absence. Cr Burns & Cr Messina were apologies for the meeting.)

15. CLOSURE

The Presiding Member, Mayor Nick Catania, declared the meeting closed at 7.37pm with the following persons present:

Mayor Nick Catania, JP	Presiding Member
Cr Doran-Wu	North Ward
Cr Steed Farrell (<i>Deputy Mayor</i>)	North Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Development Services
Rick Lotznicker	Director Technical Services
Mike Rootsey	Director Corporate Services
Anita Radici	Executive Assistant (Minutes Secretary)

No Members of the Public or journalists present.

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 8 September 2009.

Signed:Presiding Member
Mayor Nick Catania

Dated this day of 2009