



TOWN OF VINCENT

"Enhancing and celebrating our diverse community"

MINUTES

9 FEBRUARY 2010

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Nil. 129

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Nil. 129

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Nil. 129

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Minutes of the Ordinary Meeting of Council of the Town of Vincent held at the Administration and Civic Centre, 244 Vincent Street, Leederville, on Tuesday 9 February 2010, commencing at 6.00pm.

1. DECLARATION OF OPENING

The Presiding Member, Mayor Nick Catania, declared the meeting open at 6.04pm.

2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE

(a) Apologies:

Nil.

(b) Present:

Mayor Nick Catania, JP	Presiding Member
Cr Matt Buckels	North Ward
Cr Anka Burns	South Ward
Cr Steed Farrell	North Ward
Cr Taryn Harvey	North Ward
Cr Sally Lake (<i>Deputy Mayor</i>)	South Ward
Cr Warren McGrath	South Ward
Cr Dudley Maier	North Ward
Cr Joshua Topelberg	South Ward
John Giorgi, JP	Chief Executive Officer
Jim Maclean	A/Director Development Services
Rob Boardman	Director Development Services
Rick Lotznicker	Director Technical Services
Mike Rootsey	Director Corporate Services
Anita Radici	Executive Assistant (Minutes Secretary)
<u>Recipients of Annual Employee Awards</u>	
Jeff Fondacaro	Assistant Manager Aquatic & Operations – Beatty Park Leisure Centre (<i>until 6.25pm</i>)
Emma Bracknell	Approvals Liaison Officer (<i>until 6.25pm</i>)
Approximately 17 Members of the Public	

(c) Members on Approved Leave of Absence:

Nil.

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

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

1. Roger Smith, Secretary Lincoln Towers Strata Council of 133 Lincoln Street, Highgate – Petition 5.2. Extended an invitation to all Councillors to visit Lincoln Towers to look at the impact the proposed development has on them.
2. Glenn Christie of 29 Vincent Street, Mt Lawley – Item 9.1.7. Referred to a statement he has submitted prior to the Council Meeting which has already been circulated to Councillors and reads as follows:
“I wish to advise the Council that questions submitted requesting additional information were not responded to. Following a complaint to Helen Smith the Manager Planning, Building and Heritage Services a response was received after this meeting’s Agenda was published, allowing this question time as the only avenue to debate the proposal. Some issues raised in my objection are not acknowledged in

the Officer's report in tonight's Agenda. My submission was very detailed and raised a number of major issues regarding the proposed use of the multipurpose hall and committee room. Examples include the non-provision of parking; the heritage concerns of demolishing existing protect grounds; and privacy issues relating to a planning roof top terrace etc. The planning report is flawed and contradictory. It appears that the concerns raised in the 2 objections received have been ignored or not adequately answered. I draw your attention to a major contradiction in the planning report. It is stated that no additional parking needs to be provided as 'the proposed hall does not result in any additional students' yet the Officer's report states it can be used for external community groups during school as well as after school hours and weekends. The development proposed has a maximum occupancy of 384 people. Student numbers at the school is an irrelevant argument. This proposal will place additional strain on surrounding streets already in crisis. This weekend ME Stadium will be in use Friday, Saturday and Sunday. When combined with normal commercial use from Beaufort and Harold Streets is reduced to a gridlocked single lane. Illegal parking continues to occur including from school parents. My next issue for comment – the School Principal is quoted on pages 36 and 37 of the Agenda that the multi-purpose hall will also be used for "parish council meetings and other parish activities". The Parish already has an existing multi-purpose hall onsite which is not used. In fact I believe, contrary to its planning approval, is currently used for storage. Why is this existing hall not being utilised or redeveloped? The School Principal is further quoted as saying "at this stage there are no expressions of interest to use the hall from community groups and there is no intention to advertise its availability". A condition of the Federal Government's – Nation Building Economic Stimulus Plan funding approval is that the school "must agree to advertise the availability of the infrastructure for the use by the community". Attracting other external community groups confirms that additional visitors will be attracted to the site over and above the student numbers mentioned earlier. There is also no provision in the planning report for the building to comply with any sustainability or "green" requirements as part of the provisions of the grant. I will be referring both these facts to the Federal Minister of Education for her Department to investigate non compliance. As summarised in my original submission – this development clearly fails 3 of 5 "typical issues" as defined in the Town's own "Community Consultation Submission Guidelines". I request our elected members to reject this proposal."

3. Fiona Cahill of 27 Galwey Street, Leederville – Item 9.1.3. Referred to her application to include a back portion of her property with her neighbour's property to form one block. Stated that at the last minute they have been told that they have to provide two onsite parking bays on both existing properties which are 1940's houses and they have never had onsite parking. Stated to now provide the parking would mean there would be no green space it would only be house and garage. Advised that they have never required onsite parking and have not had any problems previous – her neighbour can fit four cars on her verge and she can fit three. Does not believe an objection on the basis of lack of amenity is really true. Stated if anything happened on the back block they would build a new house and have to put two parking spaces which should not cause a problem with amenity. Accepted that once a new house is built then that is what should be done.
4. Anne Cook of 25 Galwey Street, Leederville – Item 9.1.3. Advised that she has been a resident there for nearly 30 years and has never had any parking problems. Stated as she now has half the back yard that she used to have, if she has to put a carport in there it will take up quite a lot of room and she will not have much space. Believed this will cause more difficulty with less people being able to park on the verge as it is quite a wide frontage and if there is a "runway" there she will be the only one able to park there. Requested it be left the way it is.

There being no further speakers, public question time closed at approx. 6.10pm.

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND PRESENTATIONS

5.1 A petition was received from Mr and Mrs J. Bruining of Raglan Road, Mount Lawley, along with 32 signatures, objecting to the proposed development of 73 Raglan Road, Mount Lawley.

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

5.2 A further petition was received from Mr R. Smith, Secretary Lincoln Towers Strata Council on behalf of residents and owners of 133 Lincoln Street, Highgate, along with 23 signatures, objecting to the proposed development at No. 381 (Lots 4 & 5 D/P: 230, Lot 51 D/P; 28690 Beaufort Street, Perth for height and setback reasons.

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

Moved Cr Maier, Seconded Cr Topelberg

That the Petitions be received, as recommended.

CARRIED (9-0)

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Minutes of the Ordinary Meeting of Council held on 15 December 2009.

Moved Cr Buckels, Seconded Cr Farrell

That the Minutes of the Ordinary Meeting of Council held 15 December 2009 be confirmed as a true and correct record.

CARRIED (9-0)

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

7.1 Former Councillor Joan Watters

It is with sadness that I advise that Joan Watters, former City of Perth and Town of Vincent Councillor passed away earlier this month, aged 79.

Joan served on the Perth Council for 23 years, including a year as Deputy Lord Mayor. She later served two years on the newly formed Town of Vincent Council until she resigned in 1997.

Her extensive local government experience was very valuable to the inaugural Council of the Town, who had no elected local government experience when the first Council convened in 1995.

As a mark of respect I ask that we stand and observe a minute's silence.

The Council and Members of the Public stood and observed a minute's silence.

7.2 Annual Employee Awards – 2009

As you may be aware, the Annual Employee Awards were introduced in 2007 as part of the Town's commitment to its Employees, which are incorporated in the Town's Guiding Values.

The Awards contain a number of categories for both individuals and teams and also recognise that internal customer service is as important as external customer service.

The Awards were presented by the Chief Executive Officer at the Annual Employee Function in late December 2009.

The number of submissions in each category made it extremely difficult to select a winner however, the persons nominated and the recipients were of a high standard and met the criteria.

All Employee of the Month recipients were also automatically eligible to be considered for this Award.

The amount allocated for each award has been increased to \$265 per person this year.

CATEGORY 1

Excellence in Customer Service for an Individual Providing Services within the Organisation

Since commencing with the Town this person has demonstrated a willingness to learn and become an integral part of the Team.

This person, is a pleasant, professional and willing worker and provides support above and beyond that required. The helpful manner has earned respect and confidence and is well liked by their peers. Members of the public often request to speak to this person as they have been so helpful on previous occasions. Recently, when the section has been short staffed, this person stepped up and provided invaluable assistance to the Team.

The Award was presented to EMMA BRACKNELL, Approvals Liaison Officer (Building).

As Emma was on Annual Leave at the time of the Award Presentation, I am very pleased to present the Award to her at tonight's Council Meeting.

Congratulations Emma!

Received with Acclamation!

CATEGORY 2

Excellence in Customer Service for an Individual to the Residents/Ratepayers/Members of the Public

This person continually displays a very strong work ethic and gets on with the job without fuss. He is very committed to the Town and providing the best service to its residents and ratepayers.

Starting at approximately 4.45am most days (which rules out most of us), this person willingly takes on any task assigned to them and will fill in wherever is required. They work every Sunday of the year with the exception of Christmas Day and Easter Sunday. This person can be relied upon at all times and is definitely a most valuable asset to the Town.

This Award was presented to JAMES (AKA JOCK) CARMICHAEL, Team Leader Waste Management & Street Cleaning.

Congratulations Jock!

Received with Acclamation!

CATEGORY 3

Excellence in Customer Service for a Section or Group within the organisation

This group of employees project a strong team ethic and are always willing to help wherever they can with a number of sections benefiting from their services throughout the past year. Their willingness and assistance has been invaluable especially as it generally comes when a section is under pressure to get the job done!

The Award was presented to the CUSTOMER SERVICE CENTRE.

Congratulations Nicky Basham, Yvonne Batley, Paul Betts, Sally-Ann Cross, Alexis Gourdis, Pat Hegney, Laura Lacrimini and Linda Melville-Main.

Received with Acclamation!

CATEGORY 4

Excellence in Customer Service for a Section or Group Providing Services to the Residents/Ratepayers/Members of the Public

This Team provides customer service everyday to many external (as well as internal) customers as well the Town's employees. They have been extremely helpful and efficient when dealing with all enquiries and have gone "above and beyond" normal service to ensure timely responses to requests. This Team is extremely positive with its objectives and reflects the commitment and direction of the Town. They have also implemented a number of new initiatives which have improved service delivery.

This Award was presented to FINANCIAL SERVICES.

Congratulations Kara Ball, Rosalind Beatty, Elena Currie, Mary Hopper, Nilesh Makwana, Trish Moss, Bee Choo Tan, Barbara Wong and Gee Wong.

Received with Acclamation!

CATEGORY 5

Best Innovation/Business Improvement by an Employee (non-managerial)

This person has been providing services to the public for a number of years. Recently they were responsible for implementing a programme which has received recognition intra and inter state and has had some gained some interest internationally. They have also given presentations at a number of conferences on this particular programme which have been very well received also. In addition, they have also been instrumental in promoting the service to a record level.

This Award was presented to BEV CHRISTMASS – Swim School Co-ordinator. The programme mentioned is the "Angel Fish" programme which assists people with disabilities and the enrolment numbers for the swim school have had record enrolments this year and has been recognised as the best in the State.

Congratulations Bev!

Received with Acclamation!

CATEGORY 6

Best Innovation/Business Improvement by an Employee (managerial)

The duties and services provided by this section have undergone major changes over the past few years and requiring a more modern and innovative approach.

Under this person's management the section has successfully implemented a significant number of Strategic Accomplishments resulting in one programme being highly successful, acclaimed and award winning.

This Award was presented to ALISON GILES – Manager Health Services. The award winning programme was the Vincent Accord in which the Town, licences premises, WA Police and related agencies collectively address responsible service of alcohol, public health, transport, local amenity and safety, noise, anti social behaviour, Party Bus Code of Conduct etc. Other initiatives include Food Safety Training Programme, Substandard/Neglected Properties Programme, Healthy + which encourages local food premises to promote healthier eating option to name a few.

Congratulations Alison!

Received with Acclamation!

EMPLOYEE OF THE YEAR AWARD 2009

The Employee of the Year Award is open to ALL employees including the "Employee of the Month" who are automatic entries for this Award. In addition, another 13 persons were nominated, bringing this to a total of 25. It is awarded to the person who is deemed to provide outstanding customer service (both to the community and also within the organisation) and demonstrates the personal qualities in the Town's Guiding Values.

This person demonstrates outstanding customer service at all times and often has to deal with unhappy customers on many different issues. This person is always respectful, kind, professional and assists above and beyond what is normally required. Once again, this person is "*a quiet achiever*" (which rules out some of our boisterous staff!).

This person is a valuable member of their team and of the Town. Their commitment and dedication to their job is commendable, truly appreciated and provides a role model for other employees.

The Award is presented to JEFF FONDACARO – Assistant Manager – Aquatic & Operations, Beatty Park Leisure Centre.

Jeff is also one of the Town's Safety Representatives and a Grievance Officer.

The Award is sponsored by the North Perth Community Bank.

As Jeff was on Annual Leave at the time of the Award Presentation, I am delighted to present the Award to him at tonight's Council Meeting.

Congratulations Jeff!

Received with Acclamation!

7.3 Donation to Disasters

WESTERN AUSTRALIAN BUSHFIRE APPEAL

In accordance with the Council Policy, I am pleased to announce that the Council recently approved, under Delegated Authority, a donation of \$3,000 to The Salvation Army (partnering with "The West Australian" Newspaper, Channel 7 News and Bendigo Bank) Bushfire Appeal 2009 to assist the victims of the bushfires which ravaged the Toodyay region last month.

As well as 38 homes lost in the fires, numerous sheds, stock and infrastructure were also damaged and destroyed.

HAITIAN EARTHQUAKE APPEAL

A donation of \$5,950 was also made to the Haitian Earthquake Appeal through World Vision, to assist in the recovery. Latest reports indicate that in excess of 200,000 people were killed, thousands injured and extensive infrastructure damage.

7.4 Late Report

I have approved of a late report 9.4.10 which is relating to the Annual General Meeting of Electors 2009. This item was reported to the Council Meeting held on 15 December 2009, however due to the lateness of the hour was not considered or determined at the meeting. It was inadvertently not included in the Agenda, however there is a requirement that the Council consider this report at the first meeting after the AGM.

8. DECLARATIONS OF INTERESTS

- 8.1 Mayor Catania declared a Financial interest in Item 9.3.1 – Investment Report. The extent of his interest being that he is the chairperson of the North Perth Community Bank in which the Town has investment shares.
- 8.2 Cr Burns declared a Financial interest in Item 9.3.1 – Investment Report. The extent of her interest being that she is a shareholder and her father is a director in the North Perth Community Bank in which the Town has investment shares.
- 8.3 Cr Lake declared an interest affecting Impartiality in Item 9.1.3 – Nos. 25 - 27 (Lots 15 & 16; D/P 1049) Galwey Street, Corner Scott Street, Leederville – Clearance of Western Australian Planning Commission Freehold (Green Title) Subdivision Conditions. The extent of her interest being that one of the applicants is an acquaintance.
- 8.4 Cr Lake declared an interest affecting Impartiality in Item 9.1.4 – No. 524 (Strata Lot 1 and 2 on Strata Plan 32258) Fitzgerald Street, North Perth - Proposed Partial Demolition of and Alterations and Additions to Existing Office and Patio Addition to Existing Single House. The extent of her interest being that the applicants are acquaintances.
- 8.5 Cr Lake declared an interest affecting Impartiality in Item 9.4.9 – Information Bulletin, IB03. The extent of her interest being that she was involved in the preparation of the Plan.
- 8.6 Cr Maier declared an interest affecting Impartiality in Item 9.1.3 – Nos. 25 - 27 (Lots 15 & 16; D/P 1049) Galwey Street, Corner Scott Street, Leederville – Clearance of Western Australian Planning Commission Freehold (Green Title) Subdivision Conditions. The extent of his interest being that one of the landowners is an acquaintance.

- 8.7 Cr Maier declared an interest affecting Impartiality in Item 9.1.4 – No. 524 (Strata Lot 1 and 2 on Strata Plan 32258) Fitzgerald Street, North Perth - Proposed Partial Demolition of and Alterations and Additions to Existing Office and Patio Addition to Existing Single House. The extent of his interest being that the landowners are acquaintances.
- 8.8 Cr McGrath declared an interest affecting Impartiality in Item 9.1.4 – No. 524 (Strata Lot 1 and 2 on Strata Plan 32258) Fitzgerald Street, North Perth - Proposed Partial Demolition of and Alterations and Additions to Existing Office and Patio Addition to Existing Single House. The extent of his interest being that the applicants live nearby to him and they associate socially.

All Councillors stated that as a consequence there may be a perception that their impartiality in the matter may be affected. They declared that they would consider the 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 9.1.7 and 9.1.3.

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

Items 9.2.1, 9.4.3 and 9.4.4.

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

Item 9.3.1.

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

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

Cr Farrell	Nil.
Cr Topelberg	Items 9.1.1 and 9.1.6.
Cr Buckels	Item 9.2.1.
Cr McGrath	Items 9.3.3, 9.3.5 and 9.4.6.
Cr Harvey	Nil.
Cr Lake	Items 9.1.5 and 9.2.4.
Cr Burns	Nil.
Cr Maier	Item 9.4.2, 9.4.7 and 9.4.10.
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, 9.2.2, 9.2.3, 9.2.5, 9.3.2, 9.3.4, 9.3.6, 9.4.1, 9.4.5 and 9.4.9.

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

Nil.

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

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

Items 9.1.2, 9.1.4, 9.2.2, 9.2.3, 9.2.5, 9.3.2, 9.3.4, 9.3.6, 9.4.1, 9.4.5 and 9.4.9.

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

Items 9.1.7 and 9.1.3.

The Chief Executive Officer advised that Item 9.4.8 is a Conference Report where there will a calling for any interest from Council Members if they wish to attend.

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

Moved Cr Maier, Seconded Cr Harvey

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

Items 9.1.2, 9.1.4, 9.2.2, 9.2.3, 9.2.5, 9.3.2, 9.3.4, 9.3.6, 9.4.1, 9.4.5 and 9.4.9.

CARRIED (9-0)

9.1.2 No. 171 (Lot: 13 D/P: 672) Harold Street, Highgate – Boundary and Front Fence Addition to Approved Single House

Ward:	South	Date:	1 February 2010
Precinct:	Hyde Park; P12	File Ref:	PRO3217; 5.2009.509.1
Attachments:	001		
Reporting Officer:	C Harman, Statutory Planning Officer		
Responsible Officer:	J MacLean, Acting Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by L & M Schneider for proposed Boundary and Front Fence Addition to Approved Single House, at No. 171 (Lot 13, D/P 672) Harold Street, Highgate, and as shown on plans stamp-dated 17 November 2009 and 25 January 2010.

COUNCIL DECISION ITEM 9.1.2

Moved Cr Maier, Seconded Cr Harvey

That the recommendation be adopted.

CARRIED “EN BLOC” (9-0)

Landowner:	L & M Schneider
Applicant:	Hillam Architects
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R80
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	407 square metres
Access to Right of Way	N/A

BACKGROUND:

4 January 2007 The Town, under delegated authority from the Council, approved an application for a Two Storey Single House with Undercroft Garage.

DETAILS:

The proposal involves the construction of a boundary fence along the southern and western boundaries as well as modifications to the approved front fence. The proposed boundary fence is solid from 2.2 metres at the front of the property, to 3.2 metres at the rear, as the site is sloping. The fence is solid along the side boundary within the street setback; however this is supportable as it will provide a barrier between the dwelling and the Sacred Heart Primary School. A letter agreeing to the proposed boundary fence has been received from Sacred Heart Primary School.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Boundary Fences: -Western Boundary.	No Higher than 1.8 metres.	2 metres – 3.2 metres.	Supported – not considered to have an undue impact on adjoining property or the streetscape. A letter agreeing to the proposed increases in height has been received from the adjoining Sacred Heart Primary School.
Street Walls and Fences: -Western Boundary.	Street walls and fences within the primary street setback area, including along the side boundaries: - Piers maximum height of 1.8 metres; - maximum width of posts and piers to be 355 millimetres; - maximum height of solid portion of wall to be 1.2 metres above adjacent footpath level and a minimum of fifty percent visually permeable above 1.2 metres to 1.8 metres.	Solid to 3.2 metres along western side boundary.	Supported – not considered to have an undue impact on adjoining property or the streetscape. The property abuts the Sacred Heart Primary School and in such circumstances, having a solid fence along the boundary will provide separation between the school and the adjacent residence as well as enhancing the safety of students at the school.
Consultation Submissions			
Support	Nil.		Noted.
Objection	Nil.		Noted.
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil
Sustainability Implications			Nil

COMMENTS:

The variations to boundary walls and street walls are considered acceptable and recommended for approval in this instance, given that the site abuts the Sacred Heart Primary School, and the variations are necessary to provide a barrier between the school and the dwelling.

9.1.4 No. 524 (Strata Lot 1 and 2 on Strata Plan 32258) Fitzgerald Street, North Perth - Proposed Partial Demolition of and Alterations and Additions to Existing Office and Patio Addition to Existing Single House

Ward:	South	Date:	2 February 2010
Precinct:	Norfolk; P10	File Ref:	PRO1429; 5.2009.343.2
Attachments:	001		
Reporting Officer:	D Pirone, Statutory Planning Officer		
Responsible Officer:	J MacLean, Acting Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by P Hubble on behalf of the owner C Hair & R Chaney for proposed Partial Demolition of and Alterations and Additions to Existing Office and Patio Addition to Existing Single House, at No. 524 (Strata Lot 1 and 2 on Strata Plan 32258) Fitzgerald Street, North Perth and as shown on plans stamp-dated 15 January 2010, subject to the following conditions:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building and be located so as not to be visually obtrusive from Fitzgerald Street;*
- (ii) any new street/front wall, fence and gate within the Fitzgerald Street and York Street setback areas, including along the side boundaries within this street setback area, shall comply with the Town's Policy provisions relating to Street Walls and Fences;*
- (iii) no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
- (iv) a detailed landscaping plan, including a list of plants and the landscaping of the Fitzgerald Street and York Street verges adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. The landscaping of the verge shall include details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months. The Council encourages landscaping methods which do not rely on reticulation. Where reticulation is not used, the alternative method should be described. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (v) 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;*

- (vi) *the gross floor area of the office shall be limited to 187 square metres. Any increase in floor space or change of use for the subject land shall require a separate Planning Approval to be applied to and obtained from the Town;*
- (vii) *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;*
- (viii) *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;*
- (ix) *prior to the issue of the Building Licence, revised plans shall be submitted and approved demonstrating a bin compound being provided in accordance with the Town's Health Services specifications, divided into commercial and residential areas and sized to contain:-*

Residential Properties

- *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).*

Commercial Properties

- *General Waste: One (1) Mobile Garbage Bin or equal to 240 litres per commercial unit or 200 square metres of floor space, or part thereof (collected weekly); and*
- *Recycle Waste: One (1) Mobile Recycle Bin or equal to 240 litres per commercial unit or 200 square metres of floor space, or part thereof (collected fortnightly).*

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

- (x) *any proposed vehicular entry gates to the car parking area shall be a minimum 50 per cent visually permeable and shall be either open at all times or suitable management measures shall be implemented to ensure access is available for visitors to the commercial tenancies at all times. Details of the management measures shall be submitted to and approved by the Town prior to the first occupation of the development; and*
- (xi) *prior to the first occupation of the development, one (1) class one or two bicycle facility shall be provided at a location convenient to the entrances and within the approved development. Details of the design and layout of the bicycle parking facility shall be submitted and approved prior to installation of such facility.*

COUNCIL DECISION ITEM 9.1.4

Moved Cr Maier, Seconded Cr Harvey

That the recommendation be adopted.

CARRIED "EN BLOC" (9-0)

Landowner:	C N Hair & R G Chaney
Applicant:	P M Hubble
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R60
Existing Land Use:	Office and Single House
Use Class:	Office and Single House
Use Classification:	“SA” and “P”
Lot Area:	721 square metres
Access to Right of Way	East side, 5 metres wide, sealed, privately owned

BACKGROUND:

26 April 2000 The Council at its Ordinary Meeting conditionally approved an application for change of use from consulting rooms to office on strata lot 1.

5 December 2000 The Council at its Ordinary Meeting conditionally approved signage to the approved office building on strata lot 1.

DETAILS:

The proposal involves the partial demolition of the existing office and the addition of an undercroft car parking area with mezzanine office above it.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio:	N/A	N/A	Noted.
Building Setbacks: -North (York Street)	2 metres	1.6 metres	Supported – Not considered to have an undue impact on the streetscape as the proposed addition is in line with the existing office building and roofline.
-South	1.2 metres	1 metre	Supported – Not considered to have an undue impact on the neighbouring property and no objections received.
Car Parking			
Car parking requirement (nearest whole number)			= 4 car bays
• Office – Gross Floor Area = 187 square metres Total car bays required = 3.74 car bays			
Apply the adjustment factors.			(0.85)
• 0.85 (within 400 metres of a bus stop)			= 3.4 car bays
Minus the car parking provided on-site			3
Minus the most recently approved on-site car parking shortfall.			Nil
Resultant shortfall			0.4 car bays

Bicycle Parking	
Office	
<ul style="list-style-type: none"> • 1 space per 200 square metres of public area for employees (class 1 or 2) = 0.94 spaces • 1 space per 750 square metres over 1000 square metres of public area for visitors (class 3) = nil 	
Total class one or two bicycle spaces = 0.94 space = 1 space	
Consultation Submissions	
Support	Nil. Noted.
Objection	Nil. Noted.
Other Implications	
Legal/Policy	TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications	Nil
Financial/Budget Implications	Nil
Sustainability Implications	Nil

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

COMMENTS:

The proposal is a small scale addition and is compliant with the office car parking requirements as per the Town's Policy relating to Parking and Access whereby a shortfall of less than 0.5 bays can be waived. It is considered that the proposal will not have a detrimental impact on the amenity of the area and in light of the above, it is recommended that Council approve the application subject to standard and appropriate conditions to address the above matters.

9.2.2 Minor Streetscape Improvement Works – Joel Terrace between Brammal & Summer Streets

Ward:	South	Date:	29 January 2010
Precinct:	Banks P15	File Ref:	TES0070
Attachments:	-		
Reporting Officer:	R Lotznicker, Director Technical Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

- (i) *APPROVES the proposal to undertake minor streetscape improvements in Joel Terrace, as outlined in the report, estimated to cost \$25,000;*
- (ii) *NOTES that Western Power has agreed to contribute towards the cost of the works on a 50/50 basis and have expressed a preference to prefund the works, to enable the works to be implemented this financial year, subject to the Town agreeing to reimburse Western Power in 2010/2011;*
- (iii) *LISTS an amount of \$12,500 in the 2010/2011 draft budget; and*
- (iv) *AUTHORISES the Chief Executive Officer to enter into a Funding Agreement with Western Power concerning this project.*

COUNCIL DECISION ITEM 9.2.2

Moved Cr Maier, Seconded Cr Harvey

That the recommendation be adopted.

CARRIED “EN BLOC” (9-0)

PURPOSE OF REPORT:

To request the Council's approval to implement minor streetscape improvement works on the west side of Joel Terrace between Summer and Brammal Streets.

BACKGROUND:

The Town's officers have been approached by residents of Joel Terrace regarding the current poor state of the verge at the above location (caused predominately by Western Power works on the adjoining property). The Town's officers have developed a proposal to improve the streetscape and have discussed the proposal with Western Power.

DETAILS:

The verge area in question, located on the west side of Joel Terrace between Summer and Brammal Streets, is approximately 60.0m long and 5.0m wide. There is an existing 1.5m wide cast insitu footpath adjacent to the property and several trees (callistemon species). The remaining area of verge is predominantly sand.

Proposed Works

The proposal discussed with Western Power is to replace the existing kerbing, brick pave the sandy area (3.0m x 60m) leaving a number of 2.0m x 2.0 m landscaping squares, in which suitable trees will be planted. An area will also be planted more heavily to provide some additional screening of the new Western Power substation building/s.



CONSULTATION/ADVERTISING:

No residents are directly affected by the proposal, however, residents who have discussed the proposal with the Town's officers will be consulted regarding the proposal.

LEGAL/POLICY:

N/A

STRATEGIC IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

N/A

FINANCIAL/BUDGET IMPLICATIONS:

The estimated cost to implement the works is \$25,000. Western Power has agreed to fund half the cost of the works (\$12,500).

Western Power were advised that there are no funds on the 2009/2010 budget, however, as they would like the works to be implemented as soon as practical, they have 'verbally' agreed to prefund the entire works in the 2009/2010 financial year on the proviso that the Town agree to reimburse them half the cost of the works (\$12,500) in 2010/2011.

COMMENTS:

The area in question is in need of improvement and there is scope to share the cost of the upgrade works, estimated to cost \$25,000, with Western Power.

It is recommended that the Council support the proposal and agree to the funding proposal to enable the works to be implemented as soon as practical.

9.2.3 Proposed Introduction of Two (2), Fifteen (15) Minute and One (1) ACROD Parking Bays – Clarence Street, Mount Lawley

Ward:	South	Date:	20 January 2010
Precinct:	Mt Lawley Centre (P11)	File Ref:	PKG0068
Attachments:	001		
Reporting Officer:	T Blankenburg, Engineering Technical Officer		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council APPROVES the introduction of two (2) x fifteen (15) minute parking bays and one (1) ACROD parking bay in Clarence Street, Mt Lawley, to be in operation at all times, as illustrated on attached Plan No. 2690-PP-1.

COUNCIL DECISION ITEM 9.2.3

Moved Cr Maier, Seconded Cr Harvey

That the recommendation be adopted.

CARRIED “EN BLOC” (9-0)

PURPOSE OF REPORT:

The purpose of this report is to inform the Council of a request by the “The Noodle Box” fast food restaurant in Beaufort Street, Mount Lawley, requesting the Town to consider providing short term parking to some of the parking bays convenient to businesses in Beaufort Street near Clarence Street.

BACKGROUND:

On 9 December 2009, the Town received a request from “The Noodle Box” in Beaufort Street, Mount Lawley, for the Council to re-examine the current parking restrictions. The applicant requested that the parking bays near the business premises be restricted to 15 Minutes. This restriction was requested to enable people to make quick purchases from this and other businesses in the area. The Town’s officers subsequently suggested that two (2) short term parking bays was a more appropriate number of bays, given the location and demand for parking in the area.

While carrying out a site inspection to determine an appropriate location for the short term parking bays, it was noted that one of the existing 90° parking bays in Clarence Street was significantly wider than the other bays in the area. It was deemed to be the appropriate dimension to comply with ACROD parking requirements. In light of the proposed work to be carried out in the vicinity, it is considered appropriate to also install an ACROD bay at the same time.

DETAILS:

The Town’s officers have investigated the matter and concur that some short term parking in the area will provide some amenity for shoppers while not unduly detracting from the existing parking in the area. Two (2) parking bays restricted to fifteen (15) minutes are deemed appropriate as this will not severely impact on the existing parking amenity.

CONSULTATION/ADVERTISING:

The applicant will be informed of the Council's decision. A moratorium on the issuing of infringement notices for a period of two (2) weeks from the installation of the new parking restriction signs will be implemented.

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 (3) new signs and poles as well as line marking for the ACROD parking bay, which will cost approximately \$400.

COMMENTS:

Parking spaces will always be in demand in the Beaufort Street entertainment district; and any changes will benefit some, while adversely affecting others. The business that will benefit the most from this change will be the applicant, however, it is anticipated that other businesses will also benefit from the availability of nearby short term parking for customers making small purchases.

9.2.5 Proposed Reinstatement of Bollards in Laroche Lane, North Perth

Ward:	South Ward	Date:	14 January 2010
Precinct:	Smith's Lake (6)	File Ref:	TES0449
Attachments:	001		
Reporting Officer:	Audrie Scott; Senior Technical Officer - Land & Development		
Responsible Officer:	Rick Lotznicker; Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

- (i) *APPROVES the reinstatement of the bollards in Laroche Lane, at the location shown on the attached diagram no. 28287, in accordance with Division 3.50 of the Local Government Act 1995; and*
- (ii) *ADVISES the Department for Planning, Commissioner of Main Roads and residents of Toorak Rise and those residents of Richmond and Campsie Streets with access off Laroche Lane, of its decision.*

COUNCIL DECISION ITEM 9.2.5

Moved Cr Maier, Seconded Cr Harvey

That the recommendation be adopted.

CARRIED "EN BLOC" (9-0)

PURPOSE OF REPORT:

The purpose of this report is to seek approval to reinstate bollards in Laroche Lane, North Perth, previously removed as a requirement of the Right of Way (ROW) dedication process.

BACKGROUND:

Laroche Lane, is an 'L' shaped, newly dedicated 'under width' public road, linking Bourke Street, Toorak Rise and Campsie Street.

The Town began the dedication process at its Ordinary Meeting held on 13 April 2004 where it *approved the dedication as a public road and naming of the right of way "Laroche Lane", as shown on attached Plan 2267-RP-1;*

With the support of the adjacent residents, the portion of the then unnamed ROW, between Toorak Rise and Bourke Street, was closed to vehicle traffic by the use of bollards, at the time of the Toorak Rise subdivision in 2000.

However, in early 2009 the bollards were removed at the bequest of the State Land Services (SLS) as part of the Laroche Lane dedication process as the SLS were of the opinion that a 'new' road should not be obstructed.

The residents were only advised after the bollards were removed, resulting in numerous complaints to the Town.

DETAILS:

In January 2010 the Town received advice from SLS that Laroche Lane had been officially dedicated as an under width public road (the culmination of a process that began in April 2004).

In July 2009, in response to the residents' concerns regarding the removal of the bollards, Technical Services letter dropped all the residences in Toorak Rise and those of Campsie and Richmond Streets with access off Laroche Lane, seeking their views on reinstating the bollards once the dedication process had been completed.

Of the twenty (20) letters delivered, twelve (12) replies were received, representing a 60% response rate.

Of these, eight (8) or 66.6% were in favour of reinstating the bollards and four (4) or 33.3% were either against or ambivalent.

The comments in favour of the bollards being re-installed were generally related to safety issues, particularly the intersection of Laroche Lane and Toorak Rise, and through traffic.

CONSULTATION/ADVERTISING:

Consultation in respect of the reinstatement of the bollards was undertaken in accordance with Council's Public Consultation Policy.

LEGAL/POLICY:

The Council is empowered to obstruct or close roads in accordance with the provisions of Division 3.50 of the Local Government Act 1995.

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:

The estimated cost of installing two (2) bollards is \$350, to be funded from the Right of Way Maintenance Operating budget.

COMMENTS:

The results of the community consultation indicate that the majority of respondents are concerned about road safety, both real and perceived, and are keen to have the bollards reinstated as soon as possible.

9.3.2 Authorisation of Expenditure for the Period 1 – 31 December 2009

Ward:	Both	Date:	11 January 2010
Precinct:	All	File Ref:	FIN0032
Attachments:	001		
Reporting Officers:	B Tan; Manager Financial Services K Ball; Finance Officer – Accounts Payable		
Responsible Officer:	M Rootsey; Director Corporate Services		

OFFICER RECOMMENDATION:

That the Council CONFIRMS the;

- (i) *Schedule of Accounts for the period 1 December – 31 December 2009 and the list of payments;*
- (ii) *direct lodgement of payroll payments to the personal bank account of employees;*
- (iii) *direct lodgement of PAYG taxes to the Australian Taxation Office;*
- (iv) *direct lodgement of Child Support to the Australian Taxation Office;*
- (v) *direct lodgement of creditors payments to the individual bank accounts of creditors; and*
- (vi) *direct lodgement of Superannuation to Local Government and City of Perth superannuation plans.*

as shown in Appendix 9.3.2.

COUNCIL DECISION ITEM 9.3.2

Moved Cr Maier, Seconded Cr Harvey

That the recommendation be adopted.

CARRIED “EN BLOC” (9-0)

DECLARATION OF INTEREST

Members/Officers	Voucher	Extent of Interest
Nil.		

PURPOSE OF REPORT:

To seek authorisation of expenditure for the period 1 – 31 December 2009.

BACKGROUND:

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

DETAILS:

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

FUND	CHEQUE NUMBERS/ PAY PERIOD	AMOUNT
Municipal Account		
Automatic Cheques	067218-067470	\$312,353.43
EFT Batch		\$0.00
Municipal Account		
Transfer of Creditors by EFT Batch	997, 999-1005, 1007, 1009	\$5,138,889.63
Transfer of PAYG Tax by EFT	December 2009	\$203,846.20
Transfer of GST by EFT	December 2009	
Transfer of Child Support by EFT	December 2009	\$1,195.18
Transfer of Superannuation by EFT:		
• City of Perth	December 2009	\$31,635.04
• Local Government	December 2009	\$108,346.06
Total		\$5,796,265.54
Bank Charges & Other Direct Debits		
Bank Charges – CBA		\$2,507.62
Lease Fees		\$2,919.63
Corporate Master Cards		\$6,750.70
Folding Machine Lease Equipment		\$0.00
Trace Fees – Audit Certificate		
Loan Repayment		\$59,208.28
Rejection Fees		\$20.00
System Disk Fee		\$0.00
Beatty Park - miscellaneous deposit		\$0.00
Total Bank Charges & Other Direct Debits		\$71,406.23
Less GST effect on Advance Account		0.00
Total Payments		\$5,867,671.77

STRATEGIC IMPLICATIONS:

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

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

ADVERTISING/CONSULTATION:

N/A.

COMMENT:

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

9.3.4 Financial Statements as at 31 December 2009

Ward:	Both	Date:	14 January 2010
Precinct:	All	File Ref:	FIN0026
Attachments:	001		
Reporting Officers:	B. Wong, Accountant; B Tan, Manager Financial Services		
Responsible Officer:	M. Rootsey, Director Corporate Services		

OFFICER RECOMMENDATION:

That the Council RECEIVES the Financial Statements for the month ended 31 December 2009 as shown in Appendix 9.3.4.

COUNCIL DECISION ITEM 9.3.4

Moved Cr Maier, Seconded Cr Harvey

That the recommendation be adopted.

CARRIED "EN BLOC" (9-0)

PURPOSE OF REPORT:

The purpose of this report is to present the financial statements for the month ended 31 December 2009.

BACKGROUND:

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

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

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

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

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

DETAILS:

The following documents represent the Statement of Financial Activity for the period ending 31 December 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 34-41);
- Monthly Financial Positions Graph (page 42-44).

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	-	\$10.1 million
YTD Budget	-	\$16.3 million
Variance	-	-\$6.2 million
Full Year Budget	-	\$12.9 million

Summary Comments:

The current unfavourable variance is due to a timing difference on the receipt of revenue from Capital Grants and Contributions.

Operating Revenue

YTD Actual	-	\$27.9 million
YTD Budget	-	\$27.6 million
YTD Variance	-	\$0.3 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 – 107% over budget;

Law Order and Public Safety – 26% below budget;

Education and Welfare – 17% below budget;

Community Amenities – 33% over budget;

Economic Services – 64% over budget

Other Property and Services – 66% over budget;

Administration General – 14% over budget.

More details variance comments are included on the page 34 – 41 of this report.

Operating Expenditure

YTD Actual	-	\$18.4 million
YTD Budget	-	\$18.7 million
YTD Variance	-	-\$0.3 million
Full Year Budget	-	\$36.2 million

Summary Comments:

The operating expenditure is currently on budget.

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

Education and Welfare – 25% below budget;

Community Amenities – 11% below budget;

Administration General – 89% below budget.

Detailed variance comments are included on the page 34 – 41 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 December 2009 of \$5,107,940 which represents 22% of the revised budget of \$23,260,889.

	Budget	Revised Budget	Actual to Date (Include commitment)	%
Furniture & Equipment	\$132,900	\$132,900	\$46,029	35%
Plant & Equipment	\$1,229,450	\$1,317,450	\$500,645	38%
Land & Building	\$12,659,500	\$14,635,124	\$2,705,544	18%
Infrastructure	\$7,570,415	\$7,175,415	\$1,855,722	26%
Total	\$21,592,265	\$23,260,889	\$5,107,940	22%

Balance Sheet and Statement of Changes in Equity

The statement shows the current assets of \$25,770,340 and non current assets of \$141,995,384 for total assets of \$167,765,724.

The current liabilities amount to \$8,147,271 and non current liabilities of \$14,603,474 for the total liabilities of \$22,750,745. The net asset of the Town or Equity is \$145,014,979.

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 December 2009 is \$9.1m. The balance as at 30 June 2009 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 \$195,934 is outstanding at the end of December 2009.

Of the total debt \$103,366 (53%) relates to debts outstanding for over 60 days, 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	\$7.00
(to apply to second, third, and fourth instalment)	
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 December 2009 including deferred rates was \$3,844,302 which represents 19.19% of the outstanding collectable income compared to 18.41% at the same time last year.

Statement of Financial Activity

The closing surplus carry forward for the year to date 31 December 2009 was \$9,420,728.

Net Current Asset Position

The net current asset position as at 31 December 2009 is \$18,552,021.

Beatty Park – Financial Position Report

As at 31 December 2009 the operating deficit for the Centre was \$229,431 in comparison to the annual budgeted deficit of \$244,903.

The cash position showed a current cash surplus of \$14,591 in comparison annual budget estimate of a cash surplus of \$32,456. 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.

9.3.6 Percent for Art - Artwork for 394-398 Newcastle Street, Perth

Ward:	South	Date:	25 January 2010
Precinct:	Beaufort	File Ref:	PRO3657
Attachments:	001		
Reporting Officers:	R. Gunning Arts Officer; J. Anthony, Manager Community Development		
Responsible Officer:	M. Rootsey, Director Corporate Services		

OFFICER RECOMMENDATION:

That the Council REFERS the matter of the Percent for Art artwork for the development at 394 Newcastle Street, Perth as shown in the photographs and plans attached as Appendix 9.3.6A, B, C, D and E, to the Town's Art Advisory Group for consideration.

COUNCIL DECISION ITEM 9.3.6

Moved Cr Maier, Seconded Cr Harvey

That the recommendation be adopted.

CARRIED "EN BLOC" (9-0)

PURPOSE OF REPORT:

To provide details relating to the Percent for Art artwork designs of artwork for the development at 394 Newcastle Street, Perth as part of the Town of Vincent's Percent for Art Scheme and to obtain Council approval to refer this matter to the Town's Art Advisory Group for consideration and recommendation.

BACKGROUND:

The development at 394 Newcastle Street is a mixed use development which is subject to the Town's Percent for Art Scheme requirements. The amount required to be spent by the developers on public art, as determined by the Town, is \$130,000. The developers have in accordance with policy elected to manage the artwork project themselves and have engaged artist Flynn Talbot.

The artwork proposed by the artist is a kinetic art piece that will adorn the Newcastle façade of the building. Kinetic art is an art form that emerged in the 1960's when artists started experimenting with moving components (such as flashing lights) as a way of extending the potential of abstract art. With advances in technology (in particular computer technology), a younger generation of artists have seen a new set of aesthetic possibilities to explore; Flynn Talbot is one such artist.

DETAILS:

The artwork titled 'Peak Hour' will be approximately eight metres high and sixteen metres wide, spanning the majority of the Newcastle street façade. The artist states the "work is planned to be subtle during the day and come alive at night". In the day time, the sun will produce a subtle shift of shadows and textures. At night the effect will be a field of coloured lights that will glow and fade at different intervals and alludes to the urban setting of the building with its passing traffic of the nearby intersection. The facade will be made up of a series of etched glass panels in a detailed design of etched circles in a series of patterns. The etched sections of the artwork will be backlit by linear colour changing LED strips. A colour palette of white, amber and red will be used to illuminate the artwork. Software based effects of soft colour fades and washes will be introduced with a programmed loop of approx fifteen minutes to play for a determined time throughout the year depending on the time of the setting sun.

The proposed artwork has been reviewed by the Manager of Asset and Design Services and deemed to have no safety issues regarding the illumination of the building and interference to traffic etc.

CONSULTATION/ADVERTISING:

This matter is recommended for referral to the Town's Art Advisory Group for consideration and recommendation. The Art Advisory Group will make a recommendation for the consideration of the Council. Thereafter, the community will be consulted regarding the proposed artwork, for at least 21 days, as set out by the Town's Community Consultation Policy.

LEGAL/POLICY:

The artwork has been commissioned in accordance with the Town of Vincent's Percent for Art Policy which states:

"For a commercial, non-residential, and /or mixed residential/commercial developments over the value of \$1,000,000 are to set aside a minimum of one percent of the estimated total project cost of the development of public art works which reflect the place, locality and /or community."

The Town of Vincent Art Advisory Group's Terms of Reference are as follows:

"5. TERMS OF REFERENCE

- 5.1** *To provide advice for the acquisition of artwork.*
- 5.2** *To act as Judges for Town of Vincent Art Competition.*
- 5.3** *To provide advice for the competition.*
- 5.4** *To provide advice for the visual arts budget.*
- 5.5** *To provide advice for the display and viewing of pieces of artwork.*
- 5.6** *To develop and implement an acquisition policy.*
- 5.7** *To provide advice on matters generally relating to the art, as required from time to time.*

It should be noted that the Town's Administration recommends that all Percent for Art artwork should be considered by the Town's Art Advisory Group who will make a recommendation for the Council accordingly it is recommended that the Terms of Reference be amended to specifically include Percent for Art artwork. (Refer to Item 9.4.6).

STRATEGIC IMPLICATIONS:

Plan for the Future- Strategic Plan 2009-2014

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

SUSTAINABILITY IMPLICATIONS:

The artwork will use LED fixtures that will run on very low energy consumption, while producing vivid light effects. The estimated life of these fittings is approximately twenty five years before they will need to be replaced or maintained. The artwork will employ etched 6mm toughened glass and will be resistant from vandalism as it starts almost four metres above street level. Overall the artwork is sustainable in its low maintenance requirements and low energy consumption.

FINANCIAL/BUDGET IMPLICATIONS:

The amount required to be spent by the developers on public art, as determined by the Town, is \$130,000. The developers have stated that the cost of the artwork will be \$146,800.

COMMENTS:

The artwork proposed by Flynn Talbot promises to be a highly original and unique work that will add to the diversity of public art in the Town. The Town's Percent for Art policy states the artwork should reflect "the place, locality and/or community". The proposed artwork will clearly be in keeping with the policy as it offers a poetic interpretation of the surrounding streetscape of the development, whilst reflecting the contemporary approach of the building's architecture.

9.4.1 Use of the Council's Common Seal

Ward:	-	Date:	1 February 2010
Precinct:	-	File Ref:	ADM0042
Attachments:	-		
Reporting Officer:	M McKahey, Personal Assistant		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council NOTES the use of the Council's Common Seal on the documents listed in the report, for the months of December 2009 and January 2010.

COUNCIL DECISION ITEM 9.4.1

Moved Cr Maier, Seconded Cr Harvey

That the recommendation be adopted.

CARRIED "EN BLOC" (9-0)

BACKGROUND:

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

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

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

Date	Document	No of copies	Details
1/12/2009	Deed of Easement	1	Town of Vincent and K Yean Hong and H San Chu of 2 Farr Avenue, North Perth 6006 - <i>To provide legal access to the rear of Lot 504 on Deposited Plan 31360 and being the whole of the land in Certificate of Title Volume 1333 Folio 519 (Right of Way off View Street, North Perth)</i>
4/12/2009	Transfer of Land	1	Town of Vincent and State of Western Australia, c/o North Perth Settlements, PO Box 69, North Perth WA 6906 re: Lot 11344 on Plan 1551 - No. 81 Angove Street, North Perth
4/12/2009	Heritage Agreement	2	Town of Vincent and Heritage Council of Western Australia of 108 Adelaide Terrace, East Perth WA 6004 re: North Perth Police Station (HCWA Place No. 2212), Angove Street, North Perth

Date	Document	No of copies	Details
10/12/2009	Deed of Covenant	2	Town of Vincent and Australian Leisure and Hospitality Group Ltd of PO Box 870, Bulimba, Queensland 4171 re: Nos. 331-397 (Lots 3, 4, 10, 11, 21 and 100) Bulwer Street, West Perth (Hyde Park Hotel) - Legal Agreement for Amalgamation of Lots - <i>To satisfy conditional approval by the State Administrative Tribunal dated 16 March 2009 for Partial Demolition of, and Alterations and Additions to Existing Tavern (Hyde Park Hotel).</i>
14/12/2009	Licence	3	Town of Vincent and Mount Hawthorn Community Church of PO Box 531, Mount Hawthorn WA 6915 re: Mount Hawthorn Lesser Hall - <i>Use of Office Space</i>
14/12/2009	Notification under Section 70A	2	Town of Vincent and G Rollerson of 6 Smith Street, Highgate, WA 6003 re: No. 144 Bulwer Street, Perth - <i>To satisfy Clause (v) of Conditional Approval of Ordinary Meeting of Council held on 25 March 2008 for a Proposed Partial Demolition of, and Additional Two-Storey Grouped Dwelling and Alterations and Additions to Existing Single House</i>
21/12/2009	Lease	3	Town of Vincent and Loftus Community Centre Inc of 99 Loftus Street, North Perth WA 6006 re: Loftus Community Centre - <i>Ten (10) Years from 1 January 2008 to 31 December 2017 with two (2) further terms of five (5) years (expiring 31 December 2027)</i>
21/12/2009	Debenture	2	Town of Vincent and Western Australian Treasury Corporation of PO Box 7287, Perth Cloisters Square, WA 6850 re: Debenture for Loan 7 for \$1,600,000 (<i>repayable by 1 December 2019.</i>)
21/12/2009	Lease	3	Town of Vincent and G Hay, U Alfaro, F Dennis, C Rowling, L Wilhem and R Edward re: Halverson Hall, 176 Fitzgerald Street, Perth - Robertson Park Artists' Studio - <i>Five (5) years from 1 March 2010 to 28 February 2015 with further term of five (5) years (expiring 28 February 2010)</i>
18/01/2010	Lease	3	Town of Vincent and Highgate Forrest Park Playgroup Incorporated of 127 Wright Street, Highgate WA 6003 re: Lease of Forrest Park Pavilion, 127 Wright Street, Highgate - <i>Five (5) years from 1 January 2010 to 31 December 2015 with two further terms of five (5) years (expiring 31 December 2026)</i>
18/01/2010	Licence	3	Town of Vincent and Highgate Forrest Park Playgroup Incorporated of 127 Wright Street, Highgate WA 6003 re: Licence to use the Property at 127 Wright Street, Highgate for the Initial Term from 1 January 2010 to 31 December 2015
18/01/2010	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Spotless Services Ltd of Gate 7, Subiaco Oval, Subiaco Road, Subiaco 6008 re: Rebel Sport Meeting - 19 January 2010 (Gareth Naven Room)
20/01/2010	Notification under Section 70A	2	Town of Vincent and K L Lam and T G Quach of 149D Brisbane Street, Perth re: Nos 147 - 149 (Lot: 500. D/P: 77320) Brisbane Street, corner Brisbane Place, Perth - <i>to satisfy Condition (vii) of the Approval to Commence Development issued by Council on 20 October 2009</i>
22/01/2010	Stadium Works Agreement	3	Town of Vincent and Western Australian Rugby Union (Inc) of Meagher Drive, Floreat, 6014 re: ME Bank Stadium Minimum Works to comply with the SANZAR Requirements
27/01/2010	Restrictive Covenant	2	Town of Vincent and Scope Property Group Pty Ltd of PO Box 210, Floreat, WA 6014 re: Nos. 188 - 194 (Lot 27) Stirling Street, corner Edward Street, Perth - <i>to satisfy conditional approval of the Western Australian Planning Commission dated 7 September 2009</i>

**9.4.5 Strategic Plan 2009-2014 – Progress Report for the Period
1 October 2009 – 31 December 2009**

Ward:	Both	Date:	3 February 2010
Precinct:	All	File Ref:	ADM0038
Attachments:	001		
Reporting Officers:	Managers, Directors		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council RECEIVES the progress report on the Strategic Plan 2009-2014 for the period 1 October 2009 – 31 December 2009 as shown in Appendix 9.4.5.

COUNCIL DECISION ITEM 9.4.5

Moved Cr Maier, Seconded Cr Harvey

That the recommendation be adopted.

CARRIED “EN BLOC” (9-0)

PURPOSE OF REPORT:

The purpose of this report is to provide a quarterly update on the Strategic Plan for the period 1 October 2009 – 31 December 2009.

DETAILS:

Progress reports are reported to Council for each quarter as follows:

Period	Report to Council
1 January - 31 March	April
1 April - 30 June	July
1 July - 30 September	October
1 October - 31 December	February

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

The Council adopted its Plan for the Future at the Ordinary Meeting of Council held on 12 May 2009. The Town’s Strategic Plan forms part of the Plan for the Future. It is not a legal requirement to have a Strategic Plan, however, it is considered “Best Practice” management that a Strategic Plan be adopted to complement and be linked and aligned to both the Principal Activities Plan and Annual Budget.

STRATEGIC IMPLICATIONS:

The Strategic Plan provides the elected Council and administration with its aims, goals and objectives (key result areas) for the period 2009-2014. The reporting on a quarterly basis is in accordance with the Strategic Plan 2009-2014 Key Result Area.

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

SUSTAINABILITY IMPLICATIONS:

Nil.

SUSTAINABILITY IMPLICATIONS:

Nil

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The progress report for the Strategic Plan indicates that the Town's administration is progressing the various strategies in accordance with the Council's adopted programs and adopted budget.

9.4.9 Information Bulletin

Ward:	-	Date:	3 February 2010
Precinct:	-	File Ref:	-
Attachments:	001		
Reporting Officer:	A Radici, Executive Assistant		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council RECEIVES the Information Bulletin dated 9 February 2010, as distributed with the Agenda.

COUNCIL DECISION ITEM 9.4.9

Moved Cr Maier, Seconded Cr Harvey

That the recommendation be adopted.

CARRIED “EN BLOC” (9-0)

DETAILS:

The items included in the Information Bulletin dated 9 February 2010 are as follows:

ITEM	DESCRIPTION
IB01	Letter from the Senator The Hon Stephen Conroy regarding New Satellite Service to Address Digital Television Black Spots
IB02	Letter from the University of Western Australia regarding ‘Why playgrounds are not fun for children’
IB03	Letter from the Swan River Trust regarding Final Water Quality Improvement Plan for Mounts Bay Catchment
IB04	Letter from the Department of Local Government regarding Proposal made by the Australian Disability Parking Scheme Working Group
IB05	Letter of appreciations from The Salvation Army Red regarding Donation for the Toodyay Bushfires
IB06	Letter appreciation from Mt Hawthorn Wasteswise Community Fair 2009 regarding the Mt Hawthorn Community Fair Day 15 November 2009 ~ towards a greener future
IB07	Letter of appreciation from Mr J and Mrs L Tarca regarding letter and flowers received for their 60 th Wedding Anniversary
IB08	Letter of appreciation from Tennis Seniors Western Australia regarding Reception held at the Town of Vincent for Volunteers of the International Tennis Federation Super-Seniors Tennis Championships
IB09	Email of appreciation from E Chester to the Organisers of the Vincent Wetlands Trail

ITEM	DESCRIPTION
IB10	Ranger Services Statistics for October, November and December 2009
IB11	Progress Report on Local History Collection: July to December 2009
IB12	Conference Report: 2009 International Public Works Conference
IB13	Building Commission Local Government Approval of Battery Powered Smoke Alarms
IB14	Department of Planning – Planning Guidelines for Pedestrian Access Ways
IB15	State Administrative Tribunal - Transcript of Tribunal Hearing GNTM Pty Ltd v Town of Vincent
IB16	Minutes of Tamala Park Regional Council Ordinary Meeting of Council held on Wednesday 9 December 2009
IB17	Art Advisory Group Unconfirmed Minutes for 25 November 2009
IB18	Universal Access Advisory Group Unconfirmed Minutes for 26 November 2009
IB19	Register of Petitions - Progress Report - February 2010
IB20	Register of Notices of Motion - Progress Report - February 2010
IB21	Register of Reports to be Actioned - Progress Report - February 2010
IB22	Register of Legal Action - Progress Report - February 2010
IB23	Register of State Administrative Tribunal Appeals - Progress Report - February 2010
IB24	Forum Notes - 8 December 2009
IB25	Notice of Forum - 16 February 2010

9.1.7 No. 40 (Lot 64 D/P 42775) Mary Street, Dual Frontage to Harold Street, Highgate - Proposed Demolition of Existing Basketball Court and Construction of a Multi Purpose Hall to Existing School

Ward:	South	Date:	2 February 2010
Precinct:	Hyde Park; P12	File Ref:	PRO1520; 5.2010.17.1
Attachments:	001		
Reporting Officer:	D Pirone, Statutory Planning Officer		
Responsible Officer:	J MacLean, Acting Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Santelli Architects Pty Ltd on behalf of the owner the Roman Catholic Archbishop for proposed Demolition of Existing Basketball Court and Construction of a Multi Purpose Hall to Existing School, at No. 40 (Lot 64;D/P 42775) Mary Street, Dual Frontage to Harold Street, Highgate, and as shown on plans stamp-dated 18 January 2010, subject to the following conditions:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Mary and Harold Streets;*
- (ii) any new street/front wall, fence and gate within the Mary Street and Harold Street setback areas, including along the side boundaries within this street setback area, shall comply with the Town's Policy provisions relating to Street Walls and Fences;*
- (iii) no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
- (iv) the colour palette and building materials shall be sympathetic to the existing buildings on site. Further details about the proposed colour palette and building materials are to be submitted for the approval of the Executive Director of the Office of Heritage prior to the issue of a Building Licence;*
- (v) the hours of operation of the 'Multi-Purpose Hall' and the Committee Room shall be limited to the following times: 8:00am to 10:00pm Sunday to Thursday and 8:00am to 11:00pm Friday and Saturday;*
- (vi) the multi-purpose hall shall not be hired externally during school hours;*
- (vii) the maximum number of persons that shall occupy the 'Multi-Purpose Hall' at any one time is 304 persons; and*
- (viii) the maximum number of persons that shall occupy the 'Committee Room' at any time is 80 persons.*

Moved Cr Topelberg, Seconded Cr Farrell

That the recommendation be adopted.

Debate ensued.

AMENDMENT NO 1

Moved Cr Burns, Seconded Cr McGrath

That a new clause (ix) being inserted as follows:

“(ix) the car parking available to the school shall be made available for patrons that hire the ‘Committee Room’ and/or ‘Multi-Purpose Hall’.”

AMENDMENT NO 1 PUT AND CARRIED (9-0)

Debate ensued.

AMENDMENT NO 2

Moved Cr Burns, Seconded Cr Harvey

That a new clause (x) being inserted as follows:

“(x) the use of the ‘Multi-Purpose Hall’ when hired externally outside school hours shall be limited to a maximum of 100 persons. Any variation to this requirement shall be subject to application to the Chief Executive Officer for consideration.”

Debate ensued.

AMENDMENT NO 2 PUT AND LOST (4-5)

For: Cr Burns, Cr Harvey, Cr Maier, Cr Topelberg

Against: Mayor Catania, Cr Buckels, Cr Farrell, Cr Lake, Cr McGrath

MOTION AS AMENDED PUT AND CARRIED (9-0)

COUNCIL DECISION ITEM 9.1.7

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Santelli Architects Pty Ltd on behalf of the owner the Roman Catholic Archbishop for proposed Demolition of Existing Basketball Court and Construction of a Multi Purpose Hall to Existing School, at No. 40 (Lot 64;D/P 42775) Mary Street, Dual Frontage to Harold Street, Highgate, and as shown on plans stamp-dated 18 January 2010, subject to the following conditions:

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

- (ii) *any new street/front wall, fence and gate within the Mary Street and Harold Street setback areas, including along the side boundaries within this street setback area, shall comply with the Town's Policy provisions relating to Street Walls and Fences;*
- (iii) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
- (iv) *the colour palette and building materials shall be sympathetic to the existing buildings on site. Further details about the proposed colour palette and building materials are to be submitted for the approval of the Executive Director of the Office of Heritage prior to the issue of a Building Licence;*
- (v) *the hours of operation of the 'Multi-Purpose Hall' and the Committee Room shall be limited to the following times: 8:00am to 10:00pm Sunday to Thursday and 8:00am to 11:00pm Friday and Saturday;*
- (vi) *the multi-purpose hall shall not be hired externally during school hours;*
- (vii) *the maximum number of persons that shall occupy the 'Multi-Purpose Hall' at any one time is 304 persons;*
- (viii) *the maximum number of persons that shall occupy the 'Committee Room' at any time is 80 persons; and*
- (ix) *the car parking available to the school shall be made available for patrons that hire the 'Committee Room' and/or 'Multi-Purpose Hall'.*

Landowner:	Roman Catholic Archbishop
Applicant:	Santelli Architects Pty Ltd
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R80
Existing Land Use:	Educational Establishment
Use Class:	Educational Establishment
Use Classification:	"AA"
Lot Area:	8974 square metres
Access to Right of Way	Not Applicable.

BACKGROUND:

- 10 October 2000 The Council at its Ordinary Meeting conditionally approved an application for alterations and additions to the existing school and the removal of a tree at the subject site.
- 8 October 2002 The Council at its Ordinary Meeting conditionally approved an application for partial demolition of, and alterations and additions to the existing educational establishment.
- 27 July 2004 The Council at its Ordinary Meeting conditionally approved an application for alterations and car parking for the existing educational establishment.
- 26 October 2009 The Town under delegated authority from the Council conditionally approved a balcony addition to the existing educational establishment.

DETAILS:

The proposal involves the demolition of one of the existing basketball courts on the northern side of the lot fronting Harold Street and the construction of a multi-purpose hall to the existing school.

The applicant provides the Town's Officers the following information, in regards to the use of the hall:

"I have spoken to the Principal, Chris Dunning and he advises me of the following after hours uses of the school hall, to be built under the BER Federal Government funding-

- *School disco once each term - currently held in an open under cover area - as a result, there should be a decrease in sound levels emanating from this function, that is held in the normal course of events;*
- *Parents and Friends meetings- max 15-20 people- on a monthly interval;*
- *Board meetings- approx 15 people- on a monthly interval;*
- *Parish council meetings and other parish activities- approx 20 people on a monthly interval; and*
- *Bona fide community groups, upon request and subject to there being only small groups, not more than 30 people and proposed events being consistent with the ethos and activities of a Catholic Primary School in a largely residential area. The hall will not be used for weddings, parties or any other private functions that may otherwise be associated with the Church nearby. The Principal has advised me that low key activities such as yoga, ante natal classes, first aid classes etc would be considered favourably.*

As you may be aware, it is a condition of government funding that the multi purpose halls are made available to genuine community groups, at the discretion of the school and outside of normal school hours and on that basis alone, the school will consider applications to use the hall on a case by case basis.

At this stage there are no expressions of interest to use the hall from community groups and there is no intention to advertise its availability.

Having said that, it would in our opinion be inappropriate to apply conditions to Development Approval that restrict the schools rights and obligations to comply with the conditions of Government Funding and to which it has contracted."

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	Nil.	Noted.	
Objection (3)	<ul style="list-style-type: none"> • The building design is not consistent with the existing landscape. 	<ul style="list-style-type: none"> • Not supported – The proposed setback for the 'Multi-Purpose Hall' is 1.5 metres, which is compliant with the requirements of the R Codes and the Heritage Council of Western Australia has included a condition that the colour palette and building materials shall be sympathetic to the existing buildings on site. 	

	<ul style="list-style-type: none"> The proposed roof top terrace and courtyard will cause undue human noise. The entry to the hall is located on Harold Street which will cause increased traffic. No additional car bays have been provided. 	<ul style="list-style-type: none"> Not supported – Any noise associated with activities on the site will be required to comply with the Health (Noise) Regulations. Not supported – The main entry to the hall is through the bi-fold doors on the southern and western elevations, which are internal and not fronting Harold Street. Furthermore, no additional car bays have been proposed on site or on the street, therefore the current parking situation will remain the same. Not supported – The proposed hall does not result in any additional students to the school, as the hall is for the use of the existing students only.
	<ul style="list-style-type: none"> The removal of the existing brick wall is against heritage conservation. Privacy from the roof top terrace. 	<ul style="list-style-type: none"> Not supported – The proposal indicates that the brick wall/fence on Harold Street will remain. Not supported – The proposed roof top terrace is setback more than 7.5 metres from all neighbouring property boundaries, therefore is compliant with the requirements of the R Codes.
	<ul style="list-style-type: none"> The development contravenes the heritage listing of the building. 	<ul style="list-style-type: none"> Not supported – The proposal has been referred to the Heritage Council of Western Australia and was recommended approval subject to condition (iv) of the Officer Recommendation.
General Comments and Questions	<ul style="list-style-type: none"> What sort of events will occur at the hall? What are the days and times the hall/committee room will be used? What is the maximum number of people the hall/committee room would be used for? 	<ul style="list-style-type: none"> Refer to the “Details” section of the report. Condition (v) of the Officer’s Recommendation proposes to restrict the operating days and times of the hall and the committee room. Condition (vii) and (viii) of the Officer’s Recommendation details that the maximum number of persons is 304 and 80 persons respectively. This calculation is based on the Health (Public Building) Regulations 1992.
Other Implications		
Legal/Policy	TPS 1 and associated Policies, and Residential Design Codes (R Codes).	
Strategic Implications	Nil	
Financial/Budget Implications	Nil	
Sustainability 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 'Multi-Purpose Hall' and 'Committee Room' is proposed under the Federal Government's "Primary Schools for the 21st Century" Rudd Stimulus Package. The hall represents a capital increase and improvement to the current school facilities and will allow for activities to occur indoors rather than use of the outdoor basketball court.

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

9.1.3 Nos. 25 - 27 (Lots 15 & 16; D/P 1049) Galwey Street, Corner Scott Street, Leederville – Clearance of Western Australian Planning Commission Freehold (Green Title) Subdivision Conditions

Ward:	North	Date:	1 February 2010
Precinct:	Leederville; P3	File Ref:	134949; 7.2007.36.1
Attachments:	001		
Reporting Officer:	A Reynolds, Statutory Planning Officer		
Responsible Officer:	J MacLean, Acting Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, REFUSES the application submitted by Automated Surveys on behalf of the owners A Cook, F Cahill and N Youngman, at Nos. 25 - 27 (Lots 15 & 16; D/P 1049) Galwey Street, corner Scott Street, Leederville, and as shown on plans stamp-dated 14 November 2008, for the following reasons:

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality; and*
- (ii) the non-compliance with the on-site parking provision requirements of the Residential Design Codes.*

Moved Cr Lake, Seconded Cr Farrell

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND LOST (3-6)

For: Mayor Catania, Cr Burns, Cr Farrell

Against: Cr Buckels, Cr Harvey, Cr Lake, Cr McGrath, Cr Maier, Cr Topelberg

Reasons:

- 1. Compliance with the Performance Criteria of the R Codes in relation to car parking.**
- 2. Adequate off-site car parking available.**

ALTERNATIVE RECOMMENDATION

Moved Cr Buckels, Seconded Cr Topelberg

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 Automated Surveys on behalf of the owner A Cook, F Cahill and N Youngman, at Nos. 25-27 (Lots 15 & 16; D/P 1049) Galwey Street, corner Scott Street, Leederville, and as shown on plans stamp-dated 14 November 2008.

Debate ensued.

Cr Lake suggested the Alternative Recommendation be amended to include the words “..., without the provision of two on-site car parking bays”.

The Director Development Services suggested the amended wording be “..., without the provision of two on-site car parking bays for the existing single houses situated at Nos. 25 and 27 Galwey Street, Leederville”.

The Mover, Cr Buckels and the Seconder, Cr Topelberg agreed.

Debate ensued.

MOTION PUT AND CARRIED (6-3)

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

Against: Mayor Catania, Cr Burns, Cr Farrell

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 Automated Surveys on behalf of the owner A Cook, F Cahill and N Youngman, at Nos. 25-27 (Lots 15 & 16; D/P 1049) Galwey Street, corner Scott Street, Leederville, and as shown on plans stamp-dated 14 November 2008, without the provision of two on-site car parking bays for the existing single houses situated at Nos. 25 and 27 Galwey Street, Leederville.

Landowners:	A Cook, F Cahill and N Youngman
Applicant:	Automated Surveys
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R40
Existing Land Use:	Single Houses
Use Class:	Single Houses
Use Classification:	"P"
Lot Areas:	Proposed Lot 1: 353 square metres, Proposed Lot 2: 353 square metres and Proposed Lot 3: 224 square metres
Access to Right of Way	South side, 3 metres wide, unsealed, privately owned

BACKGROUND:

23 April 2003 The Western Australian Planning Commission conditionally approved the Freehold (Green Title) Subdivision of Nos. 25 & 27 Galwey Street, Leederville into three (3) lots.

The decision was not validated as the conditions of approval were not cleared within the designated three (3) year timeframe.

27 August 2007 The Western Australian Planning Commission conditionally approved the Freehold (Green Title) Subdivision of Nos. 25 & 27 Galwey Street, Leederville into three (3) lots.

The Local Government conditions of the Western Australian Planning Commission approval are as follows:

5. “The land being filled and/or drained at the subdivider’s cost to the satisfaction of the Western Australian Planning Commission and any easements and/or reserves necessary for the implementation thereof, being granted free of cost.”

6. *“All buildings and effluent disposal systems having the necessary clearance from the new boundaries as required under the relevant legislation.”*
7. *“A 2.8 metre (2m x 2m) truncation is to be provided at the intersection of Galwey Street and Scott Street as shown in the approved plan date stamped 6 June 2007.”*
8. *“All buildings, outbuildings and/or structures being demolished and materials removed from the proposed Lot 3.”*
9. *“The existing dwellings are to comply with the single dwelling requirements of the Residential Design Codes.”*
11. *“The portion of the right-of-way abutting the southern boundary of the subject land and any portion/s of the ROW required to be widened for the purpose of this subdivision being sealed, drained and paved full width.”*

DETAILS:

The proposal involves the clearance of Local Government conditions 5, 6, 7, 8, 9 and 11 of the Western Australian Planning Commission approval dated 27 August 2007.

- The Town’s Technical Services Department have cleared conditions 5, 7 and 11;
- The Town’s Environmental Health Department have cleared condition 6;
- The Town’s Building Department have cleared condition 8; however
- The Town’s Planning Services remains unable to clear condition 9 of the Commission’s approval, as the existing dwellings do not provide two (2) on-site car parking bays, and thus do not comply with the single dwelling requirements of the Residential Design Codes.

The applicant’s submission is *“Laid on the Table”*.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
6.5.1 On-site parking provision:	Two spaces per single house.	No. 25 Galwey Street, Leederville: Nil 27 Galwey Street, Leederville: Nil	Not supported – As it is considered to have an undue impact on the amenity of the area as the failure to provide on-site car parking bays will increase the demand for on-street parking. Clearance of the said condition will create an undesirable precedent and further exacerbate car parking problems within the Leederville area.

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

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

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

COMMENTS:

In light of the variation to the on-site parking requirements, the application for clearance of the Local Government condition 9 of the Western Australian Planning Commission approval for Freehold (Green Title) Subdivision is not supported by the Town's Officers and the proposal is therefore recommended for refusal.

9.1.1 FURTHER REPORT - No. 742 (Lot 30, D/P 42555) Newcastle Street, with Car Park frontage to Vincent Street, Leederville - Proposed Change Of Use of Existing Leederville Hotel Car Park to a Part Fee Paying Car Park

Ward:	South	Date:	29 January 2010
Precinct:	Oxford Centre; P4	File Ref:	PRO0630; 5.2009.342.1
Attachments:	001		
Reporting Officer:	R Rasiah, Coordinator Statutory Planning		
Responsible Officer:	J MacLean, Acting Director Development Services		

FURTHER OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by D M Newnham on behalf of the owner Argyle Holdings Pty Ltd & Tegra Pty Ltd & Bantoy Pty Ltd & others for proposed Change Of Use of Existing Leederville Hotel Car Park to a part Fee Paying Car Park at No. 742 (Lot 30, D/P 42555) Newcastle Street, with Car Park frontage to Vincent Street, Leederville, and as shown on north elevation plan stamp dated 28 August 2009, and revised car parking layout plan dated 18 September 2009, subject to the following conditions:

- (i) the part fee paying car park shall be directly associated with the Leederville Hotel, and not separately leased out to any other private individuals or business;*
- (ii) the approval for the part fee paying car park is valid for a period of five (5) years only, till 9 February 2015, and the use should revert back to a non- fee paying car park thereafter;*
- (iii) prior to the commencement of the part fee paying car park, the applicant/owner(s) shall submit a comprehensive car parking management plan prepared by a duly qualified consultant, detailing the full operation of the fee paying car park, addressing matters relating to signage, location of the pay terminal for the ticket entry, location and control of the entry/exit boom gates, internal circulation of motor vehicle traffic within the fee paying car park and the bottle shop, ensuring that there is no spill of cars being banked up along Vincent Street, awaiting entry into the fee paying car park, signage indicating car park being full, signage and number of car bays allocated along the rear right of way for staff car parking, which is to be submitted and approved by the Town;*
- (iv) the paid car parking tickets shall be redeemed for the purchase of either food or beverages which are to be consumed at the Hotel premises;*
- (v) 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;*
- (vi) prior to the first use of the part Fee Paying Car Park on-site, the owner(s) shall enter into a legal agreement with the Town and lodge an appropriate assurance bond/bank guarantee of \$5000, that addresses the following undertaking to the satisfaction of the Town, that the part fee paying car park use is to cease within five*

(5) years with the expiry date being 9 February 2015. The legal agreement shall be secured by a caveat on the Certificate(s) of Title of the subject land. The legal documentation shall be prepared by the Town's solicitors or other solicitors agreed upon by the Town. All costs associated with this condition, including the cost of the Town's solicitors checking the documentation if prepared by the other solicitors, shall be borne by the applicant/owner(s);

- (vii) any new street wall, fence and gate within the Vincent Street setback area, including along the side boundaries within this street setback area, shall comply with the Town's Policy provisions relating to Street Walls and Fences;*
- (viii) all car parking bays shall comply with the minimum specifications and dimensions specified in the Town's Policy relating to Parking and Access and Australian Standards AS2890.1 - "Off Street Parking";*
- (ix) provision of adequate car parking bays and associated parking facilities for persons with disabilities;*
- (x) the applicant is to engage a qualified lighting consultant to verify that car park lighting meets Australian Standard 1158.3.1 'Lighting categories for outdoor car parks' sub-category P11a, based upon an assessment of likely high night time pedestrian and vehicle activity, occupancy rates and risk of crime;*

Department of Planning Conditions:

- (xi) the landowner agrees to remove part of the proposed parking upgrade within the Other Regional Road Reservation at the time when the reserved land is required for the upgrading of Vincent Street at their expense;*
- (xii) the landowner agrees that the presence of the parking upgrade shall not be taken into consideration in determining any compensation that may be payable by the Town of Vincent or the Western Australian Planning Commission, when the reserved land is required for upgrading of Vincent Street; and*
- (xiii) the landowner agrees that any compensation for loss of revenue arising from the change of use from Hotel Car Park to Fee Paying Car Park will not be sought from the Town of Vincent or Western Australian Planning Commission when the reserved land is required for the upgrading of Vincent Street.*

Cr Burns departed the Chamber at 7.21pm.

Moved Cr Topelberg, Seconded Cr Lake

That the recommendation be adopted.

Debate ensued.

AMENDMENT NO 1

Moved Cr Buckels, Seconded Cr Farrell

That clause (iv) be deleted.

AMENDMENT NO 1 PUT AND CARRIED (8-1)

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

Against: Cr Maier

Debate ensued.

AMENDMENT NO 2

Moved Cr Buckels, Seconded Cr Farrell

1. *That clauses (ii) and (vi) be deleted and the remaining clauses renumbered; and*
2. *That clause (iv) be amended to read as follows:*

“(iv) ~~the paid car parking tickets shall be redeemed for the purchase of either food or beverages which are to be consumed at the Hotel premises~~ car parking is to be available 24 hours a day with fees charged on an hourly basis; the cost of parking to hotel patrons shall not be reimbursed or redeemed via the purchase of food, beverages or other items offered at the Leederville Hotel;”

Debate ensued.

Cr Farrell departed the Chamber at 7.42pm.

Debate ensued.

Cr Farrell returned to the Chamber at 7.44pm.

Debate ensued.

The Mover, Cr Buckels advised that he wished to withdraw his amendment. The Seconder, Cr Farrell agreed. Cr Buckels withdrew his amendment.

Debate ensued.

AMENDMENT NO 3

Moved Cr Buckels, Seconded Cr Harvey

That an Advisory Note be inserted as follows:

“ADVISORY NOTE:

The Council’s preferred option is for car parking to be available 24 hours a day with fees charged on an hourly basis.”

Debate ensued.

AMENDMENT NO 3 PUT AND CARRIED (6-3)

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

MOTION AS AMENDED PUT AND CARRIED (9-0)

COUNCIL DECISION ITEM 9.1.1

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by D M Newnham on behalf of the owner Argyle Holdings Pty Ltd & Tegra Pty Ltd & Bantoy Pty Ltd & others for proposed Change Of Use of Existing Leederville Hotel Car Park to a part Fee Paying Car Park at No. 742 (Lot 30, D/P 42555) Newcastle Street, with Car Park frontage to Vincent Street, Leederville, and as shown on north elevation plan stamp dated 28 August 2009, and revised car parking layout plan dated 18 September 2009, subject to the following conditions:

- (i) the part fee paying car park shall be directly associated with the Leederville Hotel, and not separately leased out to any other private individuals or business;*
- (ii) the approval for the part fee paying car park is valid for a period of five (5) years only, till 9 February 2015, and the use should revert back to a non- fee paying car park thereafter;*
- (iii) prior to the commencement of the part fee paying car park, the applicant/owner(s) shall submit a comprehensive car parking management plan prepared by a duly qualified consultant, detailing the full operation of the fee paying car park, addressing matters relating to signage, location of the pay terminal for the ticket entry, location and control of the entry/exit boom gates, internal circulation of motor vehicle traffic within the fee paying car park and the bottle shop, ensuring that there is no spill of cars being banked up along Vincent Street, awaiting entry into the fee paying car park, signage indicating car park being full, signage and number of car bays allocated along the rear right of way for staff car parking, which is to be submitted and approved by the Town;*
- (iv) 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;*
- (v) prior to the first use of the part Fee Paying Car Park on-site, the owner(s) shall enter into a legal agreement with the Town and lodge an appropriate assurance bond/bank guarantee of \$5000, that addresses the following undertaking to the satisfaction of the Town, that the part fee paying car park use is to cease within five (5) years with the expiry date being 9 February 2015. The legal agreement shall be secured by a caveat on the Certificate(s) of Title of the subject land. The legal documentation shall be prepared by the Town's solicitors or other solicitors agreed upon by the Town. All costs associated with this condition, including the cost of the Town's solicitors checking the documentation if prepared by the other solicitors, shall be borne by the applicant/owner(s);*
- (vi) any new street wall, fence and gate within the Vincent Street setback area, including along the side boundaries within this street setback area, shall comply with the Town's Policy provisions relating to Street Walls and Fences;*
- (vii) all car parking bays shall comply with the minimum specifications and dimensions specified in the Town's Policy relating to Parking and Access and Australian Standards AS2890.1 - "Off Street Parking";*

- (viii) *provision of adequate car parking bays and associated parking facilities for persons with disabilities;*
- (ix) *the applicant is to engage a qualified lighting consultant to verify that car park lighting meets Australian Standard 1158.3.1 'Lighting categories for outdoor car parks' sub-category P11a, based upon an assessment of likely high night time pedestrian and vehicle activity, occupancy rates and risk of crime;*

Department of Planning Conditions:

- (x) *the landowner agrees to remove part of the proposed parking upgrade within the Other Regional Road Reservation at the time when the reserved land is required for the upgrading of Vincent Street at their expense;*
- (xi) *the landowner agrees that the presence of the parking upgrade shall not be taken into consideration in determining any compensation that may be payable by the Town of Vincent or the Western Australian Planning Commission, when the reserved land is required for upgrading of Vincent Street; and*
- (xii) *the landowner agrees that any compensation for loss of revenue arising from the change of use from Hotel Car Park to Fee Paying Car Park will not be sought from the Town of Vincent or Western Australian Planning Commission when the reserved land is required for the upgrading of Vincent Street.*

ADVISORY NOTE:

The Council's preferred option is for car parking to be available 24 hours a day with fees charged on an hourly basis.

FURTHER REPORT:

The Council considered the application at its Ordinary Meeting, held on 15 December 2009 and resolved as follows:

"That the item be DEFERRED for clarification and further negotiation between the Town's administration and the applicant giving an indication that the Council is unhappy with the redemption of \$15 and for advice to be sort(sic) from Department of Liquor Licensing in relation to the redemption. Once advice has been received, the Item be further reported to the Ordinary Meeting of Council to be held on 9 February 2010."

The Town has written to the Department of Racing, Gaming and Liquor, requesting comments in response to the above resolution of the Council.

Department of Racing, Gaming and Liquor

In their letter dated 12 January 2010 (attached), the Department of Racing, Gaming and Liquor have advised as follows:

"The Liquor Control Act 1988 ('the Act') does not specifically deal with the above issue however, one of the primary objects of the Act is to minimise harm, or ill-health caused to people, or any group of people, due to the use of liquor.

Furthermore, the Act places an obligation on licensees to sell and supply liquor in a responsible manner.

In this regard, the industry Guideline-responsible promotion of liquor for consumption on premises and for take-away packaged; liquor (copy enclosed) provides a framework of practices which are considered unacceptable in order to prevent the intoxication and antisocial behaviour of patrons and, in all other aspects, to ensure that the premises are being properly managed.

The proposal to permit patrons to redeem parking tickets does not contravene the guideline and the licensee is still obliged to ensure that liquor is consumed in a responsible manner. In this regard, if the change of use is approved the licensing authority may require that the redemption is in relation to the sale and supply of liquor for consumption on the premises only."

The Town's officers met with representatives of the Leederville Hotel on 11 January 2010, to discuss the above Council resolution at its meeting held on 15 December 2009, and also reiterated that the Council is not happy that the redemption of the tickets are proposed for alcohol, and also the possible suggested installation of a tyre shredder, should management of the paid car park experience in recurrent problems in its operation. The applicant has submitted the following response in support of the proposal:

"Further to our meeting last week (held to discuss various concerns raised by the elected members in regard to the proposed modus operandi of the refurbished Leederville Hotel car park), I can confirm the following:-

- 1. Neither The Leederville Hotel nor The Garden conduct "happy hours" or other "on-premise" drink discounting promotions.*
- 2. As patrons must pay the proposed \$15 parking fee in order to gain entry to the car park (rather than paying it in order to exit), there will be no need to install any barrier across the exit of the car park (and certainly not a "tyre shredder" as was suggested by our, perhaps, over-enthusiastic car parking consultant).*
- 3. We are very mindful of our obligations under the Liquor Control Act 1988 and do not believe that the system we have proposed will contravene either the letter or the spirit of that Act by encouraging the irresponsible consumption of alcohol. We propose that the \$15 parking fee will only be able to be offset against food or beverages purchased by the patron "on-premise" within 30 minutes of them entering the car park (i.e. it won't be able to be off-set against packaged liquor purchased from our bottle-shop).*

We trust that the above will allay the concerns expressed by the elected members."

Technical Services/Ranger and Community Safety Services

The Town's Technical Services has advised that the Right of Way separating the hotel and car park is in fact an unnamed and under-width (3.5 metres wide) dedicated 'road'. The applicant intends to install a series of 90° angled staff parking bays within their property accessible only from the 'road' and secured by manually operated dropdown bollards.

Because the 'road' is only 3.5 metres wide, there is an existing "No Stopping" restriction its full length from Oxford Street to the eastern most boundary of 297A Vincent Street. This is in part because the 'road' provides the only access to a number of parking bays for other businesses fronting Carr Place.

The proposed staff car parking bays are offset 3.0 metres to the northern boundary of the 'road' to ensure that there is adequate manoeuvring space in accordance with AS 2890.1 - "Off Street Parking". If the bays are to be reserved for staff use only, by the means of manual 'dropdown bollards', there is potential for vehicles to obstruct the road while the driver alights to operate the bollard.

However it is acknowledged that the obstruction would be of a short duration, and if need be there is sufficient room behind the proposed bays to parallel park, so as not to obstruct the 'road', while operating the bollard, and that this instruction should form part of the "Car Parking Management Plan". Accordingly, it is also recommended that the parking spaces are clearly sign posted. A further recommendation is that the 3.0 metres wide aisle, or area between the 'road' and the parking spaces, be designated 'No Parking', to ensure that casual users do not block-in staff vehicles, or obstruct/hinder public access.

Updated table

Landowner:	Argyle Holdings Pty Ltd & Tegra Pty Ltd & Bantoy Pty Ltd & others.
Applicant:	D M Newnham
Zoning:	Metropolitan Region Scheme: Urban and Other Regional Road Town Planning Scheme No. 1 (TPS 1): District Centre and Other Regional Road.
Existing Land Use:	Hotel and Associated Car Park
Use Class:	Hotel and Car Park
Use Classification:	"SA" and "AA"
Lot Area:	5367 square metres
Access to Right of Way	South of car park, 3 metres wide, sealed and Town owned. This is an unnamed and under-width (3.5 metres wide) dedicated 'road', between the Hotel site and the car park.

The Town's Officers are of the view that, if the above measures are introduced, the Applicant will have satisfactorily addressed the concerns raised at the Ordinary Meeting of Council held on 15 December 2009.

Accordingly, the Town's Officers are of the view that the planning application is supportable, and recommend that it be approved subject to standard and appropriate conditions.

The following is a verbatim copy of Minutes of the Item placed before the Council at its Ordinary Meeting held on 15 December 2009.

"OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by D M Newnham on behalf of the owner Argyle Holdings Pty Ltd & Tegra Pty Ltd & Bantoy Pty Ltd & others for proposed Change Of Use of Existing Leederville Hotel Car Park to a part Fee Paying Car Park at No. 742 (Lot 30, D/P 42555) Newcastle Street, with Car Park frontage to Vincent Street, Leederville, and as shown on north elevation plan stamp dated 28 August 2009, and revised car parking layout plan dated 18 September 2009, subject to the following conditions:

- (i) the part fee paying car park shall be directly associated with the Leederville Hotel, and not separately leased out to any other private individuals or business;*
- (ii) the approval for the part fee paying car park is valid for a period of five (5) years only, and the use should revert back to a non-fee paying car park thereafter;*

- (iii) *prior to the commencement of the part fee paying car park, the applicant/owner(s) shall submit a comprehensive management plan prepared by a duly qualified consultant, detailing the full operation of the fee paying car park, addressing matters relating to signage, location of the pay terminal for the ticket entry, location and control of the entry/exit boom gates, internal circulation of motor vehicle traffic within the fee paying car park and the bottle shop, ensuring that there is no spill of cars being banked up along Vincent Street, awaiting entry into the fee paying car park, signage indicating car park being full, signage and number of car bays allocated along the rear right of way for staff car parking, which is to be submitted and approved by the Town;*
- (iv) *bollards are not permitted to be used for the car bays on either side of the rear right-of way;*
- (v) *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;*
- (vi) *prior to the first use of the part Fee Paying Car Park on-site, the owner(s) shall enter into a legal agreement with the Town and lodge an appropriate assurance bond/bank guarantee of \$5000, that addresses the following undertaking to the satisfaction of the Town, that the part fee paying car park use is to cease within five (5) years of the first occupation or commencement of the use on-site. The legal agreement shall be secured by a caveat on the Certificate(s) of Title of the subject land. The legal documentation shall be prepared by the Town's solicitors or other solicitors agreed upon by the Town. All costs associated with this condition, including the cost of the Town's solicitors checking the documentation if prepared by the other solicitors, shall be borne by the applicant/owners(s);*
- (vii) *any new street wall, fence and gate within the Vincent Street setback area, including along the side boundaries within this street setback area, shall comply with the Town's Policy provisions relating to Street Walls and Fences;*
- (viii) *all pedestrian access and vehicle driveway/crossover levels shall match into existing verge/footpath levels;*
- (ix) *all stormwater produced on the subject land shall be retained on-site to the satisfaction of the Town's Technical Services Division. No further consideration will be given to the disposal of stormwater without the submission of a geotechnical report from a qualified consultant;*
- (x) *all car parking bays shall comply with the minimum specifications and dimensions specified in the Town's Policy relating to Parking and Access and Australian Standards AS2890.1 - "Off Street Parking";*
- (xi) *provision of adequate car parking bays and associated parking facilities for persons with disabilities;*
- (xii) *the applicant is to engage a qualified lighting consultant to ensure that car park lighting meets Australian Standard 1158.3.1 'Lighting categories for outdoor car parks' sub-category P11a, based upon an assessment of likely high night time pedestrian and vehicle activity, occupancy rates and risk of crime;*
- (xiii) *the illuminance from any lighting within the subject property shall be confined to the limits of the property boundaries and away from adjoining properties;*

- (xiv) *the car bay north of car bay number 66, and car bay number 66, being sign posted to be used as motorcycle bays;*
- (xv) *the wheel stops that are currently installed for car bays 17-18, 40-56, 67-87, are required to be replaced with a more durable wheel stop, to the satisfaction of the Town's Technical Services;*

Department of Planning Conditions:

- (xvi) *the landowner agrees to remove part of the proposed parking upgrade within the Other Regional Road Reservation at the time when the reserved land is required for the upgrading of Vincent Street at their expense;*
- (xvii) *the landowner agrees that the presence of the parking upgrade shall not be taken into consideration in determining any compensation that may be payable by the Town of Vincent or the Western Australian Planning Commission, when the reserved land is required for upgrading of Vincent Street; and*
- (xviii) *the landowner agrees that any compensation for loss of revenue arising from the change of use from Hotel Car Park to Fee Paying Car Park will not be sought from the Town of Vincent or Western Australian Planning Commission when the reserved land is required for the upgrading of Vincent Street.*

COUNCIL DECISION ITEM 9.1.13

Moved Cr Lake, Seconded Cr Farrell

That the recommendation be adopted.

Debate ensued.

PROCEDURAL MOTION

Moved Cr Lake, Seconded Cr Burns

That the item be DEFERRED for clarification and further negotiation between the Town's administration and the applicant giving an indication that the Council is unhappy with the redemption of \$15 and for advice to be sort from Department of Liquor Licensing in relation to the redemption. Once advice has been received, the Item be further reported to the Ordinary Meeting of Council to be held on 9 February 2010.

PROCEDURAL MOTION PUT AND CARRIED (9-0)

<i>Landowner:</i>	<i>Argyle Holdings Pty Ltd & Tegra Pty Ltd & Bantoy Pty Ltd & others.</i>
<i>Applicant:</i>	<i>D M Newnham</i>
<i>Zoning:</i>	<i>Metropolitan Region Scheme: Urban and Other Regional Road Town Planning Scheme No. 1 (TPS 1): District Centre and Other Regional Road.</i>
<i>Existing Land Use:</i>	<i>Hotel and Associated Car Park</i>
<i>Use Class:</i>	<i>Hotel and Car Park</i>
<i>Use Classification:</i>	<i>"SA" and "AA"</i>
<i>Lot Area:</i>	<i>5367 square metres</i>
<i>Access to Right of Way</i>	<i>South of car park, 3 metres wide, sealed and Town owned.</i>

BACKGROUND:

- 23 August 1999 *The Council at its Ordinary Meeting conditionally approved the additions of eating house and tavern to existing hotel and alterations and additions to existing bottle shop (Leederville Hotel).*
- 12 December 2001 *The Council at its Ordinary Meeting conditionally approved alterations and additions to the existing hotel, tavern, eating house and bottle shop.*
- 28 May 2002 *The Council at its Ordinary Meeting refused an application for alfresco dining on the footpath within the Newcastle Street road reserve.*
- 25 June 2002 *The Council at its Ordinary Meeting conditionally approved alterations and additions to the existing hotel and associated car parking.*
- 7 October 2003 *The Council at its Ordinary Meeting resolved to receive the Leederville Hotel written submission for Extended Trading Permit, not support on-going extended trading hours, and that the Director of Liquor Licensing be advised that due consideration be given to the objection received by the Town.*
- 22 June 2004 *The Council at its Ordinary Meeting resolved to amend the "Land Use Parking Requirement Table", which involved increasing the car parking requirements for hotel from 1 car bay per 4 .5 square metres of gross public assembly floor area to 1 space per 3.8 square metres of public floor area or 1 space per 4.5 persons of maximum number of persons approved for the site, whichever is greater.*
- 10 August 2004 *The Council at its Ordinary Meeting conditionally approved the proposed demolition of existing canopy, alterations and additions to existing hotel.*
- 14 December 2005 *The proposal was referred to the Department for Planning and Infrastructure (DPI) for comments.*
- 9 May 2006 *The Council at its Ordinary Meeting conditionally approved proposed partial demolition, additions and alterations to existing hotel, bottle shop and alterations to car parking area and crossovers at the above site.*
- 4 August 2006 *The Town received a copy of the review application dated 31 July 2006, submitted to State Administrative Tribunal (SAT) from the applicant relating to conditions imposed by the Council at its Ordinary Meeting held on 9 May 2006.*
- 22 August 2006 *The Council at its Ordinary Meeting conditionally approved the proposed partial demolition of and additions and alterations to existing hotel, demolition and construction of bottle shop and alterations to car parking area and crossovers subject to revised conditions, which formed part of the review application dated 31 July 2006, submitted to State Administrative Tribunal (SAT) from the applicant relating to conditions imposed by the Council at its Ordinary Meeting held on 9 May 2006.*
- 13 February 2007 *The Council at its Ordinary Meeting conditionally approved the amended plans submitted as part of the Building Licence application for the proposed development for the proposed partial demolition of and additions and alterations to existing hotel and demolition and construction of bottle shop and alterations to car parking area and crossovers granted approval by the Council on 22 August 2006 and issued on 30 August 2006.*

13 March 2007 *The Council at its Ordinary Meeting refused an application for the proposed change of use of the existing Leederville Hotel Car park to a fee paying car park for the following reasons:*

- "(a) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality with respect to the adverse affect on the visual amenity of the locality and the streetscapes of Vincent Street;*
- (b) the proposal is inconsistent with the Town's Policy relating to the Oxford Centre Precinct in terms of the provision of buildings facing the street and to promote an active and permeable interface; and*
- (c) that an approval or temporary approval of a fee-paying car park on this site will set a precedent which will be detrimental to the surrounding area;*
- (ii) REQUESTS the Chief Executive Officer to advise the applicant in writing of the alternatives available to address the current problems being experienced and suggest measures that the Town can assist in overcoming the problems (such as commuters and staff of other businesses parking all day); and*
- (iii) NOTES that the Council had previously approved development on this site with a specified amount of parking and this will detract from that parking."*

DETAILS:

The proposal involves change of use from car park associated with the Leederville Hotel to a part fee paying car park, which will remain available to patrons of the Leederville Hotel and the public. There are currently 92 car bays provided on-site (does not include car bays No. 66). A total of 65 car bays will be within a controlled fee parking area, with car bay No. 66 being restricted to use for motorcycle parking, for the reasons stated in the "Comments Section".

The applicant's submission (attached) is summarised as follows:

- The car park has never been "policed", resulting in the public having enjoyed unrestricted access free of charge. The Leederville Hotel car park is not primarily used by patrons, and almost all car bays are being used by staff, customers of adjoining businesses and those in transit to Perth City, with car parking being filled well before the Hotel opens for business.*
- To overcome the current car parking situation, a fee paying car park is proposed, which will be secured to enable control of the car park, and also ensure genuine hotel patrons continue to have free access to use the car park 7 days a week from 11am till midnight.*
- Car parking for people with a disability has been provided for in the current car park, and located outside the proposed fee parking area.*
- Two exit lanes have been proposed, which are considered unnecessary, for safety reasons, which should be a single exit onto Vincent Street, with a left out only.*
- The 19 car bays at the rear of the hotel, which have access to the rear right-of-way, should be allocated to staff car parking, as they will be regular users, who will generally be working between 5 and 9 hours daily. It would be essential for appropriate signage to this effect to be installed.*
- The car bays along the eastern side of the bottle shop are being allocated for use by bottle shop patrons, which will require appropriate signage to be installed.*

Three (3) options to manage the fee car park have been considered (attached). The preferred option is for users to pay at the entrance of the car park adjacent to car bay number 48, which will be linked to a boom gate. Drivers can pay at the machine from their car. The preferred option is supported for the following reasons:

"it offers a simple method of control, is easy for drivers to understand and use, provides payment in advance, does not require the provision of change or ticket validations and can be installed for less than \$40,000 and requires minimal ongoing maintenance."

The patron can then use the ticket for discount on meals and drinks. Hence drivers leaving the fee paying car park site will have a free exit. The fee structure being looked at is \$15 per entry, which can be raised, if there are a too high percentage of unauthorised drivers using the car park. Should a person feel that they are not prepared to pay the entry fee, then they would be able to exit the site through the exit driveway south of the bottle shop.

ASSESSMENT:

<i>Consultation Submissions</i>		
<i>Support (1)</i>	<i>No reason or justification provided.</i>	<i>Noted.</i>
<i>Objections(6)</i>	<ul style="list-style-type: none"> • <i>Result in more pressure, due to limited available parking.</i> 	<i>Not supported. There are available paid parking stations in the immediate area.</i>
	<ul style="list-style-type: none"> • <i>Parking should be available for businesses.</i> 	<i>Not supported - it is understood that most people who park at the above car park are non-hotel patrons, who park their cars well before the hotel opening hours. This submission is from a person who operates a business on a different site.</i>
<i>No comments (1)</i>	<i>Noted.</i>	<i>Noted.</i>
<i>Other Implications</i>		
<i>Legal/Policy</i>		<i>TPS 1 and associated Policies.</i>
<i>Strategic Implications</i>		<i>Nil</i>
<i>Sustainability Implications</i>		<i>Nil</i>
<i>Financial/Budget Implications</i>		<i>Nil</i>

COMMENTS:

Heritage Services

The Town's Heritage Services have advised that the works do not involve any alteration to the significant fabric, and are confined to the rear of the hotel, and as such, is considered not to have known detrimental impacts on the heritage significance of the place.

Building Services

The Town's Building Services have advised that car parking for persons with a disability is required to be provided for, which has been addressed in the recent upgrade works carried out at the car park.

Department of Planning (DOP)

The DOP have advised in their letter dated 20 October 2009, that the subject site is affected by a 1.4 metres to 5 metres Other Regional Road (ORR) Reservation, and that some of the proposed car parking, was within the land reservation.

The DOP had no objection, on regional planning grounds, and was prepared to support the use on a temporary basis only, subject to the following conditions:

- "the landowner agrees to remove part of the proposed parking upgrade within the ORR at the time when the reserved land is required for the upgrading of Vincent Street at their expense.*
- the land owner agrees that the presence of the parking upgrade shall not be taken into consideration in determining any compensation that may be payable by Council or the Western Australian Planning Commission when the reserved land is required for upgrading of Vincent Street.*
- the landowner agrees that any compensation for loss of revenue arising from the change of use from hotel car park to Fee paying car park will not be sought from the Council or Western Australian Planning Commission when the reserved land is required for upgrading of Vincent Street."*

Technical Services

Car Bay No. 66 is to be allocated as a motor bike bay, due to its size and location, in that there is the potential for altercation between reversing vehicles and vehicles exiting the bottle shop. It is suggested that a bollard be placed in front of Car Bay No. 66 to restrict usage for car parking purposes.

The plastic wheel stops that are currently in car bays 17-18, 40-56, 67-87 have deteriorated and should be replaced with a durable substitute.

A management plan of the car park will be required to be prepared by a Traffic and Transport consultant, which shows the management of the car park traffic, entry and egress into Vincent Street. The car bays abutting the ROW with access to Oxford Street shall be excluded from the proposed fee paying section of the Car Park. This management plan shall be submitted to the Town's Technical Services for assessment and approval.

The following is a verbatim copy of the Officer comments from the report to the Ordinary Meeting of Council held on 13 March 2007:

"The Leederville Hotel is a long established business on the subject property, which has undergone various internal and external modifications since its establishment. The most recent Planning Approval for development was granted at the Ordinary Meeting of Council held on 22 August 2006 for proposed additions and alterations and associated car parking to existing hotel. Car parking at that time was assessed as follows:

<i>Requirements</i>	<i>Required</i>	<i>Proposed</i>
<i>Car parking</i>	<i>225.35 car bays</i>	<i>101 car bays"</i>

The following is a verbatim copy of the Officer comments from the report to the Ordinary Meeting of Council held on 25 June 2002:

"Parking

In 1996, the (former) Minister for Planning considered an appeal against the Council's refusal of proposed alterations and additions to the existing hotel. In a letter dated 22 September 1996 the Minister determined that the hotel has a historic car parking shortfall of 366 bays, and consequently upheld the appeal and approved that proposal."

Car Parking -Current Proposal

<i>Requirements as per Parking and Access Policy</i>	<i>Required</i>
<p><i>Total car parking required before adjustment factor (nearest whole car number)</i></p> <p><i>Retail: 1 car bay per 15 square metres of gross floor area (proposed 250 square metres). = 16.67 car bays</i> <i>Hotel: 1 space per 3.8 (1671) square metres of public floor area = 439.74 car bays.</i> <i>Total = 456.41 car bays</i> <i>Note:</i> <i>1 car bay per 4.5 patrons (2115 patrons) is not being used as the patron numbers are likely to be reduced, as a result of the redevelopment of the site.</i></p>	456 car bays
<p><i>Apply the parking adjustment factors.</i></p> <ul style="list-style-type: none"> ▪ <i>0.85 (within 400 metres of a bus stop).</i> ▪ <i>0.80 (within metres to a Rail station).</i> ▪ <i>0.85 (within 400 metres of a car park with 75 car bays).</i> ▪ <i>0.90 (District Centre).</i> ▪ <i>0.95 (bicycle facilities).</i> 	<p><i>(0.49419)</i></p> <p>225.35 car bays</p>
<i>Minus car parking provided on-site.</i>	92 car bays
<i>Minus car parking shortfall approved by the then Minister for Planning as stated in the "Comments" section.</i>	366
<i>Resultant surplus</i>	232.65 car bays

Car Parking

A 'car park' is an 'AA' use within a District Centre zone, requiring the discretion of the Council to approve the use

A total of 66 car bays have been shown within the fee paying car park area, which is further reduced to 65 car bays, as Car Bay No. 66 is closed off with a bollard, for safety and manoeuvring reasons; however, can be utilised as a motor cycle bay.

Strategic Planning Services

The proposed fee paying, privately operated car park, at the Leederville Hotel, supports the broad recommendations of the Town's Draft Car Parking Strategy 2008, and associated Precinct Parking Management Plan for Leederville, by capitalising on the existing car parking available within the Leederville Town Centre, and encouraging short term parking to support the existing businesses in the vicinity.

It is recommended however, that the fee paying private car park should be supported on a temporary basis, given the extensive multi-deck parking proposed as part of the Leederville Masterplan, and to support one of the guiding principles of the Leederville Masterplan to promote transit orientated development.

A condition is recommended that the fee paying car park use is directly associated with the Leederville Hotel and its patrons, for a temporary period of 5 years, and that none of the car bays are to be leased to any other business entities.

On this basis, the part fee paying car park is supported, subject to standard and appropriate conditions to address the above matters."

9.1.5 No. 51 (Lot 61 D/P 2358) and No. 53 (Lot 31 D/P: 27973) Salisbury Street, Leederville - Proposed Demolition of Two (2) Existing Residential Dwellings

Ward:	North	Date:	1 February 2010
Precinct:	Leederville: P03	File Ref:	PRO4670 5.2010.10.1
Attachments:	001 , 002		
Reporting Officer:	H Au, Heritage Officer S Kendall, Senior Strategic Planning Officer		
Responsible Officer:	J MacLean, Acting Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Richard Nobel and Company on behalf of the owner Trustees Of The Christian Brothers in WA Inc for proposed Demolition of Two (2) Existing Residential Dwellings, at No. 51 (Lot 61 D/P 2358) and No. 53 (Lot 31 D/P: 27973) Salisbury Street, Leederville and as shown on plans stamp-dated 12 January 2010, 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) the demolished cleared site levels shall match into existing verge, footpath, road and right of way levels. The site is be cleared of all building debris and made secure; and*
- (vii) a detailed vacant lot Management Plan, prepared in consultation with the Town's Health, Parks and Planning Services, for the sites at No. 51 (Lot 61 D/P 2358) and No. 53 (Lot 31 D/P: 27973) Salisbury Street, Leederville, shall be submitted and approved, prior to the issue of a Demolition Licence. The Town encourages property owners to appropriately maintain vacant land in a safe, secure and tidy manner in the interest of the community. The Management Plan shall include details of the proposed treatment of the vacant site which covers fencing, maintenance, rubbish collection, weed control, and the like. The vacant lot shall be maintained in accordance with the Management Plan, until redevelopment works are carried out on site.*

COUNCIL DECISION ITEM 9.1.5

Moved Cr Lake, Seconded Cr Farrell

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED (8-1)

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

Against: Cr Lake

Landowner:	Trustees of the Christian Brothers in WA Inc
Applicant:	Richard Nobel and Company
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R30
Existing Land Use:	Vacant Single Houses
Use Class:	Single House
Use Classification:	"P"
Lot Area:	1340 square metres
Access to Right of Way	Southern side, 5 metres wide, sealed.

BACKGROUND:

- 31 August 2009 An inspection revealed that a colourbond fence, measuring approximately 1800 millimetres in height, had been erected on the northern (front) boundary of each of the dwellings.
- 7 September 2009 The Town wrote to the owner of the subject properties and requested the owner to modify the fence to ensure compliance with the Town's residential fencing requirements.
- 11 September 2009 The Western Australian Planning Commission (WAPC) granted conditional subdivision approval for four green title lots over Nos. 51 and 53 Salisbury Street, Leederville.
- 24 September 2009 The unauthorised fence was taken down and removed.

DETAILS:

The proposal involves the demolition of the two existing dwellings at Nos. 51 and 53 Salisbury Street, Leederville.

The applicants have requested that in the event that the Council approve the proposed demolition of the subject place that they omit 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, the applicant has provided a written submission dated 7 January 2010, which is summarised below, and is "*Laid on the Table*":

- The two properties are deteriorating and have become an eye sore attracting anti-social behaviour.
- The WAPC granted subdivision approval on 11 September 2009 to create 4 green title lots.
- The new lots will be marketed and sold as vacant land, with the successful buyers then proceeding to undertake construction of new homes.

ASSESSMENT:

Consultation Submissions		
Support (4)	Subject to general comment as outlined below.	Noted.
Objection	Nil	Noted.
General Comment	<ul style="list-style-type: none"> • Concerns regarding the redevelopment and potential privacy issues. • We should be given an opportunity to comment on any proposed redevelopment. • Concern as to whether the demolition of the houses will be an improvement - as it seems possible that the lots, like the houses, will be left vacant and uncared for. • Need for inspection of adjacent homes prior to any redevelopment to assess vibration caused by future construction. • It should be expected that the Council does not give parking discounts for future development in light of current traffic congestion in Salisbury Street. • Concern of dust levels when demolition works are being undertaken. 	<p>Noted - Any proposed redevelopment that seeks variations to the Residential Design Codes (R Codes) and/or the Town's polices will require advertising to adjacent affected properties.</p> <p>Noted. As above.</p> <p>Noted - The Town encourages property owners to appropriately maintain vacant land in a safe, secure and tidy manner. Therefore, a condition of approval requires a '<i>vacant lot management plan</i>' to be submitted and adhered to, by the owners of the land.</p> <p>Not supported - This is a civil matter. However it is noted that it is the Builder's, structural engineer's responsibility to provide adequate means of protecting adjacent structures.</p> <p>Noted - The Town will assess the residential car parking requirements of a redevelopment proposal in accordance with the R Codes.</p> <p>Noted - The contractor is required to ensure all reasonable dust control measures are taken during site works, including the use of wetting agents and wetting down of dry surfaces with water, as appropriate, in accordance with WorkSafe WA requirements.</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.

No. 51 Salisbury Street, Leederville

A full Heritage Assessment is contained within the Attachment to this report.

The single storey brick and iron dwelling was constructed circa 1920 in the Inter-war Bungalow style of architecture. A number of alterations and additions undertaken over the years have served to diminish the authenticity of the subject dwelling, which include the replacement of the original windows, the enclosure of the front verandah, and the rendering and painting of the exterior walls.

The place is considered to have little aesthetic, social and/or scientific value and is not considered to be eligible for consideration for inclusion on the Town's Municipal Heritage Inventory. As such, it is considered reasonable that the application for the demolition of the subject dwelling be approved.

No. 53 Salisbury Street, Leederville

A full Heritage Assessment is contained within the Attachment to this report.

The single storey brick and tile dwelling was constructed circa 1924 in the Interwar Arts and Crafts Bungalow style of architecture. The place has retained its original intent as an Interwar Arts and Crafts Bungalow to the street, however it has had modifications to the internal layout, removal of original internal architectural detailing, and additions to the rear.

The established house is indicative of the era in which the locality was developed, and subsequently contributes to the area's existing character. However, the place is considered to have little aesthetic, social and/or scientific value and is not considered to be eligible for consideration for inclusion on the Town's Municipal Heritage Inventory. As such, it is considered reasonable that the application for the demolition of the subject dwelling be approved.

COMMENTS:

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. The condition is standard as per Clause 41 of the Town Planning Scheme No. 1, which is applied to the approval of all demolition within the Town, is intended to minimise parcels of land being left vacant over a lengthy period, and enables opportunity for the dwellings to be retained. Whilst the request to remove the above condition is not generally supported, the Town's Health, Planning, Building and Heritage Services consider, given the recent subdivision approval, it is likely that the owners will pursue the sale of the lots, which will facilitate the two sites subsequent redevelopment.

In light of the above, it is considered that the subject single houses be approved for demolition, without the standard redevelopment requirement, but rather with a condition in respect of a '*vacant lot management plan*', as per the Officer Recommendation.

9.1.6 Department of Planning – Draft Industrial Land Strategy 2009 – Perth and Peel

Ward:	South	Date:	1 February 2010
Precinct:	Hamilton (P11) CPS No. 2; Claisebrook Road North (P15) EPRA	File Ref:	ORG0027
Attachments:	001		
Reporting Officer:	E Lebbos, Strategic Planning Officer		
Responsible Officer:	J MacLean, Acting Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

- (i) *ADVISES the Department of Planning that the Town SUPPORTS IN PRINCIPLE, the Draft Industrial Land Strategy 2009, as shown in Attachment 001 and outlined in this report, however has some concerns in relation to the following:*
 - (a) *the implications that the key recommendations in the Draft Strategy may have on the rezoning of the West Perth Regeneration Masterplan area, from ‘Industrial’ to ‘Urban’, under the Metropolitan Region Scheme, currently under consideration by the Department of Planning; and*
 - (b) *the implications that the key recommendations in the Draft Strategy may have on the Cemex and Hanson concrete batching plants, at No. 120 (Lot 1001) Claisebrook Road, East Perth, and No. 71 (Lot 199) Edward Street, East Perth, respectively;*
- (ii) *AUTHORISES the Chief Executive Officer to meet with the Department of Planning to discuss the implications of the Industrial Land Strategy in relation to the abovementioned regeneration areas and key sites; and*
- (iii) *APPROVES, that as part of the review of the Economic Development Strategy, an analysis and feasibility study be conducted for the West Perth Regeneration Masterplan area, to determine the impact for the Town, of maintaining or relocating these services.*

Moved Cr Topelberg, Seconded Cr Farrell

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Maier, Seconded Cr Topelberg

That clause (i) be amended, a new (ii) be inserted and the remaining clauses be renumbered:

- “(i) *ADVISES the Department of Planning that the Town SUPPORTS IN PRINCIPLE, RECEIVES the Draft Industrial Land Strategy 2009, as shown in Attachment 001 and outlined in this report, however has some concerns in relation to the following:*

- (ii) **ADVISES the Western Australian Planning Commission that the Council reaffirms and has a strong preference for rezoning the West Perth Regeneration Masterplan Area to urban as resolved by the Council on 2 December 2008.**

AMENDMENT PUT AND CARRIED (9-0)

MOTION AS AMENDED PUT AND CARRIED (9-0)

COUNCIL DECISION ITEM 9.1.6

That the Council;

- (i) **RECEIVES the Draft Industrial Land Strategy 2009, as shown in Attachment 001 and outlined in this report, however has some concerns in relation to the following:**
- (a) *the implications that the key recommendations in the Draft Strategy may have on the rezoning of the West Perth Regeneration Masterplan area, from 'Industrial' to 'Urban', under the Metropolitan Region Scheme, currently under consideration by the Department of Planning; and*
- (b) *the implications that the key recommendations in the Draft Strategy may have on the Cemex and Hanson concrete batching plants, at No. 120 (Lot 1001) Claisebrook Road, East Perth, and No. 71 (Lot 199) Edward Street, East Perth, respectively;*
- (ii) **ADVISES the Western Australian Planning Commission that the Council reaffirms and has a strong preference for rezoning the West Perth Regeneration Masterplan Area to urban as resolved by the Council on 2 December 2008;**
- (iii) **AUTHORISES the Chief Executive Officer to meet with the Department of Planning to discuss the implications of the Industrial Land Strategy in relation to the abovementioned regeneration areas and key sites; and**
- (iv) **APPROVES, that as part of the review of the Economic Development Strategy, an analysis and feasibility study be conducted for the West Perth Regeneration Masterplan area, to determine the impact for the Town, of maintaining or relocating these services.**

PURPOSE OF REPORT:

The purpose of this report is to inform the Council of the Department of Planning's (DoP) Draft Industrial Land Strategy currently being advertised for public comment, and in particular, the implications of the Strategy for the Town.

BACKGROUND:

The Draft Industrial Land Strategy is the State Government's response to the recognised shortfall in industrial land supply, and the future of industrial land use planning for the Perth and Peel regions. The Strategy was overseen by the Industrial Land Supply Taskforce, and prepared collaboratively between the Department of Planning, LandCorp, the Department of State Development and the Department of Environment and Conservation.

The Draft Strategy builds on *Directions 2031 Spatial Framework for Perth and Peel*. It focuses on light and general industry uses and the influence and impact that large scale resource projects, such as Gorgon and Pluto, in the State's North-West, will have on the demand levels for industrial land.

According to the DoP, the Draft Industrial Land Strategy will '*provide the essential strategic planning framework for industrial land use planning and development over the next 20 years. It focuses on the identification and deconstraining of land identified as being suitable for industrial activity for the long term.*'

The Draft Strategy has been endorsed by the Western Australian Planning Commission (WAPC), the Minister for Planning and the Cabinet, for public comment, with submissions closing on 12 March 2010. This will ensure that the community has the opportunity to provide feedback on the Draft Strategy, prior to it being finalised by the DoP. Following the public comment period, the final Draft Strategy (that will form the blueprint for industrial land use planning into the future) will be submitted for Cabinet endorsement, to allow implementation to occur within an integrated framework.

DETAILS:

The study area for the Draft Industrial Land Strategy covers both the Perth metropolitan and the Peel region schemes. The study area comprises approximately 805, 633 hectares, of which 13,798 hectares is currently zoned for industrial purposes. Significant portions of zoned industrial land are limited for a variety of reasons, ranging from environmental constraints to land ownership issues. Specifically, the Draft Strategy will address the following:

- '*Identify the areas, type and locations of general and light industrial land required over the next 20 years;*
- '*Review the industrial land development program and identify possible extension opportunities;*
- '*Identify and evaluate the suitability of locations for new general and light industrial estates; and*
- '*Develop a strategy to facilitate the delivery of general and light industrial land and assist in the restoration of the Government's long-term general and light industrial landbank.*'

The Draft Strategy is the culmination of three studies:

- *Industrial Land Needs Study (ILNS)* which examined the current industrial stock for the Perth and Peel regions, noted historical consumption trends and forecasted likely future demand for industrial land over the next 20 years;
- *Industrial Land Capacity Assessment (ILCA)* study which, using the forecast demand figures, identified potential future industrial sites using a multi-criteria evaluation methodology, and subsequently prioritised those sites; and
- A market analysis to ascertain what current and potential industrial land users and owners want and need, the Draft Strategy to deliver, in the sense of the right product (i.e. land) for their current and future needs.

According to the Draft Strategy, the projected demand for industrial land to the year 2031 is 4,726 hectares. This estimation is based on historic and current consumption rate trends and assumes a business as usual scenario. A key part of managing and catering for this demand in a strategic manner, is to obtain as much market knowledge as possible from key industry players, to ensure that their needs are catered for, and that the strategic objectives on employment self-sufficiency, are achieved.

The study identified 40 sites that have the potential to be developed for industrial land uses, including sites which are extensions of existing industrial areas and six sites, comprising more than 4,000 hectares, have been short-listed and prioritised for detailed feasibility assessment (refer to the 'Sustainability Implications' section below for further detail). These sites are distributed across each of the sub-regions of Perth and Peel. The assessment recognises the opportunities and constraints on each of the sites and addresses the potential land use role of the site, while recognising that the key strategic employment influences must also be identified, with a distinction made between population driven demand for industrial land and economic demands/generators.

In the next 20 years, industrial land supply will be met through the consolidation of existing industrial estates, extensions to existing estates and the creation of new priority industrial estates. If some of the priority industrial sites are not developed in the anticipated time frame, due to land constraints and other issues, the unmet demand will be catered for by an adequate landbank of other sites that have been identified. This industrial landbank will be monitored to ensure there will be a continual supply of industrial land.

A key component of a coordinated and informed approach to the monitoring and delivery of those priority industrial sites will be an industrial land release plan, which will form part of the Perth and Peel regions urban development program.

The key issues facing industrial land development were identified and categorised as follows:

- Importance of industrial land;
- Current supply shortfall;
- Governance structure;
- Monitoring mechanisms;
- Policy and regulation deficiencies; and
- Competing uses.

The Draft Strategy has examined each of the key issues and developed a response resulting in a number of recommendations and actions. Of particular relevance to the Town of Vincent (in relation to the West Peth Regeneration Masterplan and the Cemex and Hanson concrete batching plant sites) is the key issue relating to 'competing uses'. One of the main recommendations under this key issue stipulates that '*existing industrial land, particularly in the inner and middle areas, could be more efficiently utilised.*' The actions related to this recommendation are as follows:

- '*Review and update existing industrial land use planning policies;*
- '*Prepare a suite of planning controls and state planning policies that better manage the delivery of industrial estates;*
- '*Encourage the consolidation of existing industrial sites through redevelopment of brownfield and infill of under-utilised sites; and*
- '*Ensure that the [Draft Strategy] and its recommendations and key findings are taken into consideration as part of the wider strategic planning framework of "Directions 2031" and the proposed economic and employment strategy.*'

The Draft Strategy suggests that demand for industrial land will continue to exist in all sectors, with the highest level of demand being in the inner and middle planning sectors (refer to table 1 below). The East planning sector is the only sector where it is anticipated that any future growth and demand for industrial land will be capably accommodated over the next 20 years.

Planning sector	Demand at 2031 (ha)	Occupied industrial land (ha)	Pipeline supply (ha)	Shortfall (ha)
Inner	1737	490	0	-1247
Middle	3506	2815	235	-456
North-West	2442	1354	220	-877
East	1646	1458	470	282
South-East	1397	1105	195	-97
South-West	1828	1212	400	-216
Peel	910	304	250	-356

Source : Internal DoP data

Table 1: Industrial land demand/supply forecast by planning sector

The Draft Strategy states that its success ‘*will be reliant on the framework developed to implement its key recommendations and actions, as well as ensuring that the principles of the Draft Strategy are embedded into any existing and future key strategic planning initiatives.*’

There are already a number of existing planning mechanisms where the key actions and recommendations of the Draft Strategy can be embedded and acted upon. At a strategic planning level, strategic planning initiatives, such as the *State Planning Strategy* and *State Infrastructure Strategy*, will be vital to ensuring that the importance of industrial land use planning is maintained as a high priority. In addition, planning tools, such as the “*Urban Growth Strategy*” and “*Directions 2031: Spatial framework for Perth and Peel*”, will be key vehicles for ensuring that its key actions and recommendations are carried out at a strategic level.

The Draft Strategy also highlights the importance of its actions and the subsequent initiatives being supported by statutory planning processes, to ensure that its principles, actions and recommendations are implemented. The Draft Strategy identifies the Urban Development Program (UDP) as integral to ensuring that the appropriate coordination and priority is allocated to the provision of necessary infrastructure and services and necessary approvals are undertaken in a strategic and expeditious manner.

The Industrial Land Supply Taskforce (ILST) has overseen the preparation of the Draft Strategy. Following the finalisation of the Draft Strategy, the ILST will continue to oversee the implementation of the recommendations.

CONSULTATION/ADVERTISING:

The DoP is currently advertising the Draft Industrial Land Strategy for public comment, which closes on 12 March 2010.

LEGAL/POLICY:

Town Planning Scheme No. 1 and associated Policies; and Metropolitan Region Scheme.

STRATEGIC IMPLICATIONS:

Strategic Plan 2009-2014 states:

"Natural and Built Environment

1.1 Improve and maintain environment and infrastructure

1.1.1 Capitalise on the Town's strategic location, its centres and commercial areas.

1.1.4 Minimise negative impacts on the community and environment.

1.1.5 Enhance and maintain parks, landscaping and community facilities.

Economic Development

- 2.1 *Progress economic development with adequate financial resources*
- 2.1.1 *Promote the Town of Vincent as a place for investment appropriate to the vision for the Town.*
- 2.1.3 *Promote business development.*
- 2.1.7 *Implement the Leederville Masterplan and West Perth Regeneration Project.”*

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

SUSTAINABILITY IMPLICATIONS:

This Draft Strategy addresses aspects of economic and environmental sustainability as follows:

Economic

The Draft Strategy focuses on ensuring that the priority and importance of industrial land to the overall economic well being of the state, continues to be sustained.

According to the Draft Strategy, *‘a land bank of industrial land is vital to sustaining the economic vitality of the Perth and Peel regions, and Western Australia as a whole. However, based on the current shortfalls in industrial land supply in each of the planning sectors and forecast demand for the Perth and Peel regions in the next 20 years, it will be approximately 10 years before the market can achieve a balance in supply with industrial land demand. It is therefore crucial that priority is allocated to facilitate the release of existing industrial estates and extension sites by resolving any constraints that may be causing the delay.’*

Therefore, the Draft Strategy’s aim is to facilitate the recuperation of the industrial land bank to a sustainable level, whereby the land shortage of industrial land encountered in the mid 2000s, will not recur, ensuring ongoing economic growth and sustainability for the Perth and Peel regions.

Environmental

In addition, the Draft Strategy aims to ensure the environmental protection of certain areas of land that may be affected by industrial land uses.

Some of the future possible sites, for industrial land uses, were afforded a higher priority, based on their attributes and characteristics and their subsequent preference for being developed in the short to medium term.

COMMENTS:

Relevance to the Town of Vincent

The Draft Industrial Land Strategy is of particular relevance to the Town, as the West Perth Regeneration Masterplan area is currently zoned ‘Industrial’ under the Metropolitan Region Scheme (MRS). At its Ordinary Meeting held on 2 December 2008, the Council resolved to forward a copy of the Draft West Perth Regeneration Masterplan to the North West District Planning Committee of the Western Australian Planning Commission, with a request to consider the proposed Amendment to the MRS to rezone the land within the West Perth Regeneration Masterplan Area from ‘Industrial’ to ‘Urban’.

West Perth Regeneration Masterplan Area:

The land within the West Perth Regeneration Masterplan area came under the jurisdiction of the Town of Vincent, as a result of Local Government boundary realignments effective from 1 July 2007.

The Town recognised the importance of this land in terms of its proximity to the Perth Central Business District (CBD) as well as public transport links, and responded by commissioning Consultants, Jones Coulter Young, to prepare a Regeneration Masterplan for the area.

The Town is proposing that the land be rezoned from 'Industrial' to 'Urban' to allow for the development of the Masterplan and under this proposed 'Urban' zoning, the existing light industrial uses could still exist. It is envisaged that the impetus for private sector action in the study area will be driven by market forces. The re-zoning of the land and increased plot ratios will increase the value of the land and the potential redevelopment scale and options.

It is noted that the DoP would be mindful of the Industrial Land Strategy and its rationale when considering the Town's request to rezone the land bounded by Newcastle Street, Loftus Street, Charles Street and Old Aberdeen Place, from 'Industrial' to 'Urban'. It is therefore essential that the Town's Officers discuss the implications of the Strategy with the DoP.

Cemex and Hanson Concrete Batching Plant sites:

The Cemex concrete batching plant is located proximate to the Perth central business district and the regional freeway system. It is bounded by Claisebrook Road to the west, Caversham Street to the north, and a railway reserve accommodating the termination of the transcontinental railway to the south and east. The Hanson concrete batching plant is located on the corner of Edward Street and Lord Street, East Perth, and abuts the Graham Farmer Freeway on the southern boundary.

Currently, there is an eclectic mix of land uses within a 400 metre radius north of Claisebrook Station. The current uses are predominately commercial including offices and consulting rooms, light industry such as warehouses and general industry, including two concrete batching plants. Some residential dwellings and the southern entrance to Perth Oval (Members Equity Stadium) are also located within 400 metres of the Station.

This land, which came under the jurisdiction of the Town of Vincent as a result of Local Government boundary realignments effective from 1 July 2007, is located on the Town's eastern boundary, and acts as a gateway into the Town of Vincent. Both sites are zoned 'Urban' under the Metropolitan Region Scheme and Residential R80 under the Local Planning Scheme. Accordingly, the visual and general amenity of the area should be of a high standard and improved where possible. The land also adjoins the Beaufort Precinct which is undergoing transformation alongside New Northbridge. Evidence of this transformation is occurring within the immediate area with significant recent mixed-use and residential developments.

The Town's Local Planning Strategy, recommends the following for this area:

- *'Continue to provide a location for some commercial and service and light industrial activities to support businesses and residents of the inner city area; and*
- *Discourage the establishment of new general industrial uses and facilitate the progressive removal of such activities, including the concrete batching plants, in cases where they present a negative impact on the amenity of the area.'*

The Town has been involved in two State Administrative Tribunal (SAT) reviews regarding the Town's decision to refuse an application for the extension of operating hours at the Cemex batching plant, and a decision to refuse a Development Application for the installation of an additional storage silo for fly-ash at the Hanson batching plant. The Cemex batching plant review proceedings commenced on 1 February 2008, whilst the Hanson batching plant review proceedings commenced on 30 March 2009. In both cases, the SAT allowed the applications for review, and dismissed the Town's decision of refusal.

In the case of the Cemex concrete batching plant, the Tribunal recommended that the Minister should set aside the Town's decision to refuse the application for extended operation hours, and grant conditional development approval until 16 October 2012, despite the Town's opposition to unrestricted hours. In addition, when the subject site was in the jurisdictions of the City of Perth (City), and the East Perth Redevelopment Authority (EPRA), in the instances where these authorities refused the application for extended hours of operation, SAT upheld the appeal of the applicant (Cemex). A summary of the SAT decisions in favour of the applicant, contrary to the decisions of the various authorities are as follows:

- On 27 July 1987, the City granted development approval for the construction and operation of a concrete batching plant at the site subject to conditions which included limiting the period of the use to 25 years. On 16 October 1987, the State Planning Commission approved amended plans for the plant subject to conditions which, among other things, limited the period of the use to 25 years from the date of the approval, that is, until 16 October 2012. This development approval did not restrict the hours of operation of the plant. The plant was constructed in 1987/1988;
- EPRA replaced the City as the responsible planning authority for Precinct 15 between 1992 and January 2002. On 24 January 1996, EPRA granted development approval for construction of the plant in its current location, following the resumption of the majority of the site for construction of the Graham Farmer Freeway. One of the conditions of development approval restricted access to the site by concrete trucks to between 6 am and 7 pm Monday to Saturday, with no access on Sundays or public holidays;
- On 28 July 1998, EPRA granted development approval for 24-hour operation at the site for a period of eight weeks to facilitate the construction of the Graham Farmer Freeway. On 14 August 1998, Cemex applied for development approval for 24-hour operation at the plant for a period of 12 months in order to supply concrete for major road projects, which was refused by EPRA on 30 September 1998. On 27 November 1998, Cemex appealed against the refusal of development approval to the Minister. On 25 March 1999, the Minister upheld the appeal and granted development approval for 24-hour operation for a period of 12 months;
- On 13 April 2000, and again on 15 March 2001, EPRA granted development approval for 24-hour operation of the plant, in each case for a 12-month period;
- During the period between March 2002 and October 2006, the plant continued to operate on occasion between 7 pm and 6 am Monday to Saturday. It was explained that, owing to a "misunderstanding" as to the continuing effect of earlier development consents for extended hours operations at the plant, these extended hours operations occurred without development approval;
- On 6 October 2006, the City wrote to Cemex advising that a complaint had been received relating to extended hours operations at the site. The City advised further that any operations outside the hours of 6 am to 7 pm Monday to Saturday would be unauthorised. Cemex ceased all extended hours operations between October 2006 and May 2007;
- On 4 January 2007, Cemex applied to the City for development approval to enable 24-hour operation of the plant until the expiry of the substantive development approval on 16 October 2012. The City's assessing Officer recommended that 24-hour operation should be approved for a 12-month period to allow the Town of Vincent (which is opposed to the unrestricted hours) to review the impact of the hours of operation and carry out community consultation. On 24 April 2007, the City granted development approval for 24-hour operation for a period of six months, only to allow a review of the impact of the plant and associated vehicle movements on the surrounding area at the conclusion of this period;

- On 1 July 2007, Precinct 15 was transferred from the district of the City to the district of the Town;
- On 20 August 2007, Allerding and Associates applied to the Town on behalf of Cemex for development approval to permit 24-hour operation of the plant from Monday to Saturday, excluding public holidays, until the expiry of the substantive development approval on 16 October 2012;
- The Tribunal, considered that approval of the proposed development was likely to result in only the occasional overnight operations in order to facilitate construction of major infrastructure and commercial developments in and around the City of Perth;
- The Town advertised the development application for public submissions, and received seven letters of support and 49 objections to the proposed development; and
- The Council considered the development application at its meeting on 18 December 2007, and resolved to refuse the development application for the following reasons:
 - "the development is not consistent with the orderly and proper planning and the preservation of the amenity of the locality;
 - the significant increase in the adverse impact on the community;
 - the excessive noise, dust and traffic impacts caused by the concrete batching facility and the numerous trucks bringing raw materials to the site as a result of operating during the previous extended hours of operation;
 - the proposal is not an appropriate compatible activity with the surrounding residential land use in the current location;
 - the proposal results in an impediment to appropriate regeneration of the area with further additional residential developments and will further entrench the subject use, thus prejudicing any such regeneration;
 - the concerns raised by the Department of Environment and Conservation (DEC) in its letter dated 7 November 2007, that the 24-hours' operation of the concrete batching plant has potential to adversely impact the health, welfare, convenience, comfort or amenity of the nearby residents; and
 - consideration of the numerous objections received."

In the case of the Hanson Concrete Batching Plant, the Tribunal set aside the Town's decision to refuse the application for the installation of an additional storage silo for fly-ash, and granted a conditional development approval until 26 June 2012. This SAT decision was made, despite the following:

- The Town undertook appropriate advertising for public submissions and consultation, which were collated and furnished to the Tribunal. In all, there were two supporting submissions and 57 objections, including a petition consisting of 41 signatures;
- Persistent community concern in relation to slurry, dust, and noise emissions onto the street and nearby properties; and
- The proposed development is contrary to the 'vision' and strategic planning framework for the area as set out in the Town's Local Planning Strategy (LPS), which was endorsed by the Council at its Ordinary Meeting held on 14 April 2009, and referred to the WAPC on 12 May 2009 for consideration and certification.

It is noted that the DoP would be mindful of the Industrial Land Strategy and its rationale in relation to the Town's intent to facilitate the progressive removal of general industry in the subject areas. However, the Town's Officers consider it necessary for the DoP to also consider the detrimental impacts of these general industrial uses on the subject sites, and on the amenity of the immediate and surrounding areas, in particular ME Bank Stadium.

Precedence:

Prior to the land in this area being under the control of the East Perth Redevelopment Authority, the area was zoned 'Industrial' under the MRS. Following the process of normalisation, the land was rezoned to its current status of 'Urban'.

Whilst it is acknowledged that commercial and light industrial uses can continue to exist in the West Perth Regeneration Masterplan area, in the event the land is rezoned to an 'Urban' classification under the MRS, however, in relation to the two concrete batching plants, which are located on land currently zoned 'Urban' and Residential R80, it is considered appropriate for the Town to insist the heavy industrial uses on these sites relocate to more appropriately zoned land, in light of numerous community complaints relating to cement dust and slurry emissions on surrounding properties, the 'Urban' classification of the land, and the successful development outcomes that such re-use of industrial land use has had on redevelopment in other areas within the Town.

In light of the above, it is recommended that the Council support the Officer Recommendation to advise the DoP that the Council supports in principle the Draft Industrial Land Strategy as outlined in this report. The Town's Officers do have some concerns in relation to the implications that the key recommendations in the Draft Strategy, particularly that stating *'existing industrial land, particularly in the inner and middle areas, could be more efficiently utilised,'* as well as the key recommendation stating *'ensure that industrial sites, particularly those considered to have state and regional significance, and located within the inner and middle sectors, are preserved,'* may have on the rezoning of the West Perth Regeneration Masterplan from 'Industrial' to 'Urban', and the continuation of the Cemex and Hanson concrete batching plants. In this respect, it is also recommended that an analysis and feasibility study be conducted for the West Perth Regeneration Masterplan area, as part of the review of the Economic Development Strategy, to determine the impact for the Town, of the continuation and viability of the site as an industrial area.

9.2.1 Hyde Park – Universal Accessible Playground Upgrade

Ward:	South	Date:	15 December 2009
Precinct:	Hyde Park P12	File Ref:	RES0042
Attachments:	001		
Reporting Officer:	J van den Bok, Manager Parks & Property Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

(i) *NOTES that;*

- (a) *the Hyde Park - Universal Accessible Playground proposal has been referred to both the Western Australian Planning Commission (WAPC) and the Heritage Council of WA (HCWA) who have indicated their support subject to various minor conditions being addressed;*
- (b) *the Town was successful in obtaining a \$125,000 grant through LotteryWest towards this project;*
- (c) *following the community consultation period, the plan/costings have been revised to include a double swing and to reflect cost increases in building materials and playground components;*
- (d) *signage will be erected at Hyde Park outlining the new playground design and advising patrons that works will be implemented in March/April 2010;*
- (e) *the majority of works will be undertaken using suppliers currently under contract to the Town or through the Western Australian Local Government Association (WALGA) Preferred Supplier contracts; and*
- (f) *'Urban Landscaping', who have progressively developed the plan in close liaison with Town of Vincent staff, have been engaged to project manage the works; and*

(ii) **APPROVES BY AN ABSOLUTE MAJORITY:**

- (a) *the proposed upgrade of the Hyde Park Universal Accessible Playground works as outlined on attached Plan No. C1672L03-RevD which has been updated to incorporate (where practical) all ideas and comments received from respondents during the community consultation process; and*
- (b) *to re-allocate \$40,000 to this project to enable it to be completed and for this to be funded from the Capital Reserve Fund.*

COUNCIL DECISION ITEM 9.2.1

Moved Cr Harvey, Seconded Cr Farrell

That the recommendation be adopted.

Debate ensued.

Cr McGrath departed the Chamber at 8.09pm.

Debate ensued.

Cr McGrath returned to the Chamber at 8.10pm.

PROCEDURAL MOTION

Moved Cr Harvey, Seconded Cr Topelberg

That the item be DEFERRED to seek advice from a suitable Universal Accessibility Auditor and to also investigate other matters raised by Councillors.

PROCEDURAL MOTION PUT AND CARRIED (9-0)

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of the results of the community consultation regarding the upgrade and development of the universally accessible playground and associated site works at Hyde Park and to seek approval for the revised design/plan so that on-ground works can commence at the end of March 2010.

BACKGROUND:

At the Ordinary Meeting of Council held on 24 March 2009, a progress report was presented on the Hyde Park Accessible Playground project where it was decided (in part):

That the Council;

- (iii) *APPROVES IN PRINCIPLE the design (as displayed) of the proposed accessible playground and landscape improvements around the immediate playground area;*
- (iv) *LISTS an amount of \$200,000 for consideration in the draft 2009/10 budget to enable this project to be completed should further grant funding opportunities also prove unsuccessful;*
- (v) *ADVERTISES the plans for a period of twenty one (21) days inviting written submissions from the public and the Heritage Council of WA (HCWA); and*
- (vi) *RECEIVES a further report to consider any submissions at the conclusion of the consultation period.*

DETAILS:

Community Consultation:

In accordance with part (v) of the Council decision, the plans were submitted to HCWA, displayed in the Town's Administration and Civic Centre and Library and Local History Centre and 242 letters were distributed to properties directly adjacent to Hyde Park.

At the close of consultation only two (2) responses were received, both *in favour* of the proposal. Given so few responses, the summary of comments has been outlined below. (rather than in a separate attachment).

- In favour of the proposal: two (2)
- Against proposal: nil

Community Comments

- Must include equipment for younger children such as swings
- Swings are definitely necessary
- Shade Sails would be useful
- Fencing should be considered
- Include equipment for younger children
- Swings and slides are a must in a playground
- Water fountains should be retained
- Benches required close to playground area
- Shading should be considered

Officer's Comments

Both respondents strongly indicated their preference to include a swing in the original design proposal. They consider that the majority of properties within the inner city precinct no longer have room to accommodate swings. In addition, the new playground located along the Glendower Street frontage has a new "birdnest swing", however, this really only caters for the older children.

Therefore, the revised design includes an area for a double swing with child's seat without any further impact on mature trees within the vicinity.

The request for benches has been noted and these have already been included within the design. Shade sails or fencing is not an item that the HCWA particularly support. The majority of the playground will be shaded during the hotter part of the day and shade has never been a particular issue at this site due to the proximity of large mature trees.

Whilst part of the existing playground is fenced, during the early design phase fencing was not considered necessary and therefore was not included. It is considered that additional fencing of this playground would compromise the design and aesthetics of the area and the entire park.

Playground Design:

A recent article in the *West Australian* newspaper reported recently how playgrounds have become dull and boring, hindering the development of our younger generation. Whilst some of the points outlined within the article were relevant, many of the areas identified within the article had not even been visited by the research team.

Hyde Park's Throssel Street playground is the largest and most patronised within the Town of Vincent. The funding allocated for this project is significant in terms of what has been allowed for other park playground upgrades within the Town and the elements of the design will challenge children both mentally and physically.

As outlined in previous reports to the Council, the design has been developed by a Landscape Architect specialised in the design and construction of accessible playgrounds in conjunction with Council staff and members of the Universal Access Advisory Group.

The final design includes playground components from various playground companies, including a climbing net, ramped playground structure, supanova, stepping stones, rubberised softfall/sandpit and landscaped areas which will add interest and provide hiding spaces for children to explore.

CONSULTATION/ADVERTISING:

The respondents will be advised of the Council's decision.

As revised plan will be sent to the Heritage Council of Western Australia.

LEGAL/POLICY:

This development proposal has been referred to the WAPC and HCWA and all works will be undertaken in accordance with the Heritage of Western Australia Act 1990 and the Town of Vincent Town Planning Scheme No.1 and associated policies.

An absolute decision of the Council will be required to re-allocate funds.

STRATEGIC IMPLICATIONS:

In accordance with the objective of Strategic Plan 2009-2014 – Key Result Area One: 1.1.5 Enhance and maintain parks, landscaping and community facilities. *“(a) Ensure all Town services, playgrounds and facilities are universally accessible where practicable and continue to implement the Playground Upgrade Program.”*

SUSTAINABILITY IMPLICATIONS:

The project will ensure that the playground will be upgraded/maintained to a high standard for the benefit of current and future users.

FINANCIAL/BUDGET IMPLICATIONS:

The 2009/2010 budget has an amount of \$325,000 allocated for the universally accessible playground and associated site works at Hyde Park. This budget is made up of \$200,000 municipal funds and \$125,000 grant funding.

With the addition of the new double swing area and associated ancillary works, and cost increases in building materials and playground components, including final design/documentation and project management costs, the total revised estimated cost of the project is \$365,000.00.

Therefore there is an anticipated budget shortfall of \$40,000.

COMMENTS:

As previously reported to the Council, this project has been under consideration for some years and has not progressed due to budgetary constraints or lack of grant funding. The playground at the Throssel Street end of Hyde Park is the largest within the Town and the community is now expecting a quality redevelopment of the existing playground area and surrounds.

Therefore it is recommended that the Council approve this project and works commence on site as proposed in March 2010, with an expected completion date of early June 2010.

**9.2.4 Proposed Western Power Ring Main Unit & Transformer Installation –
Stuart Street Reserve, Perth**

Ward:	South	Date:	1 February 2010
Precinct:	Hyde Park P12	File Ref:	RES0066/TES0552
Attachments:	001		
Reporting Officer(s):	C Wilson, Manager Asset & Design Services		
Checked/Endorsed by:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

- (i) *APPROVES Western's Power's alternative proposal to locate a new ring main unit and transformer on the western side of the Stuart Street Reserve, as shown on the attached diagram, for the reasons outlined in the report, subject to Western Power agreeing to;*
- (a) *plant appropriate screening vegetation around the ring main unit and transformer to the satisfaction of the Director Technical Services;*
 - (b) *pay all costs associated with the installation, including screening and any service relocations and reinstatements; and*
 - (c) *consult with all residents and property owners within the line of site of the proposed installation and provide the Town with the outcome of the consultation prior to any works commencing on the site; and*
- (ii) *NOTES that a further report will be submitted to the Council should any significant adverse comments be received as part of the consultation process.*

COUNCIL DECISION ITEM 9.2.4

Moved Cr Lake, Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

Cr Topelberg departed the Chamber at 8.18pm.

Debate ensued.

Cr Topelberg returned to the Chamber at 8.19pm.

Debate ensued.

MOTION PUT AND LOST (1-8)

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

Against: Cr Burns

Reasons:

1. **Safety concerns.**
2. **Not aesthetically pleasing.**
3. **Loss of amenity and public open space is unacceptable.**

PURPOSE OF REPORT:

The purpose of this report is to seek Council's approval for Western Power to locate an electrical transformer and ring main unit within the Stuart Street Reserve, Perth.

BACKGROUND:

At its Ordinary Meeting of 3 November 2009, Council considered a report on the request of Western Power Corporation to site an electrical Transformer (TX) and Ring Main Unit (RMU) within the Stuart Street frontage of Robertson Park.

Western Power's justification for the installation was that it was necessary to ensure the reliability of the power supply in the area bounded by Newcastle, Fitzgerald, Bulwer and Lake Streets. Further, Western Power advised that there was little spare capacity in the existing system and that the larger transformer would facilitate future developments within the immediate vicinity.

Council, having considered the report, made the following decision:

"That the item be DEFERRED to allow time to negotiate with Western Power for an alternative site."

The Manager Asset & Design Services subsequently met with Western Power's representatives to discuss alternate locations.

DETAILS:

Western Power's infrastructure in the aforementioned area is both old and nearing full capacity. Western Power is seeking to in part address the problem by installing a new and larger capacity RMU and TX units within the vicinity of the Stuart Street sub-station. The proposed location of the units is dependent upon existing electrical infrastructure as it is essentially a junction point for a combination high and lower voltage systems.

In Western Power's initial submission, the proposal for the RMU and TX on Robertson Park was presented to Council (at its Ordinary Meeting of 3 November 2009) as a 'fait accompli'. Further, Western Power provided little information on the existing RMU and TX contained within the sub-station building, nor the constraints placed upon modifying the building in light of its heritage listings and that, because of these constraints, it is their intention to actually remove the 'old' infrastructure.

The Stuart Street sub-station, completed in 1915, is listed on the Town's Municipal Heritage Inventory as a "Management Category – Conservation Essential" and the "State Heritage Assessment Program" for possible inclusion on the State Heritage Register. The building is largely vacant other than the existing RMU and TX units located on the ground floor of the Stuart Street frontage.

Under current Power Safety Regulations and Western Power's own Occupational Health and Safety Policy, the area is classified as working in 'confined spaces' and, as a consequence, severely restricts working access to the units.

Further, the sub-station building is regularly broken into and the upper level occupied by vagrants, resulting in a potentially dangerous situation for 'squatters' and Western Power staff alike.

Western Power commissioned an independent safety audit by GHD Consulting in 2007, a copy of which has been provided to the Town. The 'risk matrix' in the summary of the report indicated, amongst other things, that there was a *major risk* to Western Power personnel when working in the sub-station.

For the above reasons, Western Power is looking to remove any operational equipment along the RMU and TX units from the sub-station. This in-turn could result in the building becoming surplus to their requirements and possibly disposed of.

However, as a result of further investigation, Western Power has also conceded that the Robertson Park verge is not an appropriate site for the RMU and TX units. Not specifically because of Council's concerns but rather the conflict with existing underground services, be it their own or other service authorities, i.e. Telstra.

New Location

Western Power is now proposing to locate the units on the Stuart Street reserve as per the attached diagrams.

Western Power advise that the units have to be installed in close proximity to the sub-station because of the existing infrastructure and, other than Robertson Park and Stuart Street reserve, there are no other suitable spaces in the immediate area.

With Western Power now conceding that Robertson Park is not suitable this (according to Western Power) leaves the Stuart Street Reserve as the only viable option.

The units themselves are the standard 'green boxes', measuring 2470 long x 1000 wide x 1200 high (RMU) and 1800 long x 1850 wide x 1200 high (TX) respectively. They are to be located next to each other within the reserve immediately adjacent to the boundary on Stuart Street and approximately 10m east of Palmerston Street. Again, the units cannot be located within the road reserve verge because of the significant Telstra fibre optic (trunk) telecommunications cables and other services.

The Town has in the past objected to Western Power locating transformers (and the like) in reserves, most notably Hyde Park in June 2006, but on each occasion it has been reluctantly accepted as the only viable location. As would be expected, residents generally do not want the units on the verge outside their home. Further, as the infrastructure is not related to a specific development it cannot be imposed upon a property owner to accommodate the unit(s).

Policy

In recognition of the increasing number of transformers, and associated infrastructure, being retro fitted in established areas within the Town, the Council adopted a policy - No. 2.2.3 - in June 2005, *Electricity Supply – Development Guidelines for Installation of Substations*. While a majority of the policy provides guidance and sets out responsibilities for private developers, the policy concludes with the following statement:

"Wherever possible the Town will minimise and discourage isolated placement of electrical infrastructure in public places."

Unfortunately, in this instance the only suitable available location that meets Western Power's criteria, with the least impact upon the surrounding residents, is within the Stuart Street Reserve.

Screening

Western Power has agreed to plant native shrubs around three sides of the installation, leaving the fourth for access, of the Town's choosing.

CONSULTATION/ADVERTISING:

Western Power will be responsible for liaising with immediate residents and property owners within a line of sight of the installation.

LEGAL/POLICY:

Policy No. 2.2.3 - *"Electricity Supply - Development Guidelines for Installation of Sub-Stations"*.

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of Strategic Plan 2009 - 2014 – 1.6 Enhance and maintain the Town's infrastructure to provide a safe, healthy, sustainable and functional environment. *"(g) Pursue options and funding for undergrounding of power throughout the Town."*

SUSTAINABILITY IMPLICATIONS

The method of power generation aside, the proposed installation will ensure a continuity of power supply in the immediate area, thereby improving the amenity of the local community.

FINANCIAL/BUDGET IMPLICATIONS:

There will be no financial implications for the Town as the proposal will be fully funded by Western Power.

COMMENTS:

Whilst the Town would prefer that transformers are not located in public spaces, it is extremely difficult to 'retrofit' them in established areas. Generally, the only opportunity to set back or 'hide' a transformer is when a proposed development that is reliant upon the power supply upgrade can be requested to cede a portion of land for the transformer site.

However, in this instance the proposed installation is not linked to a specific development but rather an area wide supply enhancement.

It also potentially means that the heritage listed sub-station building could be sold and redeveloped, not only enhancing the area but also generating rates.

The Chief Executive Officer advised that Mayor Catania and Cr Burns declared a financial interest in Item 9.3.1. They departed the Chamber at 8.22pm. They did not speak or vote on this matter.

Deputy Mayor, Cr Sally Lake assumed the Chair at 8.22pm.

9.3.1 Investment Report as at 31 December 2009

Ward:	Both	Date:	6 January 2010
Precinct:	All	File Ref:	FIN0033
Attachments:	001		
Reporting Officer:	N Makwana; Accounting Officer		
Responsible Officer:	M Rootsey; Director Corporate Services		

OFFICER RECOMMENDATION:

That the Council RECEIVES the Investment Report for the month ended 31 December 2009 as detailed in Appendix 9.3.1.

COUNCIL DECISION ITEM 9.3.1

Moved Cr Maier, Seconded Cr Harvey

That the recommendation be adopted.

MOTION PUT AND CARRIED (7-0)

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

Mayor Catania and Cr Burns returned to the Chamber at 8.23pm. The Chief Executive Officer advised that the item was carried.

Mayor Catania, assumed the Chair.

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of the level of funds available, the distribution of surplus funds in the short term money market and the interest earned to date.

BACKGROUND:

Interest from investments is a significant source of funds for the Town, where surplus funds are deposited in the short term money market for various terms. Details are attached in Appendix 9.3.1.

Council's Investment Portfolio is spread across several Financial Institutions in accordance with Policy Number 1.2.4.

DETAILS:

Total Investments for the period ended 31 December 2009 were \$18,774,076 compared with \$20,274,076 at 30 November 2009. At 31 December 2008, \$16,973,265 was invested.

Total accrued interest earned on Investments as at 31 December 2009:

	Budget	Actual	%
	\$	\$	
Municipal	350,000	224,484	64.14
Reserve	300,000	184,660	61.55

COMMENT:

As the Town performs only a custodial role in respect of monies held in Trust Fund Investments these monies cannot be used for Council purposes, and are excluded from the Financial Statements.

The funds invested have reduced from previous period due to instalment payment to ESL, also three cheque runs for creditors payment this period.

The report comprises of:

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

9.3.3 Financial Statements as at 30 November 2009

Ward:	Both	Date:	7 December 2009
Precinct:	All	File Ref:	FIN0026
Attachments:	001		
Reporting Officer:	B Wong, Accountant		
Responsible Officer:	M Rootsey, Director Corporate Services		

OFFICER RECOMMENDATION:

That the Council RECEIVES the Financial Statements for the month ended 30 November 2009 as shown in Appendix 9.3.3.

COUNCIL DECISION ITEM 9.3.3

Moved Cr McGrath, Seconded Cr Harvey

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED (9-0)

PURPOSE OF REPORT:

The purpose of this report is to present the financial statements for the month ended 30 November 2009.

BACKGROUND:

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

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

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

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

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

DETAILS:

The following documents represent the Statement of Financial Activity for the period ending 30 November 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 34-41);
- Monthly Financial Positions Graph (page 42-44).

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	-	\$11.9 million
YTD Budget	-	\$16.5 million
Variance	-	-\$4.6 million
Full Year Budget	-	\$12.9 million

Summary Comments:

The current unfavourable variance is due to a timing difference on the receipt of revenue from Capital Grants and Contributions.

Operating Revenue

YTD Actual	-	\$26.6 million
YTD Budget	-	\$26.1 million
YTD Variance	-	\$0.5 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:

Law Order and Public Safety – 25% below budget;

Education and Welfare – 15% below budget;

Community Amenities – 36% over budget;

Economic Services – 58% over budget

Other Property and Services – 72% over budget;

Administration General – 25% over budget.

More details variance comments are included on the page 34 – 41 of this report.

Operating Expenditure

YTD Actual	-	\$15.2 million
YTD Budget	-	\$15.7 million
YTD Variance	-	-\$0.5 million
Full Year Budget	-	\$36.2 million

Summary Comments:

The operating expenditure is currently on budget.

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

Law Order and Public Safety – 13% below budget;

Education and Welfare – 28% below budget;

Community Amenities – 11% below budget;

Administration General – 96% below budget.

Detailed variance comments are included on the page 34 – 41 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 30 November 2009 of \$2,933,978 which represents 13% of the revised budget of \$23,248,789.

	Budget	Revised Budget	Actual to Date (Include commitment)	%
Furniture & Equipment	\$132,900	\$132,900	\$40,144	30%
Plant & Equipment	\$1,229,450	\$1,317,450	\$352,703	27%
Land & Building	\$12,659,500	\$14,623,024	\$898,830	6%
Infrastructure	\$7,570,415	\$7,175,415	\$1,642,301	23%
Total	\$21,592,265	\$23,248,789	\$2,933,978	13%

Balance Sheet and Statement of Changes in Equity

The statement shows the current assets of \$29,028,195 and non current assets of \$140,589,955 for total assets of \$169,618,150.

The current liabilities amount to \$9,758,409 and non current liabilities of \$13,012,427 for the total liabilities of \$22,770,837. The net asset of the Town or Equity is \$146,847,313.

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 30 November 2009 is \$9.2m. The balance as at 30 June 2009 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 \$188,790 is outstanding at the end of November 2009.

Of the total debt \$103,366 (55%) relates to debts outstanding for over 60 days, 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 30 November 2009 including deferred rates was \$4,884,886 which represents 24.39% of the outstanding collectable income compared to 24.27% at the same time last year.

Summary Comments:

The percentage of outstanding rates at the end of this period is in line with the same percentage outstanding for the same time last year.

Statement of Financial Activity

The closing surplus carry forward for the year to date 30 November 2009 was \$11,020,173.

Net Current Asset Position

The net current asset position as at 30 November 2009 is \$20,194,898.

Beatty Park – Financial Position Report

As at 30 November 2009 the operating deficit for the Centre was \$301,636 in comparison to the annual budgeted deficit of \$312,680.

The cash position showed a current cash deficit of \$111,306 in comparison annual budget estimate of a cash deficit of \$75,446. 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.

9.3.5 Annual Plan – Capital Works Program 2009/2010–Progress Report No. 2

Ward:	Both	Date:	12 January 2010
Precinct:	All	File Ref:	FIN0025
Attachments:	001		
Reporting Officers:	M Rootsey, Director Corporate Services; R Lotznicker, Director Technical Services; and R Boardman, Director Development Services		
Responsible Officer:	J Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council RECEIVES Progress Report No. 2 for the period 1 October 2009 – 31 December 2009, for the Annual Plan – Capital Works Program 2009/2010, as detailed in Appendix 9.3.5

COUNCIL DECISION ITEM 9.3.5

Moved Cr McGrath, Seconded Cr Burns

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED (9-0)

PURPOSE OF REPORT:

The purpose of this report is to provide a quarterly progress report of the Council's Annual Plan – Capital Works Program 2009/2010 for the period 1 October 2009 to 31 December 2009.

BACKGROUND:

The Council adopted the Capital Works Program at the Ordinary Meeting of Council held on 28 July 2009. Quarterly reports will be presented to Council to advise of the schedule and progress of the Capital Works Program. This is the second Progress Report for this financial year, covering the period ending 31 December 2009.

DETAILS:

This report focuses on the work that was due to be completed up to the end of the second quarter. Comments on the report relate only to works scheduled to be carried out in the period up to 31 December 2009.

CONSULTATION/ADVERTISING:

N/A.

LEGAL/POLICY:

N/A.

STRATEGIC IMPLICATIONS:

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

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

SUSTAINABILITY IMPLICATIONS:

N/A.

FINANCIAL/BUDGET IMPLICATIONS:

The process is currently proceeding according to funding in the Annual Budget 2009/10.

COMMENTS:

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

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

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

9.4.2 Review and Adoption of Code of Conduct 2010

Ward:	-	Date:	3 February 2010
Precinct:	-	File Ref:	ADM0050
Attachments:	001		
Reporting Officer:	John Giorgi, Chief Executive Officer		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council:

- (i) *NOTES that;*
- (a) *the Council's Code of Conduct has been reviewed as required by clause 9.1(b);*
 - (b) *minor changes are recommended to the Code; and*
- (ii) *APPROVES the adoption of the Code of Conduct 2010, as shown in Appendix 9.4.2.*

COUNCIL DECISION ITEM 9.4.2

Moved Cr Farrell, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

PROCEDURAL MOTION

Moved Cr Maier, Seconded Cr Lake

That the item be DEFERRED to enable the Chief Executive Officer to review the Town of Vincent Code of Conduct and provide a revised version, based on the WALGA Model Code of Conduct.

Debate ensued.

The Chief Executive Officer advised the Council as follows:

1. The current Code has been in place, having been reviewed in December 2007, for over 2 years and no previous complaints have been received about it being too detailed or comprehensive.
2. The Council's Code is based on the WALGA Model Code and supplemented with clauses from the NSW Model Code for Local Government.
3. That Chief Executive Officer has reviewed the Code's for various other local governments and they all vary in size and content. The City of Melville adopted a new Code in late 2009, which is very similar to the Town's Code and comprises 28 pages.
4. In the Chief Executive Officer's opinion, the Council's Code is most appropriate and if requested to review it and provide a revised version, it would still contain the similar salient clauses, as per the current Code.

The Mover, Cr Maier advised that he wished to change his deferral Motion and reword it as follows:

That the item be DEFERRED to enable Councillors to consider and review the Town of Vincent and WALGA Codes of Conduct and a further report be submitted to the Ordinary Meeting of Council 23 February 2010.

The Seconder, Cr Lake agreed.

PROCEDURAL MOTION PUT AND LOST (4-5)

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

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

MOTION PUT AND CARRIED (7-2)

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

Against: Cr Lake, Cr Maier

PURPOSE OF REPORT:

The purpose of this report is for the Council to adopt the revised Code of Conduct 2010 for Council Members and Employees.

BACKGROUND:

The Local Government Act 1995 requires every local government to prepare and adopt a Code of Conduct to be observed by Council Members and employees.

At the Ordinary Meeting of Council held on 18 December 2007, the Council last reviewed and adopted its Code of Conduct. This review resulted in major changes to the Code, primarily to incorporate reference to the Local Government (Rules of Conduct) Regulations 2007.

DETAILS:

Appointment of Complaints Officer

At the Ordinary Meeting of Council held 23 October 2007, the Council appointed the Chief Executive Officer as the Town's Complaints Officer.

Details of any decision made against a person by the Standards Committee will need to be included in a public register and is to be entered into the Local Government's Annual Report.

Review of the Town's Current Code of Conduct

The Code has been amended (changes shown be underlining).

1. Introduction

Clause 1.2(iii) has been amended to include words that the Code will be communicated to new Council Members and employees as part of their Induction Program.

Council 1.5 – Guiding Values and Key Principles has been amended to include the Councils adopted “Guiding Values”.

Clause 1.5.8 – Respect – has been amended to include the words “and courtesy”.

2. General Conduct Obligations

Clause 2.6(iv) has been amended to include additional wording about employee dress standards.

3. Personal Benefit

This Section has not been amended.

4. Personal Benefit – Gifts

Clause 4.3 has been amended to more clearly specify that a gift may be accepted by the Town in the course of performing professional or ceremonial duties. Any gift will be used or retained by the Town.

5. Relationships between Elected Members and Employees

Clause 5.4 has been amended to specify that Council Members who have lodged a development application should only discuss the matter with the Chief Executive Officer or relevant Director (or if approved by the Chief Executive Officer/Director – with a senior employee).

Comment:

This amendment will ensure that there is no pressure (real or perceived) on an employee dealing with a Council Member's Development Application.

6. Dealing with Council Resources

This Section has not been amended.

7. Access to Information

A new clause 7.5 has been included concerning the distribution of anonymous documents or correspondence.

Comment:

A recent incident occurred at a metropolitan local government whereby anonymous documents containing offensive material about another person were allegedly handled and distributed by a Councillor, resulting in a complaint.

The Council's Code does not cover this matter and, accordingly, a clause has been inserted.

8. Communication and Public Relations

This Section has not been amended.

9. Implementation, Review and Compliance

This Section has not been amended.

CONSULTATION/ADVERTISING:

It is considered that there is no need to consult the public on the revised Code, as the changes relatively minor. However, it is recommended that an advertisement will be placed in a local newspaper, notifying of the new Code.

LEGAL/POLICY:

Section 5.103 of the Act was changed in October 2009 to eliminate a requirement that a Council's Code of Conduct be reviewed within 12 months of each ordinary election.

The Town's Code of Conduct (Clause 9.1(b)) specifies that the Council will review the Code after each Ordinary Council Election and any changes communicated to Council Members and Employees.

The following is a summary of complaints for the period 1 July 2007 to 31 December 2009:

No of Complaints		
Year	Code of Conduct	Rules of Conduct Regulations
2007	Nil	Nil
2008	Nil	Nil
2009	1	Nil

STRATEGIC IMPLICATIONS:

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

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The Council's Code of Conduct has been reviewed (in accordance with clause 9.1(b)) and amended to incorporate minor changes. All new Council Members have been provided with a copy of the Code of Conduct and also been advised of it during their Induction Program.

It is recommended that the new Code of Conduct be adopted.

9.4.3 Adoption of Risk Management Policy and Plan

Ward:	-	Date:	2 February 2010
Precinct:	-	File Ref:	ADM0023
Attachments:	001		
Reporting Officer:	Various; John Giorgi, Chief Executive Officer		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council:

- (i) *ADOPTS a new Policy No. 4.1.26 - Risk Management and Risk Management Plan 2010-2015 as shown in Appendix 9.4.3; and*
- (ii) *pursuant to Section 5.42 of Division 4 of Part 5 of the Local Government Act 1995, APPROVES BY AN ABSOLUTE MAJORITY to delegate to the Audit Committee the responsibility for overseeing Policy No. 4.1.26 - Risk Management and Risk Management Plan 2010-2015; and*
- (iii) *AUTHORISES the Chief Executive Officer to:*
 - (a) *advertise the new policy and Risk Management Plan 2010-2015 for a period of twenty-one (21) days, seeking public comment;*
 - (b) *report back to Council with any submissions received; and*
 - (c) *include the new policy in the Town's Policy Manual if no public submissions are received.*

COUNCIL DECISION ITEM 9.4.3

Moved Cr Burns, Seconded Cr Lake

That the recommendation be adopted.

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

PURPOSE OF REPORT:

To obtain the Council's approval to adopt a new Policy No. 4.1.26 - Risk Management and Risk Management Plan 2010-2015 and to delegate to the Audit Committee the responsibility for the overseeing of Risk Management.

BACKGROUND:

The Town's administration has been carrying out its functions and responsibilities for Risk Management as part of its day to day administration. However, to date the Town has not had a Risk Management Policy or adopted a Risk Management Plan. The adoption of these two documents is considered very important as it formalises the Town's Administrations current practices.

The Chief Executive Officer has liaised with the Town's insurers and the Department of Local Government in the preparation of a Policy, Plan and Annual Risk Management Systems Audit ("*Laid on the Table*").

Policy and Plan

The Policy outlines the Town's objectives for Risk Management. The Risk Management Plan prescribes in detail what is to be carried out. The Annual Risk Management Systems Audit is a template which prescribes the various matters, action officer and timeframe for Auditing the Town's Risk Assessment.

Audit Committee

The Risk Management Plan prescribes that a Committee should have responsibility for this matter and for small to medium sized organisations recommends that it be included as a responsibility of an Audit Committee. This will minimise duplication, save time and resources, whilst at the same time ensuring that this important matter is properly overseen.

CONSULTATION/ADVERTISING:

The Council has a policy of advertising for a period of 21 days seeking comments from the public.

LEGAL/POLICY:

Policies are not legally enforceable, however they provide guidance to the Town's Administration and Council Members when considering various matters.

An absolute majority decision of the Council is required to delegate responsibility of Risk Management to the Audit Committee, as the Audit Committee is a statutory committee established under the Local Government Act 1995.

STRATEGIC IMPLICATIONS:

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

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The adoption of a Risk Management Policy and Plan for this important matter is recommended.

9.4.4 Delegations for the Period 1 October 2009 to 31 December 2009

Ward:	Both	Date:	2 February 2010
Precinct:	All	File Ref:	ADM0018
Attachments:	001		
Reporting Officer:	S Raines, Acting Manager Ranger & Community Safety Services P Morrice, Acting Coordinator Statutory Processes		
Responsible Officer:	J MacLean, Acting Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

- (i) *ENDORSES the delegations for the period 1 October 2009 to 31 December 2009 as shown at Appendix 9.4.4; and*
- (ii) *APPROVES BY AN ABSOLUTE MAJORITY to write-off infringement notices/costs to the value of \$36,113.00 for the reasons as detailed below:*

<u>Description</u>	<u>Amount</u>
<i>Breakdown/Stolen (Proof Produced)</i>	<i>\$595.00</i>
<i>Details Unknown/Vehicle Mismatched</i>	<i>\$2,275.00</i>
<i>Equipment Faulty (Confirmed by Technicians)</i>	<i>\$760.00</i>
<i>Failure to Display Resident or Visitor Permit</i>	<i>\$13,460.00</i>
<i>Interstate or Overseas Driver</i>	<i>\$2,110.00</i>
<i>Ranger/Clerical Error</i>	<i>\$9,375.00</i>
<i>Signage Incorrect or Insufficient</i>	<i>\$1,470.00</i>
<i>Ticket Purchased but not Displayed (Valid Ticket Produced)</i>	<i>\$1,920.00</i>
<i>Other (Financial Hardship, Disability, Police On-duty, Etc)</i>	<i>\$3,875.00</i>
<i>Penalties Modified</i>	<i>\$128.00</i>
<i>Litter Act</i>	<i>\$0.00</i>
<i>Dog Act</i>	<i>\$100.00</i>
<i>Health Act</i>	<i>\$0.00</i>
<i>Pound Fees Modified</i>	<i>\$45.00</i>
TOTAL	\$36,113.00

COUNCIL DECISION ITEM 9.4.4

Moved Cr Farrell, Seconded Cr Burns

That the recommendation be adopted.

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

PURPOSE OF REPORT:

The purpose of this report is to provide a quarterly progress report of the delegations exercised by the Town's Administration for the period 1 October 2009 to 31 December 2009 and to obtain the Council's approval to write-off infringement notices.

BACKGROUND:

The Local Government Act 1995, at Section 5.42, allows for a Council to delegate to the Chief Executive Officer its powers and functions.

The purpose of delegating authority to the Chief Executive Officer is to provide for the efficient and orderly administration of the day to day functions of the Local Government. The Chief Executive Officer, Directors and specific Managers exercise the delegated authority in accordance with the Council's policies.

DETAILS:

The area which results in most Infringement Notices being withdrawn for this quarter is that of where a resident or visitor was not displaying the necessary permits. While the offence is "*Failure to Display a Valid Permit*", it is not considered appropriate to penalise residents and their visitors, since the primary purpose of introducing Residential Parking Zones is to provide respite to them.

The next most prevalent withdrawal class is that of "*Ranger/Clerical Error*" however it should be noted that in most cases the infringement notices were reissued to the offending vehicle, on the spot, when the error was identified. It should also be noted that the Town has engaged a number of new Temporary Rangers, in the past few months.

ADVERTISING/CONSULTATION:

Not applicable.

LEGAL/POLICY:

Section 5.42 of the Local Government Act 1995 gives power to a Council to delegate to the CEO the exercise of its powers and functions; prescribes those functions and powers which cannot be delegated; allows for a CEO to further delegate to an employee of the Town; and states that the CEO is to keep a register of delegations. The delegations are to be reviewed at least once each financial year by the Council and the person exercising a delegated power is to keep appropriate records.

It is considered appropriate to report to the Council on a quarterly basis on the delegations utilised by the Town's Administration. A copy of these for the quarter is shown at Appendix 9.4.4.

STRATEGIC IMPLICATIONS:

The above is in accordance with Strategic Objective 4.1.2 of the Town of Vincent Strategic Plan 2009-2014: "*Manage the organisation in a responsible, efficient and accountable manner.*"

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

The Council's Auditors recommend that infringement notices be reported to the Council for a decision to write-off the value of the infringement notice. In these cases, it is the opinion of the Co-ordinator Ranger Services and/or the Parking Appeals Review Panel that infringement notices cannot be legally pursued to recover the money or it is uneconomical to take action as this will exceed the value of the infringement notice.

The details of the Infringement Notices are as follows:

<u>Description</u>	<u>Amount</u>
Breakdown/Stolen (Proof Produced)	\$595.00
Details Unknown/Vehicle Mismatched	\$2,275.00
Equipment Faulty (Confirmed by Technicians)	\$760.00
Failure to Display Resident or Visitor Permit	\$13,460.00
Interstate or Overseas Driver	\$2,110.00
Ranger/Clerical Error	\$9,375.00
Signage Incorrect or Insufficient	\$1,470.00
Ticket Purchased but not Displayed (Valid Ticket Produced)	\$1,920.00
Other (Financial Hardship, Disability, Police On-duty, Etc)	\$3,875.00
Penalties Modified	\$128.00
Litter Act	\$0.00
Dog Act	\$100.00
Health Act	\$0.00
Pound Fees Modified	\$45.00
TOTAL	\$36,113.00

COMMENTS:

It is recommended that the delegations be endorsed by the Council.

9.4.6 Appointment of Community Representatives to Town of Vincent Advisory Groups and Amendment to Terms of Reference for the Art Advisory Group

Ward:	-	Date:	2 February 2010
Precinct:	-	File Ref:	CVC0017/CMS0103/ ENS0095/ORG0079/ PRO0689/TES0334
Attachments:	-		
Reporting Officer:	M McKahey, Personal Assistant John Giorgi, Chief Executive Officer		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council;

(i) *APPOINTS the following community representatives to the Town's Advisory Groups for the 2009-2011 period (until October 2011);*

(a) *Aboriginal Liaison Occasional Advisory Group;*

Membership as required;

(b) *Art Advisory Group (up to 3 required);*

1. *Ms Florence Allain*;*
2. *Ms Anna Ciffolilli*;* and
3. *Mr Jaime Phillips#;*

(c) *Heritage Advisory Group (up to 3 required);*

1. *Ms Helen Griffiths*;*
2. *Ms Rebecca Shepherd*;* and
3. *Ms Marie Slyth*;*

(d) *Local Area Traffic Management Advisory Group (up to 3 required);*

1. *Mr Chris Parry*;*
2. *Mr Haydn Robinson#;* and
3. *Mr Kingsley Sullivan*;*

(e) *Safer Vincent Crime Prevention Partnership (up to 5 required);*

1. *Ms Natashya Cox#;*
2. *Mrs Betty Kraemer*;* and
3. *Mr Chris Parry*;*
4. *Mr Suresh Rajan (Ethnic Communities Council)*;*
3. *Ms Maria McAtackney (Nyoongar Patrol Systems)#;*

(f) Seniors Advisory Group (up to 3 required);

1. Mr Carlo Penonne*;
2. Ms Roberta Veo#; and
3. Mr Andrew York#;

(g) Sustainability Advisory Group (up to 3 required);

1. Ms Caroline Easton#;
2. Ms Jodie Ferdinando*; and
3. Mr Matthew Young#

(h) Universal Access Advisory Group (up to 3 required);

1. Ms Jasmine McDonald*;
2. Ms Jane McKinley (Carer's Representative)*; and
3. Mr Ken Nylander*;

(* Existing Members

New Nominations received);

(ii) EXPRESSES its appreciation to previous community representatives for their contribution to the Advisory Groups and requests the Chief Executive Officer to write to all persons with a "Certificate of Appreciation"; and

(iii) AMENDS the Town of Vincent Art Advisory Group Terms of Reference to including a new Term as follows:

"5.8 To consider and provide advice concerning Percent for Art artwork."

Moved Cr McGrath, Seconded Cr Burns

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Lake, Seconded Cr Harvey

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

(f) Seniors Advisory Group (up to 4 required);

1. Mr Carlo Penonne*;
2. Ms Roberta Veo#;
3. Mr Andrew York#; and
4. Mrs Betty Kraemer#;

AMENDMENT PUT AND CARRIED (9-0)

MOTION AS AMENDED PUT AND CARRIED (9-0)

COUNCIL DECISION ITEM 9.4.6

That the Council;

(i) ***APPOINTS the following community representatives to the Town's Advisory Groups for the 2009-2011 period (until October 2011);***

(a) ***Aboriginal Liaison Occasional Advisory Group;***

Membership as required;

(b) ***Art Advisory Group (up to 3 required);***

1. *Ms Florence Allain*;*
2. *Ms Anna Ciffolilli*;* and
3. *Mr Jaime Phillips#;*

(c) ***Heritage Advisory Group (up to 3 required);***

1. *Ms Helen Griffiths*;*
2. *Ms Rebecca Shepherd*;* and
3. *Ms Marie Slyth*;*

(d) ***Local Area Traffic Management Advisory Group (up to 3 required);***

1. *Mr Chris Parry*;*
2. *Mr Haydn Robinson#;* and
3. *Mr Kingsley Sullivan*;*

(e) ***Safer Vincent Crime Prevention Partnership (up to 5 required);***

1. *Ms Natashya Cox#;*
2. *Mrs Betty Kraemer*;* and
3. *Mr Chris Parry*;*
4. *Mr Suresh Rajan (Ethnic Communities Council)*;*
3. *Ms Maria McAtackney (Nyoongar Patrol Systems)#;*

(f) ***Seniors Advisory Group (up to 4 required);***

1. *Mr Carlo Penonne*;*
2. *Ms Roberta Veo#;*
3. *Mr Andrew York#;* and
4. *Mrs Betty Kraemer#;*

(g) ***Sustainability Advisory Group (up to 3 required);***

1. *Ms Caroline Easton#;*
2. *Ms Jodie Ferdinando*;* and
3. *Mr Matthew Young#*

(h) Universal Access Advisory Group (up to 3 required);

1. Ms Jasmine McDonald;*
2. Ms Jane McKinley (Carer's Representative)*; and
3. Mr Ken Nylander*;

(* Existing Members
New Nominations received);

(ii) EXPRESSES its appreciation to previous community representatives for their contribution to the Advisory Groups and requests the Chief Executive Officer to write to all persons with a "Certificate of Appreciation"; and

(iii) AMENDS the Town of Vincent Art Advisory Group Terms of Reference to including a new Term as follows:

"5.8 To consider and provide advice concerning Percent for Art artwork."

PURPOSE OF REPORT:

The purpose of the report is for the Council to appoint Community Representatives to the Town's Art, Heritage, Local Area Traffic Management, Seniors, Sustainability, Universal Access Advisory Groups and Safer Vincent Crime Prevention Partnership. Amend the Terms of Reference for the Art Advisory Group.

FURTHER REPORT:

This report was listed for consideration at the Ordinary Meeting of Council held on 15 December 2009. Due to the lateness of the hour it was not considered or determined at that meeting. The number of community representatives for the Safer Vincent Crime Prevention Partnership comprises 3 community representatives, plus a representative from the Ethnic Communities Council and the Nyoongar Patrol Systems.

BACKGROUND:

At the Ordinary Meeting of Council held on 13 May 2003, Council resolved that the Advisory Group community representatives' terms be for a period of two (2) years (to coincide with the Election cycle) and for nominations to be called to fill any vacant positions.

Advertisements calling for nominations were placed in the local newspapers on 14 and 17 November 2009 and nominations closed on 4 December 2009. At the close of the advertising period, the following new nominations were received:

Art Advisory Group:

Name	Suburb	Membership of Community Organisations	Summary of Comments
Mr Carl Holdard Lennell	Mount Hawthorn	<ul style="list-style-type: none"> • Hale Art Show Committee Member 	<ul style="list-style-type: none"> • Has great interest in all art forms • Private collector of Australian Art • Believes the profile of art in the community needs to be lifted

Name	Suburb	Membership of Community Organisations	Summary of Comments
Mr Jaime Phillips	Highgate	<ul style="list-style-type: none"> National Advisory Council Australian Broadcasting Corporation Member Youth Arts Panel - Department of Culture and the Arts Volunteer Co-ordinator for "Moodity Yorgas" Wearable Art Project Recent Member - Advisory Committee - WA Museum 	<ul style="list-style-type: none"> Active community member in Town of Vincent Strong links to arts practitioners in the community through work in arts and cultural sector With career background in community capacity building understands importance of art in community and increasing the vitality of public spaces Awarded State's highest honours as "Western Australian Citizen of the Year" in 2006 in category of Youth Arts
Ms Tina Wilson	Mount Lawley	<ul style="list-style-type: none"> Executive Director of Artrinsic Inc (not-for-profit) Propel Arts CANWA 	<ul style="list-style-type: none"> Strong interest in Arts in WA, having set up the City of Perth Black Swan Prize for Portraiture In role of Arts Event Co-ordinator/Consultant deals with arts from all areas of expertise, as well as cultural backgrounds

Heritage Advisory Group:

Name	Suburb	Membership of Community Organisations	Comments
Ms Natashya Cox	Leederville	<ul style="list-style-type: none"> North Perth Tennis Club Mosman Park Bowling Club 	<ul style="list-style-type: none"> Interested in achieving balance between development in the community that allows for some creativity and to preservation of heritage of the Town

Local Area Traffic Management Advisory Group:

Name	Suburb	Membership of Community Organisations	Comments
Ms Natashya Cox	Leederville	<ul style="list-style-type: none"> North Perth Tennis Club Mosman Park Bowling Club 	<ul style="list-style-type: none"> As a resident of the Town, is keen to assist in the enhancement of the Town for residents, local businesses and visitors As both a driver and walker, traffic an every day concern
Mr Haydn Robinson	Mount Lawley	<ul style="list-style-type: none"> Chairman -Beaufort Street Network Committee Member for MRWA Traffic Slow on Beaufort Street Committee Member Perth City Council - Beaufort Improvements 1993-1994 	<ul style="list-style-type: none"> As a businessman in the area for 20 years, current Chair of Beaufort Street Network and having sat on various committees with Beaufort Street, well versed in traffic management problems, concerns of locals, parking issues, etc Knowledgeable on traffic systems and developments in other capital cities

Safer Vincent Crime Prevention Partnership:

Name	Suburb	Membership of Community Organisations	Comments
Ms Natashya Cox	Leederville	<ul style="list-style-type: none"> • North Perth Tennis Club • Mosman Park Bowling Club 	<ul style="list-style-type: none"> • Recent victim of robbery and concerned about safety and security in Town • Involved in running of many community groups and believes can contribute to crim prevention in the Town
Mr Nick Steel	Mount Hawthorn	<ul style="list-style-type: none"> • Police Sergeant 	<ul style="list-style-type: none"> • As resident of Town and having worked as a Police Officer in surrounding district, have a great deal of local knowledge of area and issues in relation to safety and security • Previously heavily involved in Safer WA and Safer Vincent whilst Crime Prevention Officer for the Central Metropolitan District • As a community member, has close links with Mount Hawthorn Primary School, previously been on the P&C Executive • Also as a small business owner (landscaping) and work in and around the Town • Combination of all these links to the local community provides a diverse opinion when it comes to community safety
Ms Maria McAtackney	Perth	<ul style="list-style-type: none"> • Chief Executive Officer Nyoongar Patrol 	<ul style="list-style-type: none"> • Discussed at Safer Vincent Crime Prevention Partnership that inclusion of Nyoongar Patrol would broaden scope of partnership • Key agency in safety and crime prevention field, working within the Town. • Key agency with ability to provide Indigenous representation on partnership Committee

Seniors Advisory Group:

Name	Suburb	Membership of Community Organisations	Comments
Mrs Betty Kraemer	North Perth	<ul style="list-style-type: none"> • Safer Vincent Crime Prevention Partnership • Seniors at Bayswater Library Forum • Circle of Friends - Joondanna • Member of Community Centre activities 	<ul style="list-style-type: none"> • A Senior who is interested in all activities that are connected to the Town • As a long-term resident of the Town, would like to see the Town prosper and be a happy and healthy place in all things connected to Seniors

Name	Suburb	Membership of Community Organisations	Comments
Ms Roberta Veo	Willetton	<ul style="list-style-type: none"> • Council of the Ageing (COTA) Volunteer 	<ul style="list-style-type: none"> • An Italian speaker who has just finished a Volunteer Educator Course for the project "Beyond Maturity Blues" at COTA • As a Senior, has an interest in seniors' issues and would like to contribute and provide any assistance to the Town through the Advisory Group
Mr Andrew York	Guildford	<ul style="list-style-type: none"> • General Manager, People who Care 	<ul style="list-style-type: none"> • Has assisted the Town through services for residents through "People who Care" • Keen to provide further assistance in regard to seniors' issues in the Town • "People who Care" has also assisted with services for Leederville Gardens and information to assist with the set up of the Community Bus

Sustainability Advisory Group:

Name	Suburb	Membership of Community Organisations	Comments
Ms Caroline Easton	North Perth	<ul style="list-style-type: none"> • 2005 Vincent Vision 2024 - Community Consultation Group 	<ul style="list-style-type: none"> • Works in Town Planning and has studied sustainable development at Murdoch University • Lives in North Perth and is interested in sustainability at a grass roots level
Mr Matthew Young	Perth	<ul style="list-style-type: none"> • Royal Australian Institute of Architects (RAIA) Level 1 Member • Green Building Council of Australia 	<ul style="list-style-type: none"> • Founding Director of Co-praxis, a Perth based Architectural practice specialising in multi-residential, mixed use and commercial projects • As a practising architect working and residing in the Town, is passionate about both the Town and sustainability in its most broad sense • Has worked with Senior Planning and Building Officers at the Town and has also worked with other Shires and Councils - most recently with the Shire of Upper Gascoyne - a true challenge in sustainability, both environmental and socially • Would highly value the opportunity to play a meaningful role in the ongoing progress the Town is making with regards to the important issue of sustainability

DETAILS:

The following is the listing of existing members (who expressed a desire to re-nominate) and new nominations received:

	Existing Members	New Nominations
Art Advisory Group:	Ms Florence Allain West Perth	Mr Carl Holdard Lemnall, Mount Hawthorn
	Ms Anna Ciffolilli North Perth	Mr Jamie Philips Highgate
	Mrs Helen Pemberton Perth	Ms Tina Wilson Mount Lawley
	Mr Vincent Sammut Leederville	
Heritage Advisory Group:	Ms Helen Griffiths Mount Hawthorn	Ms Natasha Cox Leederville
	Mr Vincent Sammut Leederville	
	Ms Rebecca Shepherd North Perth	
	Ms Marie Slyth West Perth	
Local Area Traffic Management (LATM) Advisory Group:		
	Ms Clare Chamberlain Mount Lawley	Ms Natasha Cox Leederville
	Mr Chris Parry North Perth	Mr Haydn Robinson Mount Lawley
	Mr Kingsley Sullivan Mount Hawthorn	
Safer Vincent Crime Prevention Partnership:		
	Mrs Betty Kraemer North Perth	Ms Natasha Cox Leederville
	Ms Sharan Kraemer North Perth	Mr Nick Steel Mount Hawthorn
	Mrs Helen Pemberton Perth	Ms Maria McAtackney Nyoongar Patrol Systems
	Mr Suresh Rajan Ethnic Communities Council North Perth	
	Mr Chris Parry North Perth	

	Existing Members	New Nominations
	Mr Ray Stevenson North Perth	
	Mr Allan Wilder-Bass Dianella	
Seniors Advisory Group:	Mr Carlo Pennone Warwick	Mrs Betty Kraemer North Perth
		Ms Roberta Veo Willetton
		Mr Andrew York Guildford
Sustainability Advisory Group:	Ms Anne Bennett Highgate	Ms Caroline Easton North Perth
	Ms Jodie Ferdinando Mount Hawthorn	Mr Matthew Young Perth
Universal Access Advisory Group:	Ms Jasmine McDonald Mount Hawthorn	
	Ms Jane McKinley <i>Carers Representative</i> North Perth	
	Mr Ken Nylander Mount Lawley	

Attendance Record

The previous attendance record of each member for the period November 2007 to October 2009 is detailed below.

Art Advisory Group:

Community Representative	2007 (Nil Meetings)	2008 (3 Meetings)	2009 (2 Meetings)
Florence Allain	-	2	1
Anna Ciffolilli	-	3	1
Helen Pemberton	-	1	2
Vincent Sammut	-	3	2

Heritage Advisory Group:

Community Representative	2007 (Nil Meetings)	2008 (1 Meeting)	2009 (2 Meetings)
Helen Griffiths	-	1	2
Vincent Sammut	-	1	1
Rebecca Shepherd	-	1	1
Marie Slyth	-	1	2

Local Area Traffic Management Advisory Group:

Community Representative	2007 (Nil Meetings)	2008 (4 Meetings) (incl 1 Public Meeting)	2009 (5 Meetings) (incl 1 Public Workshop)
Clare Chamberlain	-	Nil	Nil
Chris Parry	-	1	3
Kingsley Sullivan	-	4	4

Seniors Advisory Group:

Community Representative	2007 (Nil Meetings)	2008 (Nil Meetings)	2009 (Nil Meetings)
Carlo Pennone	-	-	-

Safer Vincent Crime Prevention Partnership:

Community Representative	2007 (1 Meeting)	2008 (8 Meetings)	2009 (10 Meetings)
Betty Kraemer	-	8	9
Sharan Kraemer	1	7	8
Helen Pemberton	-	6	10
Chris Parry	-	3	7
Ray Stevenson	1	7	7
Suresh Rajan	1	5	5
Allan Wilder-Bass	-	6	7

Sustainability Advisory Group:

Community Representative	2007 (Nil Meetings)	2008 (Nil Meetings)	2009 (1 Meeting)
Anne Bennett	-	-	1
Anna Ciffolilli	-	-	-
Helen Griffiths	-	-	1
Jodie Ferdinando	-	-	1

Universal Access Advisory Group:

Community Representative	2007 (1 Meeting)	2008 (3 Meetings)	2009 (3 Meetings)
Jasmine McDonald	1	2	2
Ken Nylander	-	2	2

LEGAL/POLICY IMPLICATIONS:

The Local Government Act 1995, Sections 5.8 to 5.25 allows local governments to appoint committees and prescribes the legal requirements for these.

Since its inception, the Town has been operating by having two Council meetings each month (except January) and no committee system. Since late 1995, it has used various Advisory Groups.

The Advisory Groups do not have any legal status and their prime role is to make recommendations for the consideration of the Council. Advisory Groups cannot perform the role of Committees. The Council has not delegated any of its powers.

The Town of Vincent Art Advisory Group's current Terms of Reference are as follows:

"5. TERMS OF REFERENCE

- 5.1** *To provide advice for the acquisition of artwork.*
- 5.2** *To act as Judges for Town of Vincent Art Competition.*
- 5.3** *To provide advice for the competition.*
- 5.4** *To provide advice for the visual arts budget.*
- 5.5** *To provide advice for the display and viewing of pieces of artwork.*
- 5.6** *To develop and implement an acquisition policy.*
- 5.7** *To provide advice on matters generally relating to the art, as required from time to time.*
- 5.8** *To consider and provide advice concerning Percent for Art artwork."*

It should be noted that the Town's Administration recommends that all Percent for Art artwork should be considered by the Town's Art Advisory Group who will make a recommendation for the Council accordingly it is recommended that the Terms of Reference be amended to specifically include Percent for Art artwork to including the following new Term:

"5.8 To consider and provide advice concerning Percent for Art artwork."

FINANCIAL/BUDGET IMPLICATIONS:

The costs associated with the Advisory Groups is not specifically itemised in the Town's budget, they are absorbed within the administration costs and allocated to the various sections.

STRATEGIC IMPLICATIONS:

Nil, however, the use of Advisory Groups is in keeping with the Council's philosophy of involving the community in the decision making process.

COMMENT:

The Terms of Reference, roles and meeting frequency comply with statutory requirements, provide a more efficient and effective outcome and at the same time, ensure that the community has input into the various Advisory Groups.

9.4.7 Town of Vincent Policies – Review of and New Policies

Ward:	-	Date:	3 February 2010
Precinct:	-	File Ref:	ADM0023
Attachments:	001 , 002		
Reporting Officer:	John Giorgi, Chief Executive Officer		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council APPROVES of the following;

- (i) *Policies to be AMENDED as shown in Appendix 9.4.7:*
 - (a) *2.1.5 - Memorials in Public Parks and Reserves (previously called “Parks and Reserves – Memorial Trees and Plaques”)*
- (ii) *NEW POLICIES to be adopted:*
 - (a) *1.1.7 - Art Policy*
 - (b) *3.8.10 - Shade Policy*
 - (c) *4.1.7 - Organisational Structure and Designation of “Senior Employees”*
 - (d) *4.2.9 - Council Members – Professional Development*
 - (e) *4.2.11 - Honorary Freeman of the Town of Vincent*
 - (f) *4.2.12 - Advisory Groups*
- (iii) *AUTHORISES the Chief Executive Officer to:*
 - (a) *advertise the policies in clauses (i) and (ii) above for a period of twenty-one (21) days, seeking public comment;*
 - (b) *report back to Council with any submissions received; and*
 - (c) *include the above policies in the Town’s Policy Manual if no public submissions are received.*

COUNCIL DECISION ITEM 9.4.7

Moved Cr Maier, Seconded Cr Harvey

That the recommendation be adopted.

Debate ensued.

Moved Cr Maier, Seconded Cr McGrath

AMENDMENT NO 1

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

- “(ii) *NEW POLICIES to be adopted:*
- (a) *1.1.7 - Art Policy, subject to:*
Clause 4 being amended to delete the following:
“The Chief Executive Officer has the authority to approve the acquisition of any collection items, subject to funding being available in the Town’s Annual Budget, in line with the objectives of this policy.” ”

Debate ensued.

The Chief Executive Officer informed the Council that he had not purchased artwork for at least 10 years.

AMENDMENT NO 1 PUT AND LOST (3-6)

For: Cr Buckels, Cr Maier, Cr McGrath

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

Debate ensued.

AMENDMENT NOT 2

Moved Cr Maier, Seconded Cr Lake

That clause (ii)(e) (Policy No. 4.2.11 Honorary Freeman of the Town of Vincent) be deleted.

AMENDMENT NO 2 PUT AND LOST (4-5)

Debate ensued.

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

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

MOTION PUT AND CARRIED (8-1)

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

Against: Cr Lake

PURPOSE OF REPORT:

To obtain the Council's approval to amend and adopt new Council policies, which are reviewed every 5 years.

BACKGROUND:

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

The policies are amended from time to time as the need arises. It is "best practice" to review policies at a regular interval and the Town undertakes this every five years. The Town's Administration has provided the comments as outlined in this report.

The following policy is recommended to be **amended**:

- (i) 2.1.5 - Memorials in Public Parks and Reserves

CEO's Comment

This existing Policy was previously named "Parks and Reserves – Memorial/Trees and Plaques". It has been renamed "Memorials in Public Parks and Reserves". The major amendment refers to roadside memorials (white crosses), which have been appearing in locations following the death (usually caused by road accident/trauma). The proposed amendment is based on the Main Roads WA Guidelines. As Council Members may be aware, a number of "white crosses" have appeared at several locations in the Town. The Town does not have a policy relating to this matter and it is therefore appropriate to amend the Town's current policy relating to Memorials.

The following policies are recommended as **new** policies:

- (i) 1.1.7 - Art Policy

CEO's Comment

This new policy formalises the Town's current practice and procedures concerning art and public art. As Council Members are aware, the number of public art works currently being considered by the Town's Administration, as a result of the percent for art is increasing. The Town's current Percent for Art Policy prescribes conditions for this matter however, the new policy formalises the current practice and responsibility of the Town's Art Advisory Group.

- (ii) 3.8.10 - Shade Policy

CEO's Comment

The Cancer Council of WA has previously provided information to the Town and all local governments in Western Australia concerning the high rate of skin cancer. It has published a guideline – *"The Shade Handbook: A practical guide for shade development in Western Australian 2007"* – copy attached and also "Laid on the Table".

It is appropriate that the Town adopts a new policy considering this important matter.

- (iii) 4.1.7 - Organisational Structure and Designation of "Senior Employees"

CEO's Comment

This new policy formalises the Council's adopted position relating to the Town's Administration Organisational Structure and designation of "Senior Employees".

The Local Government Act 1995 prescribes the role of the Council, Mayor, Councillors and Chief Executive Officer. This policy is in accordance with the Act. It is considered best practice for such a policy to be adopted by the Council.

- (iv) 4.2.9 - Council Members – Professional Development

CEO's Comment

This new policy formalises the Town's position relating to Council Member – Professional Development. This matter arose during the recent induction program for newly elected Councillors. It is considered best practice for such a policy to be adopted by the Council.

- (iv) 4.2.11 - Honorary Freeman of the Town of Vincent

CEO's Comment

The Town of Vincent was created on 1 July 1994 and has been operating for 16 years. This new policy prescribes the requirements and procedure for the status of "Freeman of the Town of Vincent". This policy is based on other local government policies (e.g. Town of Cambridge, City's of Perth, Bayswater, Gosnells, Wanneroo, Joondalup and Swan). It is considered appropriate for such a policy to be adopted by the Council.

(v) 4.2.12 - Advisory Groups

CEO's Comment

This new policy formalises the Town's position relating to its Advisory Groups. It is considered best practice for such a policy to be adopted by the Council.

CONSULTATION/ADVERTISING:

The Council has a policy of advertising for a period of 21 days seeking comments from the public.

LEGAL/POLICY:

Policies are not legally enforceable, however they provide guidance to the Town's Administration and Council Members when considering various matters.

STRATEGIC IMPLICATIONS:

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

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The Town's Policies are reviewed every five years. The amended and new policies will provide guidance to the Council and the Town's Administration in these important matters.

9.4.8 EcoForum Conference & Exhibition 23 & 24 February 2010 -Australian Technology Park, Sydney, NSW

Ward:	-	Date:	3 February 2010
Precinct:	-	File Ref:	ADM0031
Attachments:	001		
Reporting Officer:	J Greenwood, Executive Secretary Technical Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council APPROVES the Director Technical Services and up to one (1) Council Member....., to attend the "EcoForum Conference and Exhibition" on 23 and 24 February 2010 to be held at the Australian Technology Park, Sydney, NSW at an estimated cost of \$2,425 each.

Moved Cr Burns, Seconded Cr McGrath

That the recommendation be adopted.

The Presiding Member called for nominations from Councillors.

Debate ensued.

Cr Lake was nominated to attend.

Cr Lake accepted the nomination subject to being able to confirm by 5.00pm Wednesday 10 February 2010, as to whether she was available to attend.

No other nominations were received.

MOTION PUT AND CARRIED (9-0)

COUNCIL DECISION ITEM 9.4.8

That the Council APPROVES the Director Technical Services and Cr Sally Lake (subject to her confirmation by 5.00pm Wednesday 10 February 2010 as to whether she was available to attend), to attend the "EcoForum Conference and Exhibition" on 23 and 24 February 2010 to be held at the Australian Technology Park, Sydney, NSW at an estimated cost of \$2,425 each.

Note: Cr Lake advised on 10 February 2010 that she had other commitments and therefore was unavailable to attend the conference.

PURPOSE OF REPORT:

The purpose of this report is to obtain the Council's approval for the Director Technical Services, Rick Lotznicker, and up to one (1) Council Member to attend the "EcoForum Conference & Exhibition" 23 and 24 February 2010 to be held at the Australian Technology Park, Sydney, NSW.

BACKGROUND:

The "EcoForum Conference & Exhibition" is to be held at the Australian Technology Park, Sydney, NSW on 23 & 24 February 2010.

DETAILS:

EcoForum will comprise a four-stream, two-day conference on water, waste, climate change and land remediation, a trade exhibition showcasing environmental products, technologies and services and a range of business and social networking events.

EcoForum will bring Australian environment industry practitioners together with their clients and government representatives to update knowledge, solve environmental problems, act on potential business opportunities and inform and influence policy and regulatory processes.

As Australia's leading 'ecoforum', the event will provide participants from diverse disciplines the knowledge and contacts to manage environmental problems in a broad range of industry sectors. They will hopefully have a chance to think outside the square and broaden their knowledge and networks in their own and other disciplines.

The proposed conference will cover a range of key issues relevant to Local Government including:

- Contaminated site remediation
- Waste and resource recovery
- Climate change strategies
- Water sustainability
- Water and energy.

The Conference will be participatory in nature and attendees will have opportunities to engage in interactive discussion with presenters on a variety of topics.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

Council's Policy 4.1.15 - "Conferences & Training - Attendance , Representation , Travel & Accommodation Expenses and Related Matters" Clause 1.1(i) states:

"(i) When it is considered desirable that the Council be represented at an interstate conference, up to a maximum of one Council Member and one Officer may attend;

The Contract of Employment for the Director Technical Services entitles him to attend one interstate conference per financial year.

Previous Attendance

The Town has not previously attended this conference.

STRATEGIC IMPLICATIONS:

In keeping with the Town's Strategic Plan 2009-2014 – Objective 4.2 - *"Provide a positive and desirable workplace"*, in particular, 4.2.4(b) - *"Encourage and enable employees to effectively be involved in relevant business decisions; implement two-way communication systems for individuals and teams"*.

SUSTAINABILITY IMPLICATIONS:

The Town is committed to the principles of environmental, social and economic sustainability and is dedicated to achieving and promoting sustainable outcomes throughout its everyday functions and responsibilities.

As part of the Town's Sustainable Environment Plan 2007-2012, the Town has identified a number of objectives which are in line with the conference content. The conference appears to have relevance to the Town's remediation of the Hyde Park Lakes (e.g. contaminated sites, water sustainability).

FINANCIAL/BUDGET IMPLICATIONS:

<u>Cost per person</u>	
Conference registration:	\$990.00
Economy Airfare/transfers:	\$600.00
Accommodation (3 nights @ \$180):	\$540.00
Expense Allowance (3 days):	<u>\$295.00</u>

Total: \$2,425.00

COMMENTS:

It is recommended that approval be granted for the Director Technical Services and up to one (1) Council Member to attend the "EcoForum Conference and Exhibition" to be held at the Australian Technology Park, Sydney, NSW, on 23 and 24 February 2010.

9.4.10 LATE ITEM: Minutes of the Annual General Meeting of Electors 2009 held on 23 November 2009 – Responses

Ward:	Both	Date:	8 December 2009
Precinct:	All	File Ref:	ADM0009
Attachments:	-		
Reporting Officers:	R Lotznicker, Director Technical Services R Boardman, Director Development Services John Giorgi, Chief Executive Officer		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council NOTES the responses as detailed in the Officer Report concerning the decisions made at the Annual General Meeting of Electors held on Monday 23 November 2009.

COUNCIL DECISION ITEM 9.4.10

Moved Cr Farrell, Seconded Cr Topelberg

That the recommendation be adopted.

Debate ensued.

Cr Burns departed the Chamber at 9.03pm.

Debate ensued.

PROCEDURAL MOTION

Moved Cr Topelberg, Seconded Cr Harvey

That the item be DEFERRED to the Ordinary Meeting of Council 23 February 2010 for further consideration.

PROCEDURAL MOTION PUT AND CARRIED (8-0)

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

PURPOSE OF REPORT:

The purpose of the report is for the Council to receive the Town's Administration responses to decisions made at the Annual General Meeting of Electors held on 23 November 2009.

FURTHER REPORT:

This report was listed for consideration at the Ordinary Meeting of Council held on 15 December 2009. Due to the lateness of the hour it was not considered or determined at that meeting.

BACKGROUND:

At the Ordinary Meeting of Council held on 1 December 2009 the Council considered this matter and resolved as follows:

“That the Council;

- (i) RECEIVES and CONFIRMS the Minutes of the Annual General Meeting of Electors (AGM) held at 6.00pm on Monday 23 November 2009, attached at Appendix 9.4.4; and*
- (ii) NOTES that a further report will be submitted to the Ordinary Meeting of Council to be held on 15 December 2009 concerning the Decisions made at the Annual General Meeting of Electors.”*

The Annual General Meeting of Electors of the Town of Vincent was held on Monday 23 November 2009 at 6.00pm. It was attended by eleven (11) Electors and four (4) Councillors, as shown in the Attendance Register attached to the Minutes.

DETAILS:

It is standard practice for the Minutes of the Meeting of Electors to be presented to the Council for information. In accordance with the Local Government Act 1995, Section 5.33, all decisions made at Electors Meetings are required to be considered at the next Ordinary Meeting of the Council.

The following decisions were made at that meeting.

1. Moved Sally Lake, 51 Chatsworth Road Highgate, Seconded Marie Slyth, 89 Carr Street West Perth

“That the Council take effective action to stop cyclists from commuting in Hyde Park, and from using Hyde Park as a venue for exercising on their bicycles; and further that the Council will liaise with the Cycling branch of the Dept of Transport so that they may take effective steps to bar commuting cyclists from Hyde Park or at the very least ensure that cyclists are required to reduce their speed to a walking pace.”

MOTION PUT AND CARRIED (6-2)

Director Technical Services Comments:

The issue of cyclist commuting through Hyde Park was raised a number of years ago. The main concern at the time was cyclists travelling in a north – south direction (Norfolk Street across Vincent Street to Glendower Street).

At the time certain works were undertaken on the north – south pathway to restrict cyclists to the path. The works included some limestone retainers and garden beds on the edges of the pathway.

A previous request was received for the installation of signage around the entrances of the Park depicting a bicycle with a red cross through it would clearly indicate to the general public that bicycles are not permitted within Hyde Park. This was not supported as bicycles are permitted in the park.

Signage was recently erected at the entrances to the park advising cyclists to dismount however the Town's Rangers do not have the authority to stop/infringe any moving vehicle, including a bicycle utilising any road/park within the Town of Vincent.

In addition, should an infringement/fine apply for failing to comply with the above then this could only be enforced by Western Australian Police as a bicycle is classified as a moving vehicle and their presence within the park is spasmodic.

In accordance with the motion, the Director Technical Services contacted the cycling branch of the Department of Transport. They advised that they would not support banning cyclist from the park however they indicated that they would support measures to force cyclists to reduce speeds while still allowing general access for other park users.

The cycling branch representative indicated that these measures could include chicanes and/or other measures soon to be trailed by the City of Stirling on the foreshore dual use path.

This information was not available at the time the discussion took place however the representative advised that when this information was available it would be forwarded to the Director Technical Services.

It is recommended that these measures be further investigated and that if they are considered feasible (and in compliance with the requirements of Hyde Park) appropriate funding should be included in the 2010/2011 draft budget for these measures to be implemented.

2. Moved Brian Fleay, 59 View Street, North Perth, Seconded Warren McGrath, 4/142 Palmerston Street, Perth

“That the Town of Vincent explore engaging with the City of Perth to develop a joint policy on development and related issues for the land between the Perth Railway Line and Bulwer Street.”

MOTION PUT AND CARRIED (11-2)

Director Development Services Comments:

The Town's Officers consider that the Capital City Planning Framework project, as outlined below, facilitates the above request for a joint initiative between the Town of Vincent and the City of Perth, in the development of the land between the Perth Railway Line and Bulwer Street.

This project is focused on establishing an agreed vision for the type of City that Perth will be in 20 years, in order to ensure a unified framework between Councils and Service Providers for the Central Perth Area, despite the numerous studies undertaken in relation to directing the future development of Perth.

As part of the project, a steering group, consisting of the Department for Planning, EPRA, and various inner city Local Government Authorities (Town of Vincent, City of Perth, City of Subiaco, Town of Cambridge, Town of Victoria Park and City of South Perth), has been setup. This Group meets fortnightly, and is the key decision making body, in determining the best way to run the project program, and achieve the project's objectives.

In addition, a Technical Advisory Group, including the Town of Vincent, meets monthly, to discuss the progress of the project team, give advice on the project program, and listen to various presentations on relevant program studies and initiatives that need to be integrated into the Capital City Planning framework process. An additional Reference Group, encompassing a broader group of representatives, has been canvassed to meet at key intervals in the project's development, of which the first meeting has been scheduled for February 2010.

A progress report on the development of the Capital City Framework, will be presented to an Ordinary Meeting of Council, following the Reference Group meeting scheduled for February 2010.

3. Moved Brian Fleay, 59 View Street, North Perth, Seconded Simon Chester, 93 Chelmsford Road, Mt Lawley

“That the Town of Vincent engage with it’s residents to more explicitly define the meaning of “amenity” when it is used to justify in-fill development proposals requiring concessions to conditions under the Town Planning Scheme, often with damaging social and other impacts.”

MOTION PUT AND CARRIED (8-3)

Director Development Services Comments:

According to the Model Scheme Text (Appendix B of the Town Planning Regulations 1967), ‘amenity means all those factors which combine to form the character of an area and include the present and likely future amenity.’

As per the current processes relating to community consultation, the Town’s Officers consider it appropriate to engage with the Town’s residents on a case by case basis in relation to the amenity of an area when justifying in-fill development proposals requiring concessions to conditions, as per Clause 38 of the Town’s Town Planning Scheme No. 1 relating to ‘Determination of Applications – General Provisions’, which states:

‘(5) Without limiting the scope of the Council’s discretion to determine an application under sub clause (3), the Council is to have regard to–

(h) the conservation of the amenities of the locality ...’

4. Moved Colin Scott, 17 Deague Court, North Perth, Seconded Simon Chester, 93 Chelmsford Road, Mt Lawley

“That the Town of Vincent form a Working Group to address issues of how the revenue stream of Tamala Park monies will be administered into the community.”

PROCEDURAL MOTION

Moved Colin Scott, 17 Deague Court, North Perth, Seconded Warren McGrath, 4/142 Palmerston Street, Perth

“That the above motion be DEFERRED and be further considered at the Annual General Meeting 2010.”

MOTION PUT AND CARRIED UNANIMOUSLY

Chief Executive Officer’s Comments:

As this matter was deferred, no further action is required at this stage.

5. Moved Colin Scott, 17 Deague Court, North Perth, Seconded Simon Chester, 93 Chelmsford Road, Mt Lawley

“That the Town of Vincent investigate ways to take out a full or half page advertisement in Local Newspapers in line with other Councils where information about Council activities and events can be brought to the community’s attention.”

MOTION PUT AND CARRIED UNANIMOUSLY

Chief Executive Officer’s Comments:

This matter is supported and is currently being implemented by the Town’s Administration. Changes to the way the Town’s Administration carries out its advertising was raised as a recommendation which arose out of the Internal Organisational Review which was conducted in mid 2009.

Effective from 1 January 2010, it is proposed to trial a full or half page feature in a local community newspaper on a fortnightly or monthly basis. This new procedure will incorporate information relating to community events, consultation on new and amended policies, strategies and plans. Once implemented, the number of single advertisements which appear in each edition will diminish.

The Town’s Directors and Section Managers have been advised of this change and the Town’s Public Relations Officer will co-ordinate the matter.

A review will be carried out in mid 2010.

6. Moved Marie Slyth, 89 Carr Street, West Perth, Seconded Colin Scott, 17 Deague Court, North Perth

“That the Town of Vincent:

- (a) **not make the Multiple Dwellings Policy changes to the Town Planning Scheme until full and comprehensive consultation has been conducted by the Town; and**
- (b) **further review and identify the likely impacts of the approval of the changes to the Town Planning Scheme on the “to be” newly developed type of Residential Streetscapes Policy.”**

MOTION PUT AND CARRIED (9-2)

Director Development Services Comments:

- (a) *The Town’s Officers consider that comprehensive consultation has been conducted by the Town in relation to the Multiple Dwellings Policy.*

Policy No. 3.6.8 relating to Multiple Dwellings is a local planning policy adopted pursuant to clause 47 of the Town’s Town Planning Scheme No. 1. In terms of advertising a draft Policy, the provisions of clause 47 (3) of the Town Planning Scheme No. 1 apply, as follows:

“(3) Having prepared a draft planning policy, the Council is –

- (a) *to advertised a summary of the draft once a week for four consecutive weeks in a newspaper circulating in the locality;*

(b) where practicable, to notify those persons who, in the opinion of the Council, might be directly affected by the draft; and

(c) to forward a copy of the draft to the Western Australian Planning Commission."

In line with the above requirements, an advertisement was placed in a newspaper circulated in the locality (The Guardian Express) for four consecutive weeks, a notice of the advertisement was forwarded to all Precinct Groups and relevant government stakeholders (including the Western Australian Planning Commission), and a notice was placed on the Town's website, at the Library and Local History Centre, at the Town's Administration and Civic Centre, and at Beatty Park Leisure Centre advising of the proposed planning policy.

This Policy, as with the majority of local planning policies adopted pursuant to the Town's Town Planning Scheme No. 1, relate to development of the entire Scheme Area, and not specific to certain areas in the Town. Unlike the proposed Streetscape Policy, which was unique in that it related to a selection of streets within the Town, it was considered practical and appropriate, that individual letters be sent to affected property owners.

In addition to the above, it is considered that the Town followed due process as outlined in clause 3.6 (4.2) 'Nature and Extent of Advertising', within the Town's Policy No. 4.1.5 relating to Community Consultation.

(b) *A review of the likely impacts of the approval of the changes to the Town Planning Scheme on the "to be" newly developed type of Residential Streetscapes Policy will be identified in a progress report to be presented to the Council in February 2010, as per the Council Resolution at the Ordinary Meeting of Council held on 22 September 2009, whereby it was requested that the Town's Officers 'report back to the Council regarding the research undertaken by no later than July 2010, with progress reports in February and April 2010.'*

7. Moved Simon Chester, 93 Chelmsford Road, Mt Lawley, Seconded Colin Scott, 17 Deague Court, North Perth

"That the Town of Vincent's Consultation Policy No. 4.1.5 be reviewed so that changes that may have significant impact on ratepayers and residents (such as the Multiple Dwelling Policy), are advertised in a manner that is consistent with the consultation which was undertaken for the Residential Streetscapes Policy."

MOTION PUT AND CARRIED (13-0)

Chief Executive Officer's Comments:

The Town's Community Consultation Policy and Guidelines are very comprehensive and well documented. The Policy contains sufficient provisions to cover a wide range of consultation scenarios (including those referred to in the Motion). Clause 3.13 (page 48) – Variations to Policy states:

"The Chief Executive Officer has the discretion to vary the provisions of this policy with regards to a Planning, Building and Heritage Matter due to specific exceptional circumstances relating to that matter.

A greater extent and nature of notification and consultation than that required by this policy may be undertaken due to the unique scale and nature of the development; the existing development has received substantial opposition, concerns or complaints; or the proposed development has a substantially greater potential undue impact on the locality compared to a similar 'standard' development."

It is considered that the Policy is sufficiently comprehensive to deal with the Motion. Accordingly, it is considered that no change is necessary.

The Town's Officers have significantly reviewed Policy No. 4.1.5 relating to Community Consultation. A report comprehensively outlining the proposed amendments to the Policy will be presented to the Council at its Ordinary Meeting to be held on 15 December 2009.

8. Moved Simon Chester, 93 Chelmsford Road, Mt Lawley, Seconded Marie Slyth, 89 Carr Street, West Perth

"That the Town of Vincent appoint an Independent Consultant to provide a "Desktop Review" of the potential impact of the following:

- (a) the Multiple Dwelling Policy 3.4.8;**
 - (b) the Town Planning Scheme Amendment No. 25 (relating to multiple dwellings;**
 - (c) the effective density increase to R80 in areas previously coded R60 with no multiple dwellings allowed; and**
 - (d) Clause 40 of the Town's Town Planning Scheme No. 1 in combination with rules governing multiple dwellings;**
- on the characteristics of the building stock within the Town previously designated as either a Residential Streetscape or Townscapes in either:**
- 1. the formerly proposed residential streetscapes policy; or**
 - 2. the District Survey & Municipal Heritage Inventory Review conducted by Hocking Planning & Architecture Collaboration;"**
- and provide a report to the Council no later than March 2010."**

MOTION PUT AND CARRIED (12-1)

Director Development Services Comments:

The Town's Officers consider that the abovementioned Policies and Scheme Amendments relating to multiple dwellings, are in line with 'best practice' principles as outlined in the Town's Local Planning Strategy, Vincent Vision 2024, and various State Planning Policies and documents, including Directions 2031, and the Multi-Unit Housing Code currently out for public comment. A "Desktop Review" to be undertaken, is not supported for the following reasons:

- According to the Local Planning Strategy, given the Town's proximity to the Central Business District and its excellent access to public and private transport networks, the restriction of 'multiple dwellings' in these areas along major roads is considered to be contrary to contemporary planning direction in Western Australia. In fact, the restriction on multiple dwellings is somewhat questionable and unnecessarily restrictive given contemporary building forms and given the inner urban context of the Town. Therefore, consistent with the Strategy, it is considered appropriate to proceed with this approach by formalising the removal of 'no multiple dwellings' in the Town;*

- *Amendment No. 25 to the Town's Town Planning Scheme No. 1 is consistent with the principles of transit oriented development and Vincent Vision 2024 whereby 'A compatible mix of older and contemporary buildings in Vincent offers diverse housing that respects sustainability principles' and 'High-density developments exist in town centre nodes and along main streets that complement existing streetscapes, setbacks and scale', to facilitate greater opportunities for higher density housing in those restricted precincts. In line with this, Policy No. 3.4.8 relating to Multiple Dwellings has been adopted to provide guidance and requirements for all multiple dwelling developments within the Town;*
- *At a State Government level, the Western Australian Planning Commission has recently released a proposed amendment to the Residential Design Codes of Western Australia, proposing to establish development provisions for multiple dwellings, and the residential component of mixed use developments. The related discussion paper states 'in order to increase the incidence of multiple dwelling developments it was necessary either to change the quantum of r-coded land which could accommodate this form of development or change the controls themselves.' It is obvious therefore, that there is impetus at a State level to encourage multiple dwelling development; and*
- *Directions 2031, a draft spatial framework for Perth and Peel released in June of this year (also by the Western Australian Planning Commission), states 'a more compact City is desirable: which means we must continue our efforts to achieve more consolidated development in appropriate locations.' As such, the Town of Vincent, as an inner city Local Authority, is considered an appropriate location to consolidate development, and therefore, the abovementioned issues, particularly relating to Policy No. 3.4.8 relating to Multiple Dwellings, as well as Amendment No. 25 to Town Planning Scheme No. 1, are in line with the strategic objectives at a State Government level.*

9. Moved Simon Chester, 93 Chelmsford Road, Mt Lawley, Seconded Marie Slyth, 89 Carr Street, West Perth

“That the Town of Vincent appoint an Independent Consultant to undertake a “Desktop Review” to assess the alignment and effectiveness of the Town of Vincent Local Area Planning Strategy in addressing the findings of the Community Visioning final report and 6 Vision statements identified in Vincent Vision 2024 and provide a report to the Council no later than March 2010.”

MOTION PUT AND CARRIED (10-3)

Director Development Services Comments:

As part of the review of the Town's Town Planning Scheme, the Council have resolved to engage independent consultants to undertake a Peer Review of the Town's Local Planning Strategy and proposed Town Planning Scheme No. 2, which will be undertaken during the three month advertising period for both documents. It is considered that this will provide the necessary review to address the above request.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

The Local Government Act 1995 states;

- “5.27 (1) *A general meeting of the electors of a district is to be held once every financial year.*
- (2) *A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.”*
- “5.33 (1) *All decisions made at an electors’ meeting are to be considered at the next ordinary council meeting or, if that is not practicable -*
- (a) *at the first ordinary meeting after that meeting; or*
(b) *at a special meeting called for that purpose,*
- whichever happens first.*
- (2) *If at a meeting of the council a local government makes a decision in response to a decision made at an electors’ meeting, the reasons for the decision are to be recorded in the minutes of the council meeting.”*

STRATEGIC IMPLICATIONS:

Nil.

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

There are no funds available in the 2009/10 Budget to implement the Annual General Meeting decision nos. 1, 8 and 9. Decision nos. 2, 3, 5, 6 and 7 will be carried out by the Town’s Administration and no additional funds are required. (Decision no. 4 was deferred and no further action is required at this stage).

COMMENTS:

It is recommended that Council approve of the Officer Recommendation.

10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

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

Nil.

12. REPRESENTATION ON COMMITTEES AND PUBLIC BODIES

Nil.

13. URGENT BUSINESS

Nil.

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

Nil.

Cr Burns returned to the Chamber at 9.05pm.

15. CLOSURE

The Presiding Member, Mayor Nick Catania, declared the meeting closed at 9.05pm with the following persons present:

Mayor Nick Catania, JP	Presiding Member
Cr Matt Buckels	North Ward
Cr Anka Burns	South Ward
Cr Steed Farrell	North Ward
Cr Taryn Harvey	North Ward
Cr Sally Lake (<i>Deputy Mayor</i>)	South Ward
Cr Warren McGrath	South Ward
Cr Dudley Maier	North Ward
Cr Joshua Topelberg	South Ward
John Giorgi, JP	Chief Executive Officer
Jim Maclean	A/Director Development Services
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 were present.

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 9 February 2010.

Signed:Presiding Member
Mayor Nick Catania

Dated this day of 2010