



## TOWN OF VINCENT

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*"Enhancing and celebrating our diverse community"*

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# MINUTES

<h2>9 NOVEMBER 2010</h2>
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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 November 2010, commencing at 6.00pm.

**1. DECLARATION OF OPENING**

The Presiding Member, Mayor Nick Catania, declared the meeting open at 6.02pm.

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

**(a) Apologies:**

Cr Anka Burns – apology – arriving late due to family commitments.

**(b) Present:**

Mayor Nick Catania, JP	Presiding Member
Cr Matt Buckels	North Ward
Cr Anka Burns	South Ward (from 6.09pm)
Cr Steed Farrell	North Ward
Cr Taryn Harvey	North Ward
Cr Sally Lake ( <i>Deputy Mayor</i> )	South Ward
Cr Warren McGrath	South Ward
Cr Dudley Maier	North Ward
Cr Joshua Topelberg	South Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Development Services
Rick Lotznicker	Director Technical Services
Mike Rootsey	Director Corporate Services
Anita Radici	Executive Assistant (Minutes Secretary)
<u>Employee of the Month Recipient</u>	
Trish Moss	A/Payroll Officer (until approximately 6.36pm)
Lauren Peden	Journalist – “ <i>The Guardian Express</i> ” (until approximately 8.30pm)

Approximately 22 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. David Speak of 1 Clive Street, Mt Pleasant – Item 9.1.11. Submitted documentation which were circulated to Council Members and spoke in favour of his application. Stated his pharmacy is a group of 28 and Western Australian only brand which has been revamped over the last 2 years. Stated the signage company acting on his behalf advised that the signage would not need any approval, as it is simply replacing existing signs. Apologised for this oversight. Requested the Council approve their application as he does not want to relocate his business.

2. Roy Burton of 333 West Coast Drive, Trigg – Item 9.1.4. Stated that the Jazz Cellar has operated for 16 years and could, under present classification, operate “24/7” but choose only to operate 1 day. Advised that he has applied for a small bar license for 4 days however, only wish to use it on one day. Stated that in State Parliament 2 weeks ago during debate, John Hyde, MLA moved a motion specifically aiming to remove the Jazz Cellar from the authority of the Liquor Act however, he was persuaded by the Minister to withdraw the motion and the Minister promised to look at their situation specifically and get back to Mr Hyde quickly, which may result in them not requiring the small bar license in the future. However, in the meantime, he needs to proceed with his application and urged the Council to support it.
3. Patricia Sinclair of 23 Grosvenor Road, Mt Lawley – Item 9.1.10. Advised that a number of residents on the Street would like to see change to commercial doctors premises as the existing building is very dilapidated, rented out to a large number of people and is causing some problems in the Street. Advised that they have a terrible parking problems in the Street where workers from Beaufort Street park all day, although there is a 2 hour restriction however, if there are visitors to the doctor they would be adhering to the restrictions and they may have less problems, as she believed it cannot get much worse. Urged the Council to approve the rezoning.

**Cr Burns entered the meeting at 6.09pm.**

4. Andy Aston of 135 Buxton Street, Mt Hawthorn – Item 9.1.4. Stated that he has lived in the property for about 4½ years. The Jazz Club is open on Friday nights and he has a lot of litter left on their property on a regular basis, broken bottles have to be cleared from the front of the property and on occasion, he has had to call the Police to deal with disruptive people outside their property. Understood the recommendations however, asked the Council to consider it from a “humanistic” perspective, as they are a family that love living in Mt Hawthorn. Believed 4 days a week to be unacceptable and will not be in the best interests of the family community.
5. Peter Jodrell of Clydesdale Street, Como – Item 9.1.9. Stated that although having worked very closely with the Officers and the recommendation being for approval the previous application was refused. Advised that he appealed to SAT and have had an onsite mediation conference with Town Officers and SAT representatives. Stated that he has modified the plans – increased parking, reduced the size of the top level unit and adjusted the height roof heights. Believed the proposal fits into the position nicely and encouraged the Council to consider the application and to grant approval. Stated that it is possible to lower the ground level by up to another metre however, this would result in a relatively inferior elevation. Believed this works and if it is dropped further it would result in an inferior architectural outcome. Requested the Council to approve of the application.
6. Tania Martin of 4/1 James Street, Fremantle (owner of 89 Bourke Street, Leederville) – Item 9.1.9. Believed the changes made from the previous application to be very minor and the developer has not addressed the reasons that the plans were initially refused, namely that the development is too high, too dense and the height and bulk is out of character with the area. Stated that Bourke Street is a residential street comprising of single and double storey houses and the proposal, made of 8 apartments with balconies plus a ground floor office, is totally out of keeping with the existing houses. Believed this development would have a significant negative impact on the amenity of Bourke Street and it should be in keeping with what is currently on Bourke Street not Oxford. Requested the Council to support the recommendation for refusal.

7. Lyn Oliver of 43 Lawler Street, North Perth – Item 9.1.12. Stated whilst the Officer does not recommend adoption of the Streetscape Policy, she notes that as part of the review of Town Planning Scheme, greater emphasis will be placed on the protection of residential character, giving some hope that concerns will still be addressed. Thanked Staff who have continued to work on this important area. Advised that she attended a Workshop and congratulated the Town Staff who presented the Workshop, particularly Tory and Susannah who did a very good job however, it was very disappointing that a resident against the proposal was “*loud mouthed*” and continually interrupted presenters and other attendees trying to have their say. Understands this person attended all 4 Workshops and was equally disruptive at those. Congratulated the Staff on managing this so professionally. Noted that in the Summary of Submissions, 160 objections and 104 in favour were received. Stated that the 104 represents a large percentage of respondents concerned about the loss of character streetscapes. Stated that given many objections were around the issue that the Policy was too restrictive, the number in favour indicates the importance those residents place on the loss of streetscape – she is willing to live within restrictions. Stated many residents in favour want to live in a lovely streets with a cohesive community. Encouraged the Town to continue working in this area and as a ratepayer of 15 years and intending to live in her home for the long term, she is happy for her rates to be spent on this work.
8. John Shannon of 24 Brisbane Street, Perth – Item 9.1.3. Stated that he purchased the property 15 years ago when it was being utilised as office/residential and he has made no change to the façade of the building however, has made modifications internally from a living lifestyle purpose. Advised that it was recently pointed out to him by the Town that the building is office/warehouse use only however, when purchased, the real estate agent presented him with drawings that had encompassed works that had been carried out in the rear half of the property. Stated that he did not think to check the changes through the Council as, the drawings being by an architect, he felt comfortable with the fact that it could be taken a step further. Advised that the Rate Notice has always stated “residential/commercial”. Advised that he has since demolished the service station along side the property, has erected a 3 storey residential building with a layer of commercial underneath. Asked the Council to take the above into consideration and approve the matter.
9. Anton Haynes of Summers Street – Item 9.1.13. Spoke about the Department of Planning’s Directions 2031 of which the Sub-Regional Strategy comes out of. Stated in the Submission there is one issue that is of great concern to people in his local area, which is the possibility of a road bridge from Summers Street over the railway line, East Parade and into the East Perth Power Station development area. This was first raised in the EPRA 2004 Masterplan and subsequently in EPRA’s East Perth TOD Study. Stated that it will have great impact on both sides of the railway line, as East Perth railway station is due to be a major growth area. Submitted documents which were circulated to Council Members and asked that his comments be considered.
10. Margaret Block of 9 Seabrook, Mt Hawthorn – Item 9.1.12. Appreciated the intent of the Streetscape Policy. Advised that, in principle, she does not agree with the way it is trying to be introduced and would like to see a more fair and equitable system. Stated that she has already been through a situation where people on her street were able to raise a petition against a development and it was quite a traumatic process. Believed that it depends on who is in your street – therefore it is not the way she would like to see the process brought in. Hoped the Council could consider some sort of “*amnesty*” period for people that have plans and who have brought into the area are not disadvantaged by the Policy being brought in after they purchased their property.

There being no further speakers, public question time closed at approx. 6.32pm.

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

Nil.

**4. APPLICATIONS FOR LEAVE OF ABSENCE**

Nil.

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

Nil.

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

Minutes of the Ordinary Meeting of Council held on 9 November 2010.

**Moved Cr Topelberg, Seconded Cr Harvey**

*That the Minutes of the Ordinary Meeting of Council held 26 October 2010 be confirmed as a true and correct record.*

**CARRIED (9-0)**

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

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

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

For NOVEMBER 2010, the award is presented to Trish Moss Finance Officer in the Town's Corporate Services Section.

Trish was nominated by the Manager Financial Services, Bee Choo Tan, as follows;

Trish Moss commenced at the Town of Vincent in October 2008, as the Finance Officer. She was responsible for raising the invoices for the Underground Power project and debt collection. She possesses a diverse range of skills and experience and is the relieving officer for Accounts Receivables, Rates and Payroll.

Trish initially relieved the Payroll Officer during leave periods. This was further extended to periods when the Manager Human Resources was on leave, where the Payroll Officer would act in the Manager's position.

Trish's role in payroll increased exponentially when the Payroll Officer resigned recently to work in the mining sector. She has undertaken the full responsibilities of a Payroll Officer, ensuring staff are consistently paid accurately and timely. She has performed her duties above and beyond what is expected of a relief employee and has performed her role professionally and consistently.

Trish is also currently training the new Payroll Officer to ensure that the pay run continues to the expected schedule. This involves training in Authority, award provisions and other tasks as required of the position.

Whilst in payroll, Trish has still ensured that her duties in Finance have been completed and assigned to another staff member.

Trish is always polite, courteous and willing to help, making her an excellent team player. Her dedication and commitment to the organisation is to be commended.

Congratulations Trish - and well done!

**Received with Acclamation!**

7.2 CSRFF Application for 2010/2011

I am pleased to announce that the Town has been successful in its CSRFF Application for 2010/2011 for the Tennis Seniors Association WA for the refurbishment of the change rooms at the Robinson Tennis Facility. The Town will receive \$16,864 from the State Government which is a 1/3 share, with the remaining 1/3 being provided by the Town and 1/3 being provided by the Association.

May I thank the Town's Community Development Section for their tremendous work in preparing this Grant Application.

7.3 Hyde Park Playground – Update

I am pleased to announce that following the recent approval granted by the Department of Indigenous Affairs, the Town has been extremely busy in completing the Hyde Park Playground. Reticulation has been completed by the Town's Parks Officers and rubber soft fall is being programmed for the next day or so. All going well, it is envisaged that the playground will be completed by the end of next week.

7.4 Annual General Meeting of Electors

I wish to remind everyone that the Annual General Meeting of Electors will be held on Monday 29 November 2010 at 6.00pm at the Town's Administration and Civic Centre.

**8. DECLARATIONS OF INTERESTS**

- 8.1 Cr Topelberg declared a Proximity interest in Item 9.2.3 – Proposed Introduction of a Two (2) Hour Parking Restriction in Nominated Streets Adjacent to Fitzgerald Street, North Perth – Additional Report. The extent of his interest being that his primary residence is located on Leake Street, between Grosvenor Road and Chelmsford Road.
- 8.2 Cr McGrath declared a Proximity interest in Item 9.2.2 – Robertson Park - Proposed installation of a Vietnamese Boat People Monument of Gratitude & Landscaped Drainage Retention Basin. The extent of his interest being that he resides at a property on Palmerston Street that fronts Robertson Park. Cr McGrath requested approval to participate in the debate only on the matter.

- 8.3 Cr McGrath declared an Impartiality interest in Item 9.4.6 – Information Bulletin, particularly IB03 and IB08. The extent of his interest being that the company he is employed by is undertaking environmental consultancy services for Tamala Park Regional Council. Cr McGrath requested approval to participate in the debate on the matter.
- 8.4 The Chief Executive Officer, John Giorgi declared an Impartiality interest in Item 9.3.3 – Beatty Park Leisure Centre Redevelopment – Consultant Services Tender No. 423/10. The extent of his interest being he knows several Tenderers on a professional basis only, as they have worked on previous Town of Vincent projects, namely, E-Tec Consultants, BPA Engineering Pty Ltd, Steens Gray and Kelly Pty Ltd, Wood and Grieve Engineers, Rawlinsons (WA) and Best Consultants Pty Ltd. The Chief Executive Officer stated that the extent of his input into the report involved a review of the Tender Evaluation Panel findings and recommendations, as stated on page 107 of the Agenda Report.

**At 6.40pm Cr McGrath departed the Chamber whilst his declaration of interest was being considered.**

**Moved Cr Farrell, Seconded Cr Buckels**

*That Cr McGrath's request to participate in debate in Item 9.2.2 – Robertson Park - Proposed installation of a Vietnamese Boat People Monument of Gratitude & Landscaped Drainage Retention Basin, be approved.*

**CARRIED (8-0)**

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

**Cr McGrath returned to the Chamber at 6.41pm. The Presiding Member, Mayor Nick Catania advised him that his request was approved (8-0).**

**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 9.1.11, 9.1.4, 9.1.10, 9.1.9, 9.1.12, 9.1.3 and 9.1.13.

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

Items 9.1.8, 9.4.4 and 9.4.5.

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

Items 9.2.2 and 9.2.3.

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

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

Cr Farrell	Nil.
Cr Topelberg	Item 9.2.4.
Cr Buckels	Nil.
Cr McGrath	Nil.
Cr Harvey	Nil.
Cr Lake	Nil.
Cr Burns	Nil.
Cr Maier	Item 9.1.2.
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 9.1.1, 9.1.5, 9.1.6, 9.1.7, 9.2.1, 9.3.1, 9.3.2, 9.3.3, 9.4.1, 9.4.2, 9.4.3 and 9.4.6.

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 9.1.1, 9.1.5, 9.1.6, 9.1.7, 9.2.1, 9.3.1, 9.3.2, 9.3.3, 9.4.1, 9.4.2, 9.4.3 and 9.4.6.

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

Items 9.1.11, 9.1.4, 9.1.10, 9.1.9, 9.1.12, 9.1.3 and 9.1.13.

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

**Moved Cr Farrell, Seconded Cr Burns**

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

*Items 9.1.1, 9.1.5, 9.1.6, 9.1.7, 9.2.1, 9.3.1, 9.3.2, 9.3.3, 9.4.1, 9.4.2, 9.4.3 and 9.4.6.*

**CARRIED (9-0)**

**9.1.1 No. 2/39 (Lot: 2, Strata Lot: 2, STR: 30311) Monger Street, corner Money Street, Perth – Proposed Change of Use from Office Building to Two (2) Non-Medical Consulting Rooms (Beauty & Health Centre) – Amendment to Planning Approval 5.2010.372.1**

<b>Ward:</b>	South	<b>Date:</b>	1 November 2010
<b>Precinct:</b>	Beaufort; P13	<b>File Ref:</b>	PRO5182; 5.2010.557.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer:</b>	T Cappellucci, Statutory Planning Officer		
<b>Responsible Officer:</b>	R Boardman, Director Development Services		

**OFFICER RECOMMENDATION:**

*That the Council;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by K Yeung on behalf of the owner P C Yong for proposed Change of Use from Office Building to Two (2) Non-Medical Consulting Rooms (Beauty & Health Centre) – Amendment to Planning Approval 5.2010.372.1, at No. 2/39 (Lot: 2, Strata Lot: 2, STR: 30311) Monger Street, corner of Money Street, Perth, and as shown on plans stamp-dated 27 October 2010, subject to the following conditions:*

- (i) **Non-Medical Consulting Rooms (Beauty & Health Centre)**
  - (a) *shall be valid for a period of 12 months only and should the applicant wish to continue the use after that period, it shall be necessary to re-apply to and obtain approval from the Town prior to continuation of the use;*
  - (b) *any change of use from Non-Medical Consulting Rooms (Beauty & Health Centre) shall require Planning Approval to be applied for and obtained from the Town prior to the commencement of such use;*
  - (c) *shall be limited to a maximum of two (2) non-medical consulting rooms (Beauty & Health Centre) and two (2) practitioners are permitted to operate at the property at any one time. Any increase in the number of consulting rooms/practitioners shall require Planning Approval to be applied to and obtained from the Town;*
  - (d) *the hours of operation shall be limited to the following times: 9.00am to 6:00pm Monday to Sunday; and*
  - (e) *shall not be used for massage activity of a sexual nature, prostitution, as a brothel business, as an agency business associated with prostitution, as an escort agency business, or the like;*
- (ii) **Building**
  - (a) *all new external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Monger and Money Streets; and*
  - (b) *doors, windows and adjacent floor areas fronting Money Street shall maintain an active and interactive frontage to Money Street;*
- (iii) **Signage**

*All signage that does not comply with the Town's Policy No. 3.5.2 relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted to and approved by the Town prior to the erection of the signage;*

(iv) **Fencing**

*Any new street wall, fence and gate within the Monger 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;*

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

(a) *pay a cash-in-lieu contribution of \$4,080 for the equivalent value of 1.36 car parking spaces, based on the cost of \$3,000 per bay as set out in the Town's 2010/2011 Budget; OR*

(b) *lodge an appropriate assurance bond/bank guarantee of a value of \$4,080 to the satisfaction of the Town. This assurance bond/bank guarantee will only be released in the following circumstances:*

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

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

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

(vi) **WITHIN TWENTY-EIGHT (28) DAYS OF THE ISSUE DATE OF THIS 'APPROVAL TO COMMENCE DEVELOPMENT', the applicant shall submit to the Town:**

(a) *this application involves a change of use (Classification) and as such the works will need to fully comply with the current Building Code of Australia (BCA). It is the applicant's responsibility to identify the areas where the building does not comply with the deemed to satisfy provisions of the BCA and to provide a proposal in accordance with Part AO of the BCA to address those issues; and*

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

(a) **Bicycle Parking**

*Prior to the first occupation of the development, one (1) class 3 bicycle parking 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 facilities shall be submitted to and approved by the Town prior to installation of such facilities.*

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**COUNCIL DECISION ITEM 9.1.1**

**Moved Cr Farrell, Seconded Cr Burns**

*That the recommendation be adopted.*

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

<b>Landowner:</b>	P C Yong
<b>Applicant:</b>	K Yeung
<b>Zoning:</b>	Commercial
<b>Existing Land Use:</b>	Office
<b>Use Class:</b>	Consulting Rooms
<b>Use Classification:</b>	"AA"
<b>Lot Area:</b>	324 square metres
<b>Access to Right of Way</b>	N/A

**PURPOSE OF REPORT:**

The proposal requires referral to the Council for determination.

**BACKGROUND:**

12 May 1994 The Perth City Council at its Ordinary Meeting, resolved to approve by an absolute majority, the application for a mixed commercial and residential development comprising three (3) retail units and four (4) residential properties.

12 October 2010 The Council at its Ordinary Meeting approved the application for a change of use from Office Building to Three (3) Non-Medical Consulting Rooms (Beauty and Health Centre) subject to standard and appropriate conditions, including limiting the use to a period of 12 months.

**DETAILS:**

The proposal involves the proposed change of use from an existing office to non-medical consulting rooms (Health and Beauty Centre).

The plans indicate that there are two (2) consulting rooms, with two (2) massage tables as well as a mobile table, reception desk and an existing toilet and shower facility. This application differs from the previous application Serial 5.2010.372.1, approved by the Council at its Ordinary Meeting held on 12 October 2010, where three (3) consulting rooms were proposed.

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

**COMPLIANCE:**

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
<b>Car Parking:</b>	1.36 car bays (after adjustment factors and previously approved shortfalls)	Nil.
<i>Officer Comments:</i>		
Supported in Part – The car parking variation in this instance is minimal and as part of the last planning approval for the site, where no car parking bays were provided on-site for the three (3) approved non-medical consulting rooms. Therefore, it is considered the proposed car parking situation for the now amended (2) consulting rooms can be supported in this instance, provided a cash-in-lieu contribution of \$4,080 for the equivalent value of 1.36 car parking spaces, based on the cost of \$3,000 per bay as set out in the Town's 2010/2011 Budget.		
<b>Bicycle Parking:</b>	One (1) Class Three bicycle parking space.	Nil.
<i>Officer Comments:</i>		
Not supported – Condition applied for one (1) Class 3 bicycle space to be provided.		

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

<b>Consultation</b>	
<b>Advertising</b>	No further consultation was undertaken as there were no objections during the previous consultation period for the original application 5.2010.372.1, for three (3) consulting rooms, and this new application is only for two (2) consulting rooms. Therefore, the car parking shortfall of 1.36 car bays is lesser than the original application which had a shortfall of 3.4 car bays, and on the above basis, no further variations are proposed.

### **Car Parking**

Car parking requirements for the existing residential component of the development have to be calculated using the requirement for multiple dwellings from the current Residential Design Codes (R Codes). In accordance with the Residential Design Codes requirements for mixed-use development, on-site car parking for multiple dwellings may be reduced to one car bay per dwelling where on-site parking required for other users is available outside normal business hours. With this existing mixed use development, the residential component requires the provision of 4 car bays, based on the standard of one (1) car bay for each of the 4 existing multiple dwellings located on the 1<sup>st</sup> and 2<sup>nd</sup> floors, with 10 per cent of the required car bays being allocated as visitor car bays. The number of car bays existing for the residential component is 4 car bays.

A total of 4 car bays are provided for this site, none added as part of this application for the two (2) consulting rooms for Unit 2 on the ground floor. Therefore, no car bays on-site are available for the commercial component of the proposed consulting rooms of Unit 2, as well as the other previously approved retail shops of Units 1 and 3, approved by the City of Perth in 1994.

The most recently approved on-site car parking shortfall was part of the application approved by the City of Perth on 12 May 1994 for a Mixed Commercial and Residential Development Comprising Three (3) Retail Units and Four (4) Residential Apartments. As part of this application, a car parking shortfall of 12 car bays was approved, with the shortfall for the Commercial component on the ground floor being nine (9) car bays, and a shortfall of three (3) car bays for the residential component on the first and second floors.

The Town's Car Parking and Access Policy states that the above adjustment factors should be applied to previous approved shortfalls.

<b>Car Parking – Commercial Component (Ground Floor)</b>	
Car parking requirement (nearest whole number)	= 11 car bays (nearest whole number)
<i>Proposed two (2) consulting rooms for Unit 2: (3 spaces per Consulting Room)</i>	
Parking Required = 6 car bays	
<i>Existing Retail Premises for Unit 1 (as last known Approval was for a Retail Shop) - Shop (1 space per 15 square metres of gross floor area)</i>	
Area of Shop – 32 square metres Parking Required = 2.13 car bays	
<i>Existing Retail Premises for Unit 3 (as last known Approval was for a Retail Shop) – Shop (1 space per 15 square metres of gross floor area)</i>	
Area of Shop – 44 square metres Parking Required = 2.93 car bays	
<b>Total Parking Required = 11.06 car bays</b>	

<b>Car Parking – Commercial Component (Ground Floor)</b>	
Apply the adjustment factors. • 0.85 (within 400 metres of a bus stop) • 0.80 (contains a mix of uses, where at least 45 percent of the gross floor area is residential)	(0.68)  = 7.48 car bays
Minus the car parking provided on-site	Nil
Minus the most recently approved on-site car parking shortfall, as follows: Previously Approved Shortfall = 9 car bays. After adjustment factor of 0.68 = 6.12 car bays.	6.12 car bays
Resultant shortfall	1.36 car bays

<b>Bicycle Parking – Commercial Component</b>
Consulting Rooms • 1 space per 8 practitioners (class 1 or 2) Proposed = 2 practitioners  • 1 space per 4 practitioners (class 3) Proposed = 2 practitioners  Total class one or two bicycle spaces required = 0.25 = Nil Total class three bicycle spaces required = 0.5 = 1 space  No class one, two or three bicycle spaces proposed.

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

**COMMENTS:**

In the submissions received as part of the original approval 5.2010.372.1, the applicant has advised the Town that the property is to be used to run a beauty and health centre to be called “Sunflower Beauty and Health Centre”, providing treatments including facials, waxing and tinting, therapeutic massage, make-up services, manicure and pedicure.

The applicant has confirmed that the name “Sunflower Beauty and Health Centre” is not a registered business name. In addition, the proposed beauty and health centre has no affiliation to the business with the same name that operates on the east coast, which provides natural massage therapies together with the state of the art non-surgical cellulite treatment, laser hair removal, facials, waxing and total body treatments plus in-house day spa and sauna facilities in private rooms.

The applicant as part of the original application, provided certified copies of the qualifications of one of the two intended employees at “Sunflower Beauty and Health Centre” (see ‘*Laid on the Table*’). There are two employees, a mother and her daughter; to whom the daughter has gained beauty qualifications from the Perth College of Beauty Therapy.

The Town’s Officers are of the view that the proposed use is not of a sexual nature based on the following:

- The applicant has provided the qualifications of one (1) of the two (2) employees that relate to the proposed use of the site; and
- The plans and description of the nature of the business provided, do not give any indications that the proposed beauty and health centre will be utilised for purposes other than those normally conducted at such beauty and health centre establishments.

In light of the above, it is recommended that the Council approve the application, subject to standard and appropriate conditions, including limiting the use to a period of 12 months.

**9.1.5 No. 481 (Lot 1; D/P 4107) Fitzgerald Street, North Perth – Change of Use from Shop (Real Estate Agency) to Non-Medical Consulting Rooms (Beauty Therapy)**

<b>Ward:</b>	North	<b>Date:</b>	1 November 2010
<b>Precinct:</b>	Smith's Lake; P6	<b>File Ref:</b>	PRO0045; 5.2010.400.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer:</b>	C Harman, Statutory Planning Officer		
<b>Responsible Officer:</b>	R Boardman, Director Development Services		

**OFFICER RECOMMENDATION:**

*That the Council;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by K E Holliday for proposed Change of Use from Shop (Real Estate Agency) to Non-Medical Consulting Rooms (Beauty Therapy) at No. 481 (Lot: 1, D/P: 4107) Fitzgerald Street, North Perth, and as shown on plans stamp-dated 12 August 2010 and 20 October 2010, subject to the following conditions:*

- (i) **Non-Medical Consulting Rooms (Beauty Therapy)**
  - (a) *shall be limited to a maximum of 4 consulting rooms/consultants operating at any one time, as shown on the approved plans. Any increase in the number of consulting rooms/consultants shall require Planning Approval to be applied to and obtained from the Town;*
  - (b) *the approval for the Non-Medical Consulting Rooms (Beauty Therapy) is for a period of 12 months only and should the applicant wish to continue the use after that period, it shall be necessary to re-apply to and obtain approval from the Town prior to continuation of the use;*
  - (c) *this approval is for Non-Medical Consulting Rooms (Beauty Therapy) use only. Any change of use from Non-Medical Consulting Rooms (Beauty Therapy) shall require Planning Approval to be applied for and obtained from the Town prior to the commencement of such use;*
  - (d) *the hours of operation of the Non-Medical Consulting Rooms (Beauty Therapy) shall be limited to 9am to 5pm Tuesday and Friday, 9am to 7pm Wednesday and Thursday, and 9am to 4pm Saturday; and*
  - (e) *the subject property is not to be used for massage activity of a sexual nature, prostitution, as a brothel business, as an agency business associated with prostitution, as an escort agency business, or the like;*
- (ii) **Building**
  - (a) *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; and*
  - (b) *the windows, doors and adjacent floor area facing Fitzgerald Street shall maintain an active and interactive frontage to this street;*

(iii) **Fencing**

- (a) *any new street/front wall, fence and gate within the Fitzgerald Street setback area, including along the side boundaries within this street setback area, shall comply with the Town's Policy provisions relating to Street Walls and Fences;*

(iv) **Signage**

- (a) *all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted to and approved by the Town prior to the erection of the signage;*

(v) **Car Parking**

- (a) *a management plan shall be submitted demonstrating how the tandem bays at the rear of the site will be operated to the satisfaction of the Town; and*
- (b) *the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town; and*

(vi) ***PRIOR TO THE FIRST OCCUPATION OF THE DEVELOPMENT, the following shall be submitted to and approved by the Town:***

- (a) *one (1) class 2 and one (1) class 3 bicycle parking facilities 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 facilities shall be submitted to and approved by the Town prior to installation of such facilities; and*
- (b) *a copy of the applicant's qualification relating to the non-medical consulting room activity that is to be carried out at the subject site.*

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**COUNCIL DECISION ITEM 9.1.5**

**Moved Cr Farrell, Seconded Cr Burns**

*That the recommendation be adopted.*

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

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<b>Landowner:</b>	Whitesea Holdings Pty Ltd
<b>Applicant:</b>	K E Holliday
<b>Zoning:</b>	Metropolitan Region Scheme: (MRS): Urban Town Planning Scheme No. 1 (TPS 1): Residential R60
<b>Existing Land Use:</b>	Shop
<b>Use Class:</b>	Consulting Rooms
<b>Use Classification:</b>	"SA"
<b>Lot Area:</b>	646 square metres
<b>Access to Right of Way</b>	West, 3 metres wide

**PURPOSE OF REPORT:**

The proposal requires referral to the Council for determination.

**BACKGROUND:**

25 October 1994 The Council at its Ordinary Meeting conditionally approved an application for Consulting Rooms, as there was no previous approval for this use on record.

8 December 1997 The Council at its Ordinary Meeting conditionally approved an application for a Change of Use from Consulting Rooms to Shop (Real Estate Agency).

**DETAILS:**

The proposal involves a Change of Use from the existing Shop tenancy to Non-Medical Consulting Rooms (Beauty Therapy). The services provided by the Non-Medical Consulting Room include SPL permanent hair removal, cellulite treatment and LED light therapy for skin rejuvenation.

At the time this Agenda Report was prepared, the Town had not received any information regarding the applicant's qualifications relative to the Non-Medical Consulting Rooms, as the applicant could not be contacted.

**COMPLIANCE:**

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
<b>Consulting Rooms Policy No. 3.5.22</b>	Hours of operation to be 8.00am to 6.00pm weekdays, and 8.00am to 1.00pm Saturdays, inclusive.	9.00am to 5.00pm Tuesday and Friday, 9.00am to 7.00pm Wednesday and Thursday and 9.00am to 4.00pm Saturday.
<i>Officer Comments:</i>		
Supported – Not considered to have an undue impact on adjoining properties or the locality. The subject site has a long standing history of commercial uses and is surrounded by other commercial uses, being in close proximity to the North Perth Town Centre, and therefore the extended hours of operation on Wednesday, Thursday and Saturday is supportable. No objections to the use were received during advertising.		

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

Consultation Submissions		
Item	Comments Received	Officer Comments
Support	Nil.	Noted.
Objection (1)	<ul style="list-style-type: none"> <li>Concerns over illegal parking on properties across the right of way.</li> </ul>	<ul style="list-style-type: none"> <li>Not Supported – the applicant has modified the existing parking situation, which has resulted in a surplus of car parking on the site, thereby eliminating the need to park on other private property across the right of way.</li> </ul>

Consultation Submissions		
Item	Comments Received	Officer Comments
	<ul style="list-style-type: none"> <li>Increase in traffic volumes along the right of way.</li> </ul>	<ul style="list-style-type: none"> <li>Not Supported – the proposed hours of operation are less than the current real estate agency and this will decrease overall traffic volumes.</li> </ul>
<b>Advertising</b>	Advertising for a period of 21 days was carried out as per the Town's Policy No. 4.1.5 – relating to Community Consultation.	

Car Parking	
Car Parking Requirement (nearest whole number)	= 12 car bays
<ul style="list-style-type: none"> <li>Consulting Room – 3 bays per consulting room (<b>requires 12 car bays</b>)</li> </ul>	
Apply the adjustment factors.	0.7225
<ul style="list-style-type: none"> <li>0.85 (within 400 metres of a bus stop)</li> <li>0.85 (within 400 metres of a public car parking place with in excess of 75 car parking spaces)</li> </ul>	= 8.67 car bays
Minus the car parking provided on-site.	10 car bays
Minus the most recently approved on-site car parking shortfall	N/A
Resultant surplus	1.33 car bays

Bicycle Parking	
Consulting Rooms	
<ul style="list-style-type: none"> <li>1 space per 8 practitioners for employees (class 1 or 2) = 0.5 spaces</li> <li>1 space per 4 practitioners for visitors (class 3) = 1 space</li> </ul>	
Total class one or two bicycle spaces = 0.5= 0 space	
Total class three bicycle spaces = 1 space	
Other Implications	
<b>Legal/Policy</b>	TPS 1 and associated Policies, and Residential Design Codes (R Codes).
<b>Strategic</b>	Nil.
<b>Sustainability</b>	Nil.
<b>Financial/Budget</b>	Nil.

**COMMENTS:**

It is considered that the proposed change of use will not have an undue impact on the amenity of the area and in light of the above, it is recommended that the Council approve the application, subject to standard and appropriate conditions.

**9.1.6 No. 82A (Strata Lot 2 on Strata Plan 32888) Sydney Street, North Perth - Proposed Construction of Two-Storey Grouped Dwelling**

<b>Ward:</b>	North	<b>Date:</b>	1 November 2010
<b>Precinct:</b>	North Perth; P08	<b>File Ref:</b>	PRO5121; 5.2010.267.2
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer:</b>	D Pirone, Statutory Planning Officer		
<b>Responsible Officer:</b>	R Boardman, Director Development Services		

**OFFICER RECOMMENDATION:**

*That the Council;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by RCI Building Consultants and Brokers on behalf of the owners J A & S D Maras for proposed Construction of Two-Storey Grouped Dwelling, at No. 82A (Strata Lot 2 on Strata Plan 32888) Sydney Street, North Perth, and as shown on plans stamp-dated 9 September 2010, subject to the following conditions:*

- (i) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Sydney Street;*
- (ii) *any new street/front wall, fence and gate within the Sydney Street setback area, including along the side boundaries within this street setback area, shall comply with the Town's Policy provisions relating to Street Walls and Fences;*
- (iii) *no street verge tree(s) shall be removed. The street verge tree(s) is to be retained and protected from any damage including unauthorized pruning;*
- (iv) *first obtaining the consent of the owners of No. 80 Sydney Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 80 Sydney Street in a good and clean condition; and*
- (v) **PRIOR TO THE ISSUE OF A BUILDING LICENCE, the following shall be submitted to and approved by the Town:**

(a) **Construction Management Plan**

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

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

(b) Privacy Screening

- (1) *The windows to the activity room on the northern and eastern elevations;*
- (2) *the windows to bedroom 2 on the southern and eastern elevations; and*
- (3) *the windows to bedroom 1 on the western elevation;*

*being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2008. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of Nos. 80 and 84 Sydney Street and No. 453 Charles Street stating no objection to the respective proposed privacy encroachments;*

(c) Landscaping and Reticulation Plan

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

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

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

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

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

(d) Retaining Walls

*The proposed retaining walls and fill being reduced to a maximum of 500 millimetres above the natural ground level.*

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

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**COUNCIL DECISION ITEM 9.1.6**

**Moved Cr Farrell, Seconded Cr Burns**

*That the recommendation be adopted.*

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

<b>Landowner:</b>	J A & S D Maras
<b>Applicant:</b>	RCI Building Consultants and Brokers
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R20
<b>Existing Land Use:</b>	Vacant Land
<b>Use Class:</b>	Grouped Dwelling
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	372 square metres
<b>Access to Right of Way</b>	Not Applicable

**PURPOSE OF REPORT:**

The proposal is referred to the Council for determination as the Town's Officers do not have delegation for new dwellings in areas zoned R20.

**BACKGROUND:**

No specific background relates to this proposal.

**DETAILS:**

The proposal involves the construction of a two-storey grouped dwelling.

**COMPLIANCE:**

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
<b>Building Setbacks:</b> Ground Floor -North	1.5 metres	1 metre – 1.5 metres
-South	1.5 metres	Nil – 1.22 metres
First Floor -North	1.8 metres	1.5 metres – 2 metres
<i>Officer Comments:</i>		
Supported – Not considered to have an undue impact on the neighbouring property.		
<b>Buildings on Boundary:</b>	Walls not higher than 3.5 metres with average of 3 metres for 2/3 (15.34 metres) of the length of the balance of the boundary behind the front setback, to one side boundary.	-South Wall Height = 3.5 metres – 3.7 metres (average height = 3.6 metres); Wall Length = 6 metres.
<i>Officer Comments:</i>		
Supported – Not considered to have an undue impact on the neighbouring property as the proposed boundary wall will be built against a neighbouring boundary wall and no objections received from affected land owner.		

<b>NON-COMPLIANT REQUIREMENTS</b>		
<b>REQUIREMENTS</b>	<b>REQUIRED</b>	<b>PROPOSED</b>
<b>Retaining Walls:</b>	Filling is not to exceed 500 millimetres above the natural ground level.	-North Max height = 554 millimetres  -South Max height = 884 millimetres  -East Max height = 884 millimetres
<b>Officer Comments:</b>		
Not Supported – Condition applied for the retaining walls and fill to be reduced to a maximum of 500 millimetres above the natural ground level.		
<b>Building Height:</b>	A maximum height of 6 metres to the top of the eaves.	Maximum height = 6.3 metres to the top of the eaves.
<b>Officer Comments:</b>		
Supported – This is not considered to have an undue impact on the neighbouring properties.		
<b>Privacy Setbacks:</b>		
-Activity Room windows (north)	6 metres cone of vision.	2 metres to the northern property boundary.
-Activity Room windows (east)	6 metres cone of vision.	3 metres – 4 metres to the eastern property boundary.
-Bedroom 2 windows (south)	4.5 metres cone of vision.	1.5 metres to the southern property boundary.
-Bedroom 2 windows (east)	4.5 metres cone of vision.	3.7 metres to the southern property boundary.
-Bedroom 1 windows (west)	4.5 metres cone of vision	3 metres to the western property boundary.
<b>Officer Comments:</b>		
Not supported – Condition applied for the windows to be screened to a minimum of 1.6 metres above the first floor finished floor level.		

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

<b>Consultation Submissions</b>		
<b>Item</b>	<b>Comments Received</b>	<b>Officer Comments</b>
Support	Nil.	Noted.
Objection (1)	<ul style="list-style-type: none"> <li>Height of retaining walls and fill.</li> </ul>	<ul style="list-style-type: none"> <li>Supported – Condition applied for the retaining walls and fill to be reduced to a maximum of 500 millimetres above the natural ground level.</li> </ul>
<b>Advertising</b>	Advertising for a period of 14 days was carried out as per the Town's Policy No. 4.1.5 – relating to Community Consultation.	

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

**COMMENTS:**

The application is considered acceptable and would not result in any undue impact on the streetscape or amenity of the surrounding area. In light of the above, the application is recommended for approval subject to standard and appropriate conditions to address the above matters.

**9.1.7 No. 87A (Lot 301; D/P 99985) Sydney Street, North Perth - Proposed Construction of Two-Storey Single House**

<b>Ward:</b>	North	<b>Date:</b>	1 November 2010
<b>Precinct:</b>	North Perth; P08	<b>File Ref:</b>	PRO4261; 5.2010.461.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer:</b>	D Pirone, Statutory Planning Officer		
<b>Responsible Officer:</b>	R Boardman, Director Development Services		

**OFFICER RECOMMENDATION:**

*That the Council;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by M Edwards on behalf of the owners G A Moy & K A Henderson for proposed Construction of Two-Storey Single House, at No. 87A (Lot 301; D/P 99985) Sydney Street, North Perth, and as shown on plans stamp-dated 9 September 2010, subject to the following conditions:*

- (i) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Sydney Street;*
- (ii) *any new street/front wall, fence and gate within the Sydney Street setback area, including along the side boundaries within this street setback area, shall comply with the Town's Policy provisions relating to Street Walls and Fences;*
- (iii) *no street verge tree(s) shall be removed. The street verge tree(s) is to be retained and protected from any damage including unauthorized pruning;*
- (iv) *first obtaining the consent of the owners of No. 87 Sydney Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 87 Sydney Street in a good and clean condition;*
- (v) *the proposed carport shall be one hundred (100) per cent open on all sides and at all times (open style gates/panels with a visual permeability of eighty (80) per cent are permitted), except where it abuts the proposed store room; and*
- (vi) **PRIOR TO THE ISSUE OF A BUILDING LICENCE, the following shall be submitted to and approved by the Town:**

(a) **Construction Management Plan**

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

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

(b) Privacy Screening

*The window (05) to the living room on the southern elevation and the window (03) to the kitchen on the southern elevation, being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2008. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of No. 85 Sydney Street stating no objection to the respective proposed privacy encroachments; and*

(c) Driveways and Crossovers

*The proposed crossover being reduced to a maximum of 4.248 metres.*

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

**COUNCIL DECISION ITEM 9.1.7**

**Moved Cr Farrell, Seconded Cr Burns**

*That the recommendation be adopted.*

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

<b>Landowner:</b>	G A Moy & K A Henderson
<b>Applicant:</b>	M Edwards
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R20
<b>Existing Land Use:</b>	Vacant Land
<b>Use Class:</b>	Single House
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	424 square metres
<b>Access to Right of Way</b>	Not Applicable

**PURPOSE OF REPORT:**

The proposal is referred to the Council for determination as the Town's Officers do not have delegation for new dwellings in areas zoned R20.

**BACKGROUND:**

21 October 2008                      The Council at its Ordinary Meeting conditionally approved a proposed two-storey single house at the subject site.

**DETAILS:**

The previous proposal involved the construction of a two-storey single house. The proposed development is almost identical to the previous proposal approved by the Council at its Ordinary Meeting held on 21 October 2008; however, the Planning Approval has now expired. Furthermore, the previous planning application was assessed in accordance with the previous planning policies, which differ with the current Residential Design Elements Policy.

**COMPLIANCE:**

<b>NON-COMPLIANT REQUIREMENTS</b>		
<b>REQUIREMENTS</b>	<b>REQUIRED</b>	<b>PROPOSED</b>
<b>Front Setbacks:</b> First Floor	2 metres behind the ground floor main building line.	In line with the ground floor main building line.
<i>Officer Comments:</i>		
Supported – The upper floor street setbacks are considered to be compliant with the Performance Criteria of the Town’s RDE’s Policy, in that the contemporary façade is staggered, comprises a select range of attractive external wall surface treatments that will provide articulation and interest to Sydney Street. Furthermore, this design has previously been approved by the Council at its Ordinary Meeting held on 21 October 2008.		
<b>Building Setbacks:</b> Ground Floor -North  -West  First Floor -North	1.5 metres  2 metres  2.7 metres	Nil  1 metre – 2.5 metres  Nil – 2.6 metres
<i>Officer Comments:</i>		
Supported – The proposed building setbacks are not considered to have an undue impact on the neighbouring properties. The proposed northern boundary walls are built against and in line with the northern neighbour’s boundary walls and no objection was received from the northern neighbour. The southern setbacks provide articulation and interest in the elevation and support was received from the southern neighbour.		
<b>Buildings on Boundary:</b>	Walls not higher than 3.5 metres with average of 3 metres for a length of 9 metres, behind the front setback, to one side boundary.	-North (Entry) Wall Height = 6.2 metres – 6.8 metres (average height = 6.5 metres); Wall Length = 6.8 metres  -North (Laundry) Wall Height = 4 metres – 4.9 metres (average height = 4.45 metres); Wall Length = 8 metres
<i>Officer Comments:</i>		
Supported – The proposed boundary walls are not considered to have an undue impact on the neighbouring property as the proposed boundary walls are built against and in line with the northern neighbour’s boundary walls.		

<b>NON-COMPLIANT REQUIREMENTS</b>		
<b>REQUIREMENTS</b>	<b>REQUIRED</b>	<b>PROPOSED</b>
<b>Solar Access:</b>	Maximum overshadowing is 25 percent of the neighbouring lot.	Proposed overshadowing is 34.1 percent of the neighbouring lot.
<b>Officer Comments:</b>		
Supported – The subject lot has a land area of 424 square metres and was most likely subdivided when the land was zoned R30/40. The land is now zoned R20 and due to the small size of the lot and the east-west orientation of the lots, it is very difficult to achieve these overshadowing requirements. Furthermore, the owner of the southern neighbouring property as provided their support for the development.		
<b>Driveways and Crossovers:</b>	Maximum width of 40 percent (4.248 metres) of the width of the frontage.	Proposed width is 5.2 metres or 48.96 percent of the width of the frontage.
<b>Officer Comments:</b>		
Not supported – A condition has been applied for the crossover to be reduced to a maximum of 4.248 metres.		
<b>Carports and Garages:</b>	Carports located behind the street setback line and to the side of the dwelling.  Carports being 100 percent open on all sides.	Carport located within the street setback area and in the centre of the lot.  Carport closed on the south side.
<b>Officer Comments:</b>		
Supported – The proposed carport is located exactly in line with the dwelling on the southern side and the carport on the northern side. Due to this, the impact of the carport being located in the centre of the site and the solid wall on the southern side of the carport is considered minimal.		
<b>Building Height:</b>	A maximum height of 7 metres to the top of the roof.	Maximum height proposed is 7.2 metres on the southern elevation.
<b>Officer Comments:</b>		
Supported – The proposed additional height is not considered to have an undue impact on the amenity of the area and the owner of the southern neighbouring property as provided their support for the development.		
<b>Roof Forms:</b>	Roof forms to be compatible with the existing streetscape.	Concealed roof form proposed.
<b>Officer Comments:</b>		
Supported – The Residential Design Elements Policy states that: <i>'the Town recognises that in some residential areas there may be more opportunity for innovative design and architectural styles and, in these instances, the Town may consider alternative roof forms to a pitch roof style'</i> . In this instance, the proposal illustrates an innovative and contemporary design that is appropriate for the evolving Sydney Street streetscape.		
The application proposes variations to the Acceptable Development standards of the Residential Design Elements Policy; however, the proposal satisfies the Performance Criteria for each of these variations. The development is not considered to compromise the streetscape, but rather contribute to its emerging range of styles and built form.		
<b>Privacy Setbacks:</b> -Window 05 to Living Room  -Window 03 to Kitchen	6 metre cone of vision.  6 metre cone of vision.	1.5 metres to the southern neighbouring property.  1.5 metres to the southern neighbouring property.
<b>Officer Comments:</b>		
Not supported – Condition applied for the windows to be screened to a minimum of 1.6 metres above the finished floor level.		

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

<b>Consultation Submissions</b>		
<b>Item</b>	<b>Comments Received</b>	<b>Officer Comments</b>
Support (2)	No comments provided.	Noted.
Objection	Nil.	Noted.
<b>Advertising</b>	Advertising for a period of 14 days was carried out as per the Town's Policy No. 4.1.5 – relating to Community Consultation.	

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

**COMMENTS:**

The application is considered acceptable and would not result in any undue impact on the streetscape or amenity of the surrounding area. In addition, there were no objections received during the advertising period and a letter of support from the southern and rear neighbouring property owners. In light of the above, the application is recommended for approval, subject to standard and appropriate conditions to address the above matters.

**9.2.1 Proposed Dedication of Right of Way between Sholl Lane and Woodville Street, and Naming of the ROW "Dowell Lane"**

<b>Ward:</b>	North	<b>Date:</b>	2 November 2010
<b>Precinct:</b>	Smith's Lake Precinct (P6)	<b>File Ref:</b>	TES0248
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer:</b>	A Munyard, Senior Technical Officer, Land & Development		
<b>Responsible Officer:</b>	R Lotznicker, Director Technical Services		

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) **APPROVES** *the;*
  - (a) *dedication as an "Underwidth Road" of the Right of Way (ROW) connecting Woodville Street with Sholl Lane as shown on Plan No. 2750-RP-01; and*
  - (b) *naming of the proposed new road "Dowell Lane", subject to the approval of the Geographic Names Committee;*
- (ii) **COMMENCES** *the dedication process in accordance with Section 56 of the Land Administration Act 1997 and advises the applicant of its decision; and*
- (iii) **REQUESTS** *the Applicant to pay all costs associated with the dedication of the road, upon the granting of the final approval.*

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**COUNCIL DECISION ITEM 9.2.1**

**Moved** Cr Farrell, **Seconded** Cr Burns

*That the recommendation be adopted.*

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

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**PURPOSE OF REPORT:**

The purpose of this report is to inform the Council of an application for the dedication, and naming, of the right of way (ROW), between Sholl Lane and Woodville Street and to seek approval to commence the dedication process.

**BACKGROUND:**

An owner of a property adjacent to the ROW has submitted a written request that the Town dedicate the ROW as a public road. Once dedicated, the new road will provide enhanced development opportunities (green title sub-division) to all adjacent property owners.

**DETAILS:**

"Green Title" subdivision is only possible where a proposed new lot has direct frontage to a dedicated road. When subdivision is proposed, where vehicular access is via a right of way, a pedestrian access leg is required to provide residents and their visitors a direct link to a lit public street, which will also provide addressing for the rear lot, and usually a kerb side parking amenity for visitors.

The applicant is the owner of land adjacent to the ROW, where the nature of a recently built front dwelling precludes the provision of a pedestrian access leg to the proposed rear lots.

As the adjacent ROW can be upgraded to the standard required, to meet the requirements of a dedicated road (albeit under width), the applicant has requested that the Town commence the process.

The ROW consists of two separate legs. The leg abutting Woodville Street, is already a public ROW, under the care and control and management of the Town. The second leg, abutting Sholl Lane, is a private ROW owned by the Town. Both legs are 5m in width, sealed and drained.

Although the minimum width of a road is set at 6.0m, the Minister for Lands has discretion to approve the dedication of a 5.0m wide ROW, as an "underwidth road", provided it meets all other criteria. There are two outstanding requirements to be met before dedication of these ROW legs can proceed.

The first is installation of lighting. The applicant has given an undertaking that he is prepared to pay for the installation of the single street light required before dedication can be completed.

The second requirement is that the ROW be named. It is proposed that the name "Dowell Lane" be applied to the ROW. Alfred Philip Dowell was the owner of the land which was subdivided to create the ROW leg adjacent to Woodville Street. The second leg, originating in Sholl Lane, was created at the time of subdivision of land owned by Richard Adolphus Sholl. The applicant has agreed to meet the cost of manufacture and installation of two street name plates.

**CONSULTATION/ADVERTISING:**

Consultation and advertising will be in accordance with the requirements of the Land Administration Act 1997.

**LEGAL/POLICY:**

The dedication of the ROW legs will provide better development opportunities for the adjacent lots.

**STRATEGIC IMPLICATIONS:**

In accordance with the Town's 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:**

Nil

**FINANCIAL/BUDGET IMPLICATIONS:**

The costs of dedication will be met by the applicant.

**COMMENTS:**

The proposed dedication of the ROW legs is at the request of a property owner who is prepared to meet the costs of improving the ROWs to comply with the requirements of a dedicated road. Once dedicated, all adjacent property owners will benefit from the enhanced development potential of their lots. It is recommended that the Council approve the dedication proposal.

**9.3.1 Capital Works Programme – 2010/2011 – Progress Report No. 1 as at 30 September 2010**

<b>Ward:</b>	Both	<b>Date:</b>	2 November 2010
<b>Precinct:</b>	All	<b>File Ref:</b>	FIN0025
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officers:</b>	M Rootsey, Director Corporate Services; R Lotznicker, Director Technical Services; R Boardman, Director Development Services		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

***OFFICER RECOMMENDATION:***

*That the Council RECEIVES Progress Report No. 1 for the period 1 July to 30 September 2010 for the Capital Works Programme 2010/2011, as detailed in Appendix 9.3.1.*

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**COUNCIL DECISION ITEM 9.3.1**

**Moved Cr Farrell, Seconded Cr Burns**

*That the recommendation be adopted.*

**CARRIED “EN BLOC” (9-0)**

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**PURPOSE OF REPORT:**

The purpose of this report is to provide a quarterly progress report on the Council’s Capital Works Programme 2010/11 for the period 1 July 2010 to 30 September 2010.

**BACKGROUND:**

The Council adopted the Capital Works Programme at the Ordinary Meeting of Council held on 10 August 2010 as follows:

*“That the Council APPROVES the 2010/2011 Capital Works Programme as shown in Appendix 9.3.2.”*

Quarterly reports will be presented to Council to advise of the schedule and progress of the Capital Works Programme.

**DETAILS:**

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

**CONSULTATION/ADVERTISING:**

N/A.

**LEGAL/POLICY:**

The Capital Works Programme has been prepared on the adopted 2010/2011 Annual Budget.

**STRATEGIC IMPLICATIONS:**

Plan for the Future 2009-2014 Key Result Area One – Natural and Built Environment:  
*“Objective 1.1: Improve and maintain the Environment and Infrastructure.”*

**SUSTAINABILITY IMPLICATIONS:**

The Capital Works Programme has been prepared taking into account all aspects of sustainability that is environmentally, financially and sound.

**FINANCIAL/BUDGET IMPLICATIONS:**

The Capital Works Programme is funded in the 2010/2011 Annual Budget.

**COMMENTS:**

The schedule of projects may be subject to change during the year. Progress for the first quarter is on the schedule in accordance with the planned programme.

**9.3.2 Design and installation of ‘Spirit of Christmas’ Banners**

<b>Ward:</b>	Both	<b>Date:</b>	20 October 2010
<b>Precinct:</b>	Mt Hawthorn Centre/ North Perth Centre	<b>File Ref:</b>	CMS0102
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officers:</b>	R Gunning, Arts Officer; S J Hansen, Community Development Officer		
<b>Responsible Officer:</b>	M Rootsey, Director Corporate Services		

**OFFICER RECOMMENDATION:**

*That the Council APPROVES the design and installation of the ‘Spirit of Christmas’ Banners as shown in Attachment 9.3.2, to be erected on Scarborough Beach Road, Mt Hawthorn and Fitzgerald Street, North Perth.*

**COUNCIL DECISION ITEM 9.3.2**

**Moved Cr Farrell, Seconded Cr Burns**

*That the recommendation be adopted.*

**CARRIED “EN BLOC” (9-0)**

**PURPOSE OF REPORT:**

To seek approval for the design and installation of the ‘Spirit of Christmas’ banners along Scarborough Beach Road and Fitzgerald Street.

**BACKGROUND:**

At the Special Meeting of Council on 5 May 2009, the following resolution was adopted:

*“That the Council:*

- (i) *APPROVES IN PRINCIPLE the Draft Budget 2009/2010, subject to the following changes:*
- (b) *(Page 3.2) That an amount of \$10,000 be included in the Draft Budget for the erection and display of Christmas Banners.”*

This project was included in the Annual Budget 2009/10, adopted at the Special Council Meeting on 1 July 2009.

The Town of Vincent has eleven (11) banner poles which can each be fitted with two banners, one on either side, displaying a total of twenty-two (22) banners. Seven are positioned along Scarborough Beach Road in the Mt Hawthorn centre, and four along Fitzgerald Street in the North Perth Centre. The banner poles have been used to promote Town of Vincent projects and community spirit. Please refer to item 9.3.2, ‘Laid on the Table’ for graphic design artwork for the Town’s Christmas Banners.

Following the Council resolution letters were sent to local schools seeking student participation in creating banners for Fitzgerald and Scarborough Beach Road. The resulting eleven (11) banner designs were presented to Council.

At the Special Meeting of Council 17 November 2009 the following resolution was adopted:

*“That the Council APPROVES the design and installation of the ‘Spirit of Christmas’ Banners – as shown in Attachment 1, to be erected in Scarborough Beach Road, Mt Hawthorn and Fitzgerald Street, North Perth.”*

The completed banners were displayed from early December 2009 to mid January 2010. The banners were enthusiastically received by the community.

Due to the success of the Christmas banner display in 2009, it was decided to continue the ‘Spirit of Christmas’ project for 2010.

**DETAILS:**

The ‘Spirit of Christmas’ Banner project involved the local primary schools in the Town of Vincent designing banners on the theme of Christmas.

Letters were sent to all the primary schools in the Town inviting them to submit drawings or paintings from the students. The artwork received then forms the basis of the banner designs.

There was an enthusiastic response with over 250 drawings submitted from the following schools: North Perth Primary School, Mt Hawthorn Primary School, Aranmore Catholic Primary School, Highgate Primary School and Mt Hawthorn Education Support Centre.

A graphic designer was engaged to create a series of vibrant designs based on selected drawings from the participating schools. Eleven (11) designs have been created, which will each be printed twice producing twenty-two (22) banners to be installed onto the banner poles. The banners are due to be displayed from the beginning of December 2010 until the end of January 2011.

**CONSULTATION/ADVERTISING:**

Letters were sent out to all the primary schools in the Town inviting participation in the project.

**LEGAL/POLICY:**

N/A.

**STRATEGIC IMPLICATIONS:**

The project is in keeping with ‘Plan for the Future: Strategic Plan 2009 – 2014’:

*“3.1 Enhance and promote community development and wellbeing*

*3.1.1 Celebrate and acknowledge the Towns cultural and social diversity.”*

**SUSTAINABILITY IMPLICATIONS:**

The banners are printed with colourfast ink, ensuring that they will not fade in the sunlight and are therefore reusable.

**FINANCIAL/BUDGET IMPLICATIONS:**

The 2010/2011 budget allocated \$27,000 for banners in the Town. Up to \$10,000 will be used on the Christmas banners.

**COMMENTS:**

The vibrant Christmas banners will enhance the look of the streets and create a positive and festive atmosphere. It is expected that, like last year, the banners will be well received by the wider community as well as having a direct positive effect on the schools involved, the students and their families.

The Christmas Banner designs by the children reflect the joy and excitement associated with this period of the year and it is recommended that the banners proposed are supported.

**9.3.3 Beatty Park Leisure Centre Redevelopment – Consultant Services  
Tender No. 423/10**

<b>Ward:</b>	-	<b>Date:</b>	2 November 2010
<b>Precinct:</b>	-	<b>File Ref:</b>	TEN0346
<b>Attachments:</b>	-		
<b>Reporting Officer:</b>	D Morrissy, Manager Beatty Park Leisure Centre		
<b>Responsible Officer:</b>	M Rootsey, Director Corporate Services		

**OFFICER RECOMMENDATION:**

*That the Council ACCEPTS the following tenders as being the most acceptable and advantageous to the Town for the provision consultant services for the Redevelopment of the Beatty Park Leisure Centre:*

- (i) Quantity Surveyor Services  
*Rawlinsons (WA) Quantity Surveyors & Construction Cost Consultants, at a cost of \$121,000 (including GST);*
- (ii) Structural/Civil Engineering Services  
*BPA Engineering Pty Ltd, at a cost of \$95,700 (including GST);*
- (iii) Mechanical Engineering Services  
*Norman Disney & Young (NDY), at a cost of \$40,493.20 (including GST);*
- (iv) Electrical Engineering Services  
*Norman Disney & Young (NDY), at a cost of \$32,279.50 (including GST);*
- (v) Hydraulic Services  
*Norman Disney & Young (NDY), at a cost of \$27,397 (including GST);*
- (vi) Environmental and Acoustic Services  
*Norman Disney & Young (NDY), at a cost of \$18,755 (including GST);*
- (vii) Pool Engineering Services  
*AVP Commercial Pools, at a cost of \$41,250 (including GST);*

**COUNCIL DECISION ITEM 9.3.3**

**Moved Cr Farrell, Seconded Cr Burns**

*That the recommendation be adopted.*

**CARRIED “EN BLOC” (9-0)**

**PURPOSE OF REPORT:**

The purpose of the report is to approve the tender for the various Consultants required for the proposed redevelopment of the Beatty Park Leisure Centre.

**BACKGROUND:**

On 9 October 2010, a tender was advertised calling for Quantity Surveyor, Structural/Civil, Mechanical Engineering, Electrical Engineering, Hydraulic Services, Pool Engineering and Environmental and Acoustic services and at 2pm on Wednesday 27 October 2010, seventeen (17) tenders were received. Several companies submitted tenders for multiple consultancies. Present at the opening were Manager Beatty Park Leisure Centre – Dale Morrissy and Finance Officer – Purchasing/Contracts – Mary Hopper.

The following tenders were received for **Quantity Surveyor**:

<b>Tenderer</b>	<b>Price (Inc GST)</b>	<b>Price Bill of Quantities (Inc GST)</b>	<b>Score</b>	<b>Ranking</b>
<b>Rawlinsons (WA) Quantity Surveyors &amp; Construction Cost Consultants Hill 60, 16 Tanunda Drive, Rivervale WA 6103</b>	<b>\$71,500</b>	<b>\$49,500</b>	<b>94.92%</b>	<b>1</b>
Donald Cant Watts Corke 6/1200 Hay Street, West Perth WA 6005	\$77,704	\$68,915	86.92%	2
Davis Langdon Level 8, 251 Adelaide Terrace, Perth WA 6000	\$88,000	\$80,300	77.75%	3
Altus Page Kirkland Level 18, Central Park, 152-158 St George's Terrace, Perth WA 6000	\$91,520	\$63,800	63.92%	4
Borrell Rafferty Associates P/L 567 Hay Street, Daglish WA 6008	\$97,295	\$77,770	39.63%	5

### **Bill of Quantities**

A price for a Bill of Quantities was separately requested as part of the Tender Criteria. A Bill of Quantities is strongly recommended for this redevelopment project as it will separately itemise and cost each item for the project. Whilst the cost for a Bill of Quantities is significant, it has proved most valuable in previous major projects and will assist in obtaining a more accurate and cost competitive construction tender.

The following tenders were received for **Structural/Civil Engineering**:

<b>Tenderer</b>	<b>Price (Inc GST)</b>	<b>Score</b>	<b>Ranking</b>
<b>BPA Engineering Pty Ltd 460 Roberts Road, Subiaco WA 6008</b>	<b>\$95,700</b>	<b>95.25%</b>	<b>1</b>
E-tec Consultants Level 1, 35 Cedric Street, Stirling WA 6021	\$94,600	87.25%	2
Wood & Grieve Engineers Level 3 Hyatt Centre, 3 Plain Street, East Perth WA 6004	\$140,250	83.67%	3
CID Consultants Unit 7, 10 Whipple Street, Balcatta WA 6021	\$106,040	59.25%	4

The following tenders were received for **Mechanical Engineering**:

<b>Tenderer</b>	<b>Price (Inc GST)</b>	<b>Score</b>	<b>Ranking</b>
<b>Norman Disney &amp; Young (NDY) Level 10, 200 St George's Terrace, Perth WA 6000</b>	<b>\$40,493.20</b>	<b>89.25%</b>	<b>1</b>
Wood & Grieve Engineers Level 3 Hyatt Centre, 3 Plain Street, East Perth WA 6004	\$55,440	87.67%	2
Steens Gray & Kelly Pty Ltd 9 Alvan Street, Mt Lawley WA 6050	\$79,750	71.25%	3
WSP Lincolne Scott 35 Ventnor Avenue, West Perth WA 6005	\$46,200	63.08%	4
AECOM Australia Pty Ltd GPO Building, Level 6, 3 Forrest Place, Perth WA 6000	\$78,100	62.92%	5

The following tenders were received for **Electrical Engineering**:

<b>Tenderer</b>	<b>Price (Inc GST)</b>	<b>Score</b>	<b>Ranking</b>
<b>Norman Disney &amp; Young (NDY) Level 10, 200 St George's Terrace, Perth WA 6000</b>	<b>\$32,279.50</b>	<b>88.58%</b>	<b>1</b>
Wood & Grieve Engineers Level 3 Hyatt Centre, 3 Plain Street, East Perth WA 6004	\$64,900	83.33%	2
Best Consultants Pty Ltd 575 Newcastle Street, West Perth WA 6005	\$57,200	78.58%	3
AECOM Australia Pty Ltd GPO Building, Level 6, 3 Forrest Place, Perth WA 6000	\$78,100	64.25%	4
WSP Lincolne Scott 35 Ventnor Avenue, West Perth WA 6005	\$52,800	60.67%	5
CID Consultants Unit 7, 10 Whipple Street, Balcatta WA 6021	\$104,060	25.58%	6

The following tenders were received for **Hydraulic Engineering**:

<b>Tenderer</b>	<b>Price (Inc GST)</b>	<b>Score</b>	<b>Ranking</b>
<b>Norman Disney &amp; Young (NDY) Level 10, 200 St George's Terrace, Perth WA 6000</b>	<b>\$27,396.60</b>	<b>87.58%</b>	<b>1</b>
Wood & Grieve Engineers Level 3 Hyatt Centre, 3 Plain Street, East Perth WA 6004	\$55,385	86.00%	2
AECOM Australia Pty Ltd GPO Building, Level 6, 3 Forrest Place, Perth WA 6000	\$46,200	76.25%	3
Hydraulics Design Australia 1/300 Fitzgerald Street, Perth WA 6000	\$74,250	72.92%	4
WSP Lincolne Scott 35 Ventnor Avenue, West Perth WA 6005	\$37,400	66.92%	5
CID Consultants Unit 7, 10 Whipple Street, Balcatta WA 6021	\$108,350	27.92%	6

The following tenders were received for **Pool Engineering**:

<b>Tenderer</b>	<b>Price (Inc GST)</b>	<b>Score</b>	<b>Ranking</b>
<b>AVP Commercial Pools 153 Balcatta Road, Balcatta WA 6021</b>	<b>\$41,250</b>	<b>81.25%</b>	<b>1</b>
Norman Disney & Young (NDY) Level 10, 200 St George's Terrace, Perth WA 6000	\$45,595	75.58%	2
AECOM Australia Pty Ltd GPO Building, Level 6, 3 Forrest Place, Perth WA 6000	\$93,500	66.25%	3
Geoff Ninnes Fong & Partners P/L Level 2, 1321 Hay Street, West Perth WA 6005	\$170,775	59.33%	4

The following tenders were received for **Environmental and Acoustic Services**:

<b>Tenderer</b>	<b>Price (Inc GST)</b>	<b>Score</b>	<b>Ranking</b>
<b>Norman Disney &amp; Young (NDY) Level 10, 200 St George's Terrace, Perth WA 6000</b>	<b>\$18,755</b>	<b>75.92%</b>	<b>1</b>
WSP Lincolne Scott 35 Ventnor Avenue, West Perth WA 6005	\$26,400	45.42%	2

## TENDER EVALUATION

### Selection Criteria

The following weighted criteria were used for the selection of the consultant services for this project:

	Criteria	%	Weighting
1.1	<b>Financial Offer/Fee Proposal</b> <ul style="list-style-type: none"> <li>This contract is offered on a lump sum fee basis. Include in the lump sum fee all fees, any other costs and disbursements to provide the required service and the appropriate level of the Goods and Services Tax (GST)</li> <li>Represents the "best value" for money</li> <li>Application of a reasonable fee structure in proportion to the service provided</li> </ul>	45	<b>45%</b>
1.2	<b>Relevant experience, expertise and project team</b> Demonstrate your: <ul style="list-style-type: none"> <li>Experience, expertise and project team</li> <li>capacity to address the range of services required</li> <li>role and credentials of the key person(s) in the provision of the service (i.e. formal qualifications and experience)</li> <li>ongoing availability to provide sufficient skilled persons capable of performing the tasks consistent with the required standards</li> <li>understanding of the required service associated with delivering the services to the Town</li> <li>experience and success as a consultant in the sphere of recent major leisure facilities and libraries, particularly in WA</li> </ul>	20	<b>20%</b>
1.3	<b>History and Viability of Organisation</b> <ul style="list-style-type: none"> <li>Detail your history and viability</li> <li>Include any comments received from referees</li> <li>Demonstrate your capacity to deliver</li> <li>Demonstrate your capacity and depth to effectively address the range of requirements of the Town</li> </ul>	15	<b>15%</b>
1.4	<b>Methodology</b> <ul style="list-style-type: none"> <li>Proposed methodology for this project to be completed on time and within budget</li> <li>Proposed methodology for this project and demonstrated evidence of successful results, particularly in WA</li> <li>Demonstrated project management experience in relevant projects of a similar nature, particularly in WA</li> </ul>	15	<b>15%</b>
1.5	<b>Quality Assurance</b> Demonstrate your level of quality assurance	5	<b>5%</b>
	<b>TOTAL</b>	100	<b>100%</b>

### Tender Assessment

The Tender Evaluation Panel consisted of Manager Beatty Park Leisure Centre, Dale Morrissy, Assistant Manager Aquatic and Operations Beatty Park Leisure, Jeff Fondacaro and Project Architect from Peter Hunt Architects, Brian LaFontaine.

The Tender Evaluation Panel met on the 1<sup>st</sup> and 2<sup>nd</sup> of November to assess the seventeen (17) tender submissions for the project. Thirty two (32) submissions in total were reviewed as several companies submitted for multiple consultancies. Each tender was assessed against the selection criteria in accordance with the tender documentation.

The Director Corporate Services and Chief Executive Officer independently reviewed the tender assessment and concur with the Panel’s findings and recommendations.

A comprehensive summary matrix, listing the specific score for each Criteria is shown at Confidential Attachment 9.3.3 “Laid on the Table”.

**ADVERTISING/CONSULTATION:**

The tender was advertised in accordance with the Local Government Act Tender Regulations and the Town’s Tender Policy.

**FINANCIAL/BUDGET IMPLICATIONS:**

Funds for the appointment of the consultants are contained within the Beatty Park Leisure Centre Redevelopment Reserve Fund.

The consultant fees (including a Bill of Quantities) was \$16,874 above the indicative costing, which demonstrates a most competitive market at present.

The report submitted to the Ordinary Meeting of Council held on 28 September 2010 indicated the following cost estimates for architectural and other consultant fees:

	<i>Indicative Costing</i>	<i>Actual Costing</i>
Architect Fees	*\$610,000	
<b>Other Consultants Fees</b>	<b>\$360,000</b>	<b>#\$376,874</b>
* dependent upon final cost		

# Includes Bill of Quantities at a price of \$49,500 including GST.

**LEGAL/POLICY IMPLICATIONS:**

The tender was evaluated in accordance with the Local Government Act Tender Regulations and the Town’s Tender Policy.

The Town previously awarded a tender for architectural services or the Beatty Park Leisure Centre on 23 May 2006.

**STRATEGIC IMPLICATIONS:**

The appointment of suitably qualified and experienced consultants to this strategically important project will ensure that the project will meet the needs of all stakeholders and the community. It will enable the working drawings to be finalised.

**COMMENTS:**

The appointment of consultants to undertake Quantity Surveyor, Structural/Civil, Mechanical Engineering, Electrical Engineering, Hydraulic Services, Pool Engineering and Environmental and Acoustic services is therefore necessary to ensure that the project can progress on time and within budget to completion. All firms are well established, reputable firms which have major leisure or similar project experience and are cost competitive.

Therefore, it is recommended that the Council approves of the Officer Recommendation.

**SUMMARY OF TENDERS:**

**Quantity Surveyor**

**1. Rawlinsons (WA)**

Total score:	<b>94.9 (1<sup>st</sup>)</b>
Fee proposal:	• Lowest
Relevant experience and expertise:	• Recent history with the Town of Vincent projects.
Previous Projects	<ul style="list-style-type: none"> <li>• 2008 Loftus Centre Redevelopment – \$14million</li> <li>• 2002 Riverton Leisureplex Project (City of Canning) – 14million</li> <li>• 2003 Perth Oval Stage 1 – \$11.3million</li> <li>• 1999 Esperance Aquatic Centre – \$6million</li> </ul>
Project team capacity to deliver Project:	• 2 staff appointed to project, with relevant qualifications provided. Both have over 30 years experience each.
History and viability of company:	<ul style="list-style-type: none"> <li>• Established in Perth in 1953.</li> <li>• Head Office located in Perth.</li> <li>• Company compiles and edits Construction Handbook for industry.</li> <li>• Public Liability Insurance of \$10m</li> <li>• Professional Indemnity of \$20m</li> <li>• Workers Compensation Insurance</li> <li>• 2 bank references provided</li> </ul>
Referees comments:	• 5 referees and no references provided.
Demonstrated capacity to deliver:	• Comprehensive and well documented – exceeds criteria – very low risk to Town
Capacity to address requirements:	• Comprehensive – meets criteria –low risk to Town
Methodology, key issues and risks:	• Comprehensive and well documented – exceeds criteria – very low risk to Town
Quality Assurance:	• AS/NZS ISO 9001:2008

Comment:

The tender provided the lowest price. This tender was very well documented and comprehensive. The consultant has previously performed well on Town projects. Accordingly, this tender is recommended.

**2. Donald Cant Watts Corke**

Total score:	<b>86.9 (2<sup>nd</sup>)</b>
Fee proposal:	• Second lowest
Relevant experience and expertise:	<ul style="list-style-type: none"> <li>• 100% Australian owned national consultancy firm.</li> <li>• Extensive experience working with local government.</li> <li>• Limited relevant local government leisure project experience.</li> </ul>
Project team capacity to deliver Project:	<ul style="list-style-type: none"> <li>• 5 staff appointed for project.</li> <li>• Detailed history of project team members supplied.</li> </ul>
History and viability of company:	<ul style="list-style-type: none"> <li>• Established 1966</li> <li>• Public Liability Insurance \$10m</li> <li>• Workers Compensation Insurance of \$50m</li> <li>• Bank reference provided</li> </ul>
Referees comments:	• 3 referees and no references provided
Demonstrated capacity to deliver:	• Comprehensive - meets criteria - low risk to Town
Capacity to address requirements:	• Comprehensive - meets criteria - low risk to Town
Methodology, key issues and risks:	• Comprehensive and well documented - exceeds criteria - low risk to Town
Quality Assurance:	• AS/NZS ISO 9001:2008

Comment:

The tender provided the second lowest price. This tender was well detailed, however this tender can not be recommended as it is not cost effective.

### 3. Davis Langdon

Total score:	<b>77.7 (3<sup>rd</sup>)</b>
Fee proposal:	<ul style="list-style-type: none"> <li>• Second highest</li> </ul>
Relevant experience and expertise:	<ul style="list-style-type: none"> <li>• Global Company</li> <li>• 10 Australian Offices</li> </ul>
Project team capacity to deliver Project:	<ul style="list-style-type: none"> <li>• 3 staff appointed to project with an extensive list of additional staff available if required</li> <li>• Outlines relevant experience of appointed project staff.</li> </ul>
History and viability of company:	<ul style="list-style-type: none"> <li>• Established 1995</li> <li>• Professional Indemnity Insurance \$5m</li> <li>• Registered Builders</li> <li>• Public Liability Insurance \$5m</li> <li>• Workers Compensation Insurance of \$50m</li> <li>• Bank reference available upon request.</li> </ul>
Referees comments:	<ul style="list-style-type: none"> <li>• No information on referees provided.</li> </ul>
Demonstrated capacity to deliver:	<ul style="list-style-type: none"> <li>• Comprehensive - meets criteria - low risk to Town</li> </ul>
Capacity to address requirements:	<ul style="list-style-type: none"> <li>• Comprehensive - meets criteria - low risk to Town</li> </ul>
Methodology, key issues and risks:	<ul style="list-style-type: none"> <li>• Comprehensive and well documented - exceeds criteria - low risk to Town</li> </ul>
Quality Assurance:	<ul style="list-style-type: none"> <li>• AS/NZS ISO 9001:2008</li> </ul>

Comment:

The tender provided the second highest price. This tender was well detailed, however this tender can not be recommended as it is not cost effective.

### 4. Altus Page Kirkland

Total score:	<b>63.9 (4<sup>th</sup>)</b>
Fee proposal:	<ul style="list-style-type: none"> <li>• 3<sup>rd</sup> Highest</li> </ul>
Relevant experience and expertise:	<ul style="list-style-type: none"> <li>• Global company.</li> <li>• Specialising in small to medium commercial work with local government.</li> <li>• Australian Head Office in Sydney, regional office in Perth.</li> </ul>
Project team capacity to deliver Project:	<ul style="list-style-type: none"> <li>• CV's supplied of nominated staff for project.</li> <li>• Experience in leisure projects not specifically addressed.</li> </ul>
History and viability of company:	<ul style="list-style-type: none"> <li>• Established for 30 years.</li> <li>• Green Building Accreditation</li> <li>• Public Liability Insurance</li> <li>• Professional Indemnity</li> <li>• Workers Compensation Insurance of \$4m</li> <li>• Bank reference provided</li> <li>• Financial references provided</li> </ul>
Referees comments:	<ul style="list-style-type: none"> <li>• 4 referees and 0 references provided.</li> </ul>
Demonstrated capacity to deliver:	<ul style="list-style-type: none"> <li>• Comprehensive - meets criteria - low risk to Town</li> </ul>
Capacity to address requirements:	<ul style="list-style-type: none"> <li>• Comprehensive - meets criteria - low risk to Town</li> </ul>
Methodology, key issues and risks:	<ul style="list-style-type: none"> <li>• Lacked demonstration of methodology for this and previous projects.</li> </ul>
Quality Assurance:	<ul style="list-style-type: none"> <li>• Full accreditation to ISO 9001:2008</li> </ul>

Comment:

This tender provided the third highest price. This tender was well detailed, however this tender can not be recommended as certain criteria was not specifically met.

**5. Borrell Rafferty Associates P/L**

Total score:	<b>39.8 (5<sup>th</sup>)</b>
Fee proposal:	• Highest
Relevant experience and expertise:	<ul style="list-style-type: none"> <li>• Experience with State government and local authorities</li> <li>• Numerous projects referenced</li> </ul>
Project team capacity to deliver Project:	• 6 staff appointed for project, CV's available upon request.
History and viability of company:	<ul style="list-style-type: none"> <li>• Established 1998.</li> <li>• Western Australian Company.</li> <li>• Professional Indemnity Insurance of \$5m</li> <li>• Third Party Liability Insurance of \$20m</li> <li>• Workers Compensation Insurance of \$50m</li> </ul>
Referees comments:	• 16 referees and no references provided
Demonstrated capacity to deliver:	• Details specific to this project not provide.
Capacity to address requirements:	• Comprehensive – meets criteria - low risk to Town
Methodology, key issues and risks:	• Criteria not met.
Quality Assurance:	• Tender states that Quality Management System in place, no certificate provided.

Comment:

The tender provided the highest price. This tender was adequately detailed, however this tender can not be recommended as it is not cost effective and did not address all criteria.

**Structural and Civil Engineering**

**1. BPA**

Total score:	<b>95.25 (1<sup>st</sup>)</b>
Fee proposal:	• Second Lowest
Relevant experience and expertise:	<ul style="list-style-type: none"> <li>• Major recent projects include the Medibank Stadium Redevelopment (Leederville Oval) and Beatty Park Leisure Centre (1994)</li> <li>• Various projects for State and local government agencies – extensive list provided.</li> </ul>
Project team capacity to deliver Project:	• 5 staff appointed to project, with additional staff available if required. Director is the Project Team Leader (previously worked on Beatty Park in 1994)
History and viability of company:	<ul style="list-style-type: none"> <li>• Established 1978 (24 employees)</li> <li>• Company based in Perth</li> <li>• Public Liability Insurance of \$20m</li> <li>• Workers Compensation Insurance</li> </ul>
Referees comments:	• 6 referees and no references provided
Demonstrated capacity to deliver:	• Comprehensive and well documented – exceeds criteria – very low risk to Town
Capacity to address requirements:	• Comprehensive and well documented – exceeds criteria – very low risk to Town
Methodology, key issues and risks:	• Comprehensive and well documented – exceeds criteria – very low risk to Town
Quality Assurance:	• AS/NZS ISO 9001:2008

Comment:

The tender provided the second lowest price. This tender was very well documented and comprehensive. The consultant has previously performed well on Town projects. Has previously worked on Beatty Park 1994 redevelopment. Therefore has previous knowledge and records of the infrastructure. Accordingly, this tender is recommended.

**2. E-Tec**

Total score:	<b>87.25 (2<sup>nd</sup>)</b>
Fee proposal:	• Lowest
Relevant experience and expertise:	• Recent history with the Town of Vincent projects (Department of Sport and Recreation and Loftus Centre Redevelopment).
Project team capacity to deliver Project:	• 9 staff appointed to project, with brief overview of appointed staff. Director is the Project Team Leader.
History and viability of company:	<ul style="list-style-type: none"> <li>• Established in 1989</li> <li>• Western Australian Office</li> <li>• Public Liability Insurance of \$20m</li> <li>• Professional Indemnity of \$10m</li> <li>• Workers Compensation Insurance</li> <li>• 3 Financial referees provided</li> </ul>
Referees comments:	• 6 referees and no references provided
Demonstrated capacity to deliver:	• Comprehensive, meets criteria – low risk to Town
Capacity to address requirements:	• Comprehensive, meets criteria – low risk to Town
Methodology, key issues and risks:	• Information not specific to project
Quality Assurance:	• Tender states that Quality Management System in place, no certificate provided

Comment:

The tender provided the lowest price. This tender was well documented, however this tender can not be recommended as certain criteria was not specifically met. This company is known to the Town and has previously carried out works on the Department of Sport and Recreation building.

**3. Wood and Grieve**

Total score:	<b>83.67 (3<sup>rd</sup>)</b>
Fee proposal:	• Highest
Relevant experience and expertise:	• Major recent projects include Town of Cambridge Wembley Golf Course and AK Reserve State Basketball Stadium
Project team capacity to deliver Project:	• 2 staff appointed to project, with brief summary of relevant experience and qualifications
History and viability of company:	<ul style="list-style-type: none"> <li>• Established 1961</li> <li>• 7 Australian offices, 1 in China</li> <li>• Public Liability Insurance of \$10m</li> <li>• Workers Compensation Insurance of \$50m</li> </ul>
Referees comments:	• 3 referees and 3 references provided
Demonstrated capacity to deliver:	• Comprehensive and well documented - exceeds criteria - low risk to Town
Capacity to address requirements:	• Comprehensive and well documented - exceeds criteria - low risk to Town
Methodology, key issues and risks:	• Comprehensive and well documented - exceeds criteria - low risk to Town
Quality Assurance:	• ISO 9001:2008

Comment:

The tender provided the highest price. This tender was adequately detailed, however this tender can not be recommended as it is not cost effective

**4. CID**

Total score:	<b>59.25 (4<sup>th</sup>)</b>
Fee proposal:	• Second Highest
Relevant experience and expertise:	• No specific leisure facilities or major office developments detailed
Project team capacity to deliver Project:	• 24 staff across 4 separate business groups • Minimal relevant details provided for specific project staff
History and viability of company:	• Western Australia based company • Established 5 years • Financials included • Public Liability Insurance of \$5m • Workers Compensation Insurance of \$50m
Referees comments:	• 5 referees with 1 financial referee and no references provided
Demonstrated capacity to deliver:	• Comprehensive - meets criteria - low risk to Town
Capacity to address requirements:	• Comprehensive - meets criteria - low risk to Town
Methodology, key issues and risks:	• Information not specific to project
Quality Assurance:	• Criteria not met

Comment:

The tender provided the second highest price. This tender was poorly documented and did not address the full criteria including; methodology, referee comments, quality assurance and accordingly no score could be provided for these criteria.

**Mechanical Services**

**1. Norman Disney & Young (NDY)**

Total score:	<b>89.25 (1<sup>st</sup>)</b>
Fee proposal:	• Lowest
Relevant experience and expertise:	• Major recent projects include various West Australian leisure facilities
Project team capacity to deliver Project:	• 3 staff appointed to project, with comprehensive summary of relevant experience and qualifications
History and viability of company:	• Global Company • Established 1959 • 70 staff with specialists in each engineering discipline • Public Liability Insurance of \$10m • Workers Compensation Insurance
Referees comments:	• 3 referees provided
Demonstrated capacity to deliver:	• Comprehensive and well documented - exceeds criteria - low risk to Town
Capacity to address requirements:	• Comprehensive - meets criteria - low risk to Town
Methodology, key issues and risks:	• Comprehensive - meets criteria - low risk to Town
Quality Assurance:	• ISO 9001:2008

Comments:

This tender provided the lowest price. This tender was well documented and demonstrated successful local government leisure centre projects. Accordingly, this tender is recommended.

**2. Wood & Grieve**

Total score:	<b>87.67 (2<sup>nd</sup>)</b>
Fee proposal:	• Third Highest
Relevant experience and expertise:	• Major recent projects include Town of Cambridge Wembley Golf Course and AK Reserve State Basketball Stadium
Project team capacity to deliver Project:	• 3 staff appointed to project, with a summary of relevant experience and qualifications
History and viability of company:	• Established 1961 • 7 Australian offices, 1 in China • Public Liability Insurance of \$10m • Workers Compensation Insurance of \$50m
Referees comments:	• 14 referees and 14 references provided
Demonstrated capacity to deliver:	• Comprehensive and well documented - exceeds criteria - low risk to Town
Capacity to address requirements:	• Comprehensive - meets criteria - low risk to Town
Methodology, key issues and risks:	• Comprehensive - meets criteria - low risk to Town
Quality Assurance:	• ISO 9001:2008

Comment:

The tender provided the third highest price. This tender was comprehensively documented, however this tender can not be recommended as it is not cost effective.

**3. Steens Grey & Kelly Pty Ltd**

Total score:	<b>71.25 (3<sup>rd</sup>)</b>
Fee proposal:	• Highest
Relevant experience and expertise:	• Major Town of Vincent projects including Beatty Park Aquatic Centre, Loftus Centre and State projects including the Department of Sport and Recreation • Relevant local government aquatic and recreation facilities
Project team capacity to deliver Project:	• 6 project staff appointed with 6 support staff including a brief overview of relevant qualifications and experience
History and viability of company:	• Over 30 years in industry • Professional Indemnity Insurance of \$10m
Referees comments:	• Criteria not met
Demonstrated capacity to deliver:	• Comprehensive and well documented - exceeds criteria - low risk to Town
Capacity to address requirements:	• Comprehensive and well documented - exceeds criteria - low risk to Town
Methodology, key issues and risks:	• Comprehensive and well documented - exceeds criteria - low risk to Town
Quality Assurance:	• AS/NZ ISO 9001:2008

Comment:

The tender provided the highest price. This tender was well documented and comprehensive. This tender cannot be recommended as it is not cost effective.

**4. WSP Lincolne Scott**

Total score:	<b>63.8 (4<sup>th</sup>)</b>
Fee proposal:	<ul style="list-style-type: none"> <li>• Second lowest</li> </ul>
Relevant experience and expertise:	<ul style="list-style-type: none"> <li>• Major projects include Perth Arena</li> </ul>
Project team capacity to deliver Project:	<ul style="list-style-type: none"> <li>• 4 staff with a brief description of experience</li> </ul>
History and viability of company:	<ul style="list-style-type: none"> <li>• Global Company</li> <li>• A number of awards received for various categories</li> <li>• Public Liability Insurance of \$20m</li> <li>• Workers Compensation Insurance</li> </ul>
Referees comments:	<ul style="list-style-type: none"> <li>• No information provided</li> </ul>
Demonstrated capacity to deliver:	<ul style="list-style-type: none"> <li>• Selection criteria not adequately met</li> </ul>
Capacity to address requirements:	<ul style="list-style-type: none"> <li>• Selection criteria not adequately met</li> </ul>
Methodology, key issues and risks:	<ul style="list-style-type: none"> <li>• Selection criteria not adequately met</li> </ul>
Quality Assurance:	<ul style="list-style-type: none"> <li>• Criteria not met</li> </ul>

Comments:

This tender provided the second lowest price. This tender was poorly documented and failed to specifically address requested criteria including; methodology, referees and quality assurance and accordingly minimal scores could be provided for these criteria.

**5. AECOM**

Total score:	<b>62.92 (5<sup>th</sup>)</b>
Fee proposal:	<ul style="list-style-type: none"> <li>• Second highest</li> </ul>
Relevant experience and expertise:	<ul style="list-style-type: none"> <li>• Major Projects include Canning Leisure Centre</li> <li>• Relevant local government facilities</li> </ul>
Project team capacity to deliver Project:	<ul style="list-style-type: none"> <li>• 6 project staff across for various consultancies including an overview of relevant qualifications and experience</li> </ul>
History and viability of company:	<ul style="list-style-type: none"> <li>• Global Company</li> <li>• Insurance can be provided upon request</li> </ul>
Referees comments:	<ul style="list-style-type: none"> <li>• 2 referees provided</li> </ul>
Demonstrated capacity to deliver:	<ul style="list-style-type: none"> <li>• Comprehensive and well documented - exceeds criteria - low risk to Town</li> </ul>
Capacity to address requirements:	<ul style="list-style-type: none"> <li>• Comprehensive and well documented - exceeds criteria - low risk to Town</li> </ul>
Methodology, key issues and risks:	<ul style="list-style-type: none"> <li>• Meets criteria</li> </ul>
Quality Assurance:	<ul style="list-style-type: none"> <li>• AS/NZ ISO 9001:2008</li> </ul>

Comment:

This tender provided the second highest price. This tender was not clearly documented as it attempted to address the various disciplines in one document. This tender can therefore not be recommended.

## Electrical Engineering Services

### 1. Norman Disney & Young (NDY)

Total score:	<b>88.58 (1<sup>st</sup>)</b>
Fee proposal:	• Lowest
Relevant experience and expertise:	• Major recent projects include various West Australian leisure facilities
Project team capacity to deliver Project:	• 2 staff appointed to project, with comprehensive summary of relevant experience and qualifications
History and viability of company:	<ul style="list-style-type: none"> <li>• Global Company</li> <li>• Established 1959</li> <li>• 70 staff with specialists in each engineering discipline</li> <li>• Public Liability Insurance of \$10m</li> <li>• Workers Compensation Insurance</li> </ul>
Referees comments:	• 3 referees provided
Demonstrated capacity to deliver:	• Comprehensive and well documented - exceeds criteria - low risk to Town
Capacity to address requirements:	• Comprehensive - meets criteria - low risk to Town
Methodology, key issues and risks:	• Comprehensive - meets criteria - low risk to Town
Quality Assurance:	• ISO 9001:2008

Comments:

This tender provided the lowest price. This tender was well documented and demonstrated successful local government leisure centre projects. Accordingly, this tender is recommended.

### 2. Wood & Grieve

Total score:	<b>83.33 (2<sup>nd</sup>)</b>
Fee proposal:	• Fourth lowest
Relevant experience and expertise:	• Major recent projects include Town of Cambridge Wembley Golf Course and AK Reserve State Basketball Stadium
Project team capacity to deliver Project:	• 2 staff appointed to project, with a summary of relevant experience and qualifications
History and viability of company:	<ul style="list-style-type: none"> <li>• Established 1961</li> <li>• 7 Australian offices, 1 in China</li> <li>• Public Liability Insurance of \$10m</li> <li>• Workers Compensation Insurance of \$50m</li> </ul>
Referees comments:	• 7 referees and 7 references provided
Demonstrated capacity to deliver:	• Comprehensive and well documented - exceeds criteria - low risk to Town
Capacity to address requirements:	• Comprehensive - meets criteria - low risk to Town
Methodology, key issues and risks:	• Comprehensive and well documented - exceeds criteria - low risk to Town
Quality Assurance:	• ISO 9001:2008

Comment:

The tender provided the fourth lowest price. This tender was comprehensively documented, however this tender can not be recommended as it is not cost effective.

### 3. BEST

Total score:	<b>78.58 (3rd)</b>
Fee proposal:	• Third lowest
Relevant experience and expertise:	• Relevant leisure centre project experience such as Loftus and Aquamotion
Project team capacity to deliver Project:	• 3 staff with summary of relevant qualifications and experience
History and viability of company:	<ul style="list-style-type: none"> <li>• Established 2002</li> <li>• Perth based Company</li> <li>• Professional Indemnity Insurance of \$10m</li> <li>• Workers Compensation Insurance of \$50m</li> </ul>
Referees comments:	• 3 referees with no references provided
Demonstrated capacity to deliver:	• Comprehensive and well documented - exceeds criteria - low risk to Town
Capacity to address requirements:	• Comprehensive - meets criteria - low risk to Town
Methodology, key issues and risks:	• Comprehensive - meets criteria - low risk to Town
Quality Assurance:	• Criteria not met

Comment:

The tender provided the third lowest price. This tender was reasonably documented however can not be accepted as it is not cost effective

### 4. AECOM

Total score:	<b>64.25 (4<sup>th</sup>)</b>
Fee proposal:	• Second highest
Relevant experience and expertise:	<ul style="list-style-type: none"> <li>• Major Projects include Canning Leisure Centre</li> <li>• Relevant local government facilities</li> </ul>
Project team capacity to deliver Project:	• 6 project staff across for various consultancies including an overview of relevant qualifications and experience
History and viability of company:	<ul style="list-style-type: none"> <li>• Global Company</li> <li>• Insurance can be provided upon request</li> </ul>
Referees comments:	• 2 referees provided
Demonstrated capacity to deliver:	• Comprehensive and well documented - exceeds criteria - low risk to Town
Capacity to address requirements:	• Comprehensive and well documented - exceeds criteria - low risk to Town
Methodology, key issues and risks:	• Meets criteria
Quality Assurance:	• AS/NZ ISO 9001:2008

Comment:

This tender provided the second highest price. This tender was not clearly documented as it attempted to address the various disciplines in one document. This tender can therefore not be recommended.

**5. WSP Lincolne Scott**

Total score:	<b>60.67 (5<sup>th</sup>)</b>
Fee proposal:	<ul style="list-style-type: none"> <li>• Second lowest</li> </ul>
Relevant experience and expertise:	<ul style="list-style-type: none"> <li>• Major projects include Perth Arena</li> </ul>
Project team capacity to deliver Project:	<ul style="list-style-type: none"> <li>• 4 staff with a brief description of experience</li> </ul>
History and viability of company:	<ul style="list-style-type: none"> <li>• Global Company</li> <li>• A number of awards received for various categories</li> <li>• Public Liability Insurance of \$20m</li> <li>• Workers Compensation Insurance</li> </ul>
Referees comments:	<ul style="list-style-type: none"> <li>• No information provided</li> </ul>
Demonstrated capacity to deliver:	<ul style="list-style-type: none"> <li>• Selection criteria not adequately met</li> </ul>
Capacity to address requirements:	<ul style="list-style-type: none"> <li>• Selection criteria not adequately met</li> </ul>
Methodology, key issues and risks:	<ul style="list-style-type: none"> <li>• Selection criteria not adequately met</li> </ul>
Quality Assurance:	<ul style="list-style-type: none"> <li>• Criteria not met</li> </ul>

Comments:

This tender provided the second lowest price. This tender was poorly documented and failed to specifically address requested criteria including; methodology, referees and quality assurance and accordingly minimal scores could be provided for these criteria.

**6. CID**

Total score:	<b>29.58 (6<sup>th</sup>)</b>
Fee proposal:	<ul style="list-style-type: none"> <li>• Highest</li> </ul>
Relevant experience and expertise:	<ul style="list-style-type: none"> <li>• No specific leisure facilities or major office developments detailed</li> </ul>
Project team capacity to deliver Project:	<ul style="list-style-type: none"> <li>• 24 staff across 4 separate business groups</li> <li>• Minimal relevant details provided for specific project staff</li> </ul>
History and viability of company:	<ul style="list-style-type: none"> <li>• Western Australia based company</li> <li>• Established 5 years</li> <li>• Financials included</li> <li>• Public Liability Insurance of \$5m</li> <li>• Workers Compensation Insurance of \$50m</li> </ul>
Referees comments:	<ul style="list-style-type: none"> <li>• 5 referees with 1 financial referee and no references provided</li> </ul>
Demonstrated capacity to deliver:	<ul style="list-style-type: none"> <li>• Comprehensive - meets criteria - low risk to Town</li> </ul>
Capacity to address requirements:	<ul style="list-style-type: none"> <li>• Comprehensive - meets criteria - low risk to Town</li> </ul>
Methodology, key issues and risks:	<ul style="list-style-type: none"> <li>• Information not specific to project</li> </ul>
Quality Assurance:	<ul style="list-style-type: none"> <li>• Criteria not met</li> </ul>

Comment:

The tender provided the highest price. This tender was poorly documented and did not address the full criteria including; methodology, referee comments, quality assurance and accordingly no score could be provided for these criteria.

## Hydraulics

### 1. Norman Disney & Young (NDY)

Total score:	<b>87.58 (1<sup>st</sup>)</b>
Fee proposal:	• Lowest
Relevant experience and expertise:	• Major recent projects include various West Australian leisure facilities
Project team capacity to deliver Project:	• 2 staff appointed to project, with comprehensive summary of relevant experience and qualifications
History and viability of company:	<ul style="list-style-type: none"> <li>• Global Company</li> <li>• Established 1959</li> <li>• 70 staff with specialists in each engineering discipline</li> <li>• Public Liability Insurance of \$10m</li> <li>• Workers Compensation Insurance</li> </ul>
Referees comments:	• 3 referees provided
Demonstrated capacity to deliver:	• Comprehensive and well documented - exceeds criteria - low risk to Town
Capacity to address requirements:	• Comprehensive - meets criteria - low risk to Town
Methodology, key issues and risks:	• Comprehensive - meets criteria - low risk to Town
Quality Assurance:	• ISO 9001:2008

#### Comments:

This tender provided the lowest price. This tender was well documented and demonstrated successful local government leisure centre projects. Accordingly, this tender is recommended.

### 2. Wood & Grieve

Total score:	<b>86.00 (2<sup>nd</sup>)</b>
Fee proposal:	• Fourth lowest
Relevant experience and expertise:	• Major recent projects include Town of Cambridge Wembley Golf Course and AK Reserve State Basketball Stadium
Project team capacity to deliver Project:	• 2 staff appointed to project, with a summary of relevant experience and qualifications
History and viability of company:	<ul style="list-style-type: none"> <li>• Established 1961</li> <li>• 7 Australian offices, 1 in China</li> <li>• Public Liability Insurance of \$10m</li> <li>• Workers Compensation Insurance of \$50m</li> </ul>
Referees comments:	• 4 referees and 4 references provided
Demonstrated capacity to deliver:	• Comprehensive and well documented - exceeds criteria - low risk to Town
Capacity to address requirements:	• Comprehensive - meets criteria - low risk to Town
Methodology, key issues and risks:	• Comprehensive and well documented - exceeds criteria - low risk to Town
Quality Assurance:	• ISO 9001:2008

#### Comment:

The tender provided the fourth lowest price. This tender was comprehensively documented, however this tender can not be recommended as it is not cost effective.

**3. AECOM**

Total score:	<b>76.25 (3rd)</b>
Fee proposal:	<ul style="list-style-type: none"> <li>• Third Lowest</li> </ul>
Relevant experience and expertise:	<ul style="list-style-type: none"> <li>• Major Projects include Canning Leisure Centre</li> <li>• Relevant local government facilities</li> </ul>
Project team capacity to deliver Project:	<ul style="list-style-type: none"> <li>• 6 project staff across for various consultancies including an overview of relevant qualifications and experience</li> </ul>
History and viability of company:	<ul style="list-style-type: none"> <li>• Global Company</li> <li>• Insurance can be provided upon request</li> </ul>
Referees comments:	<ul style="list-style-type: none"> <li>• 2 referees provided</li> </ul>
Demonstrated capacity to deliver:	<ul style="list-style-type: none"> <li>• Comprehensive and well documented - exceeds criteria - low risk to Town</li> </ul>
Capacity to address requirements:	<ul style="list-style-type: none"> <li>• Comprehensive and well documented - exceeds criteria - low risk to Town</li> </ul>
Methodology, key issues and risks:	<ul style="list-style-type: none"> <li>• Meets criteria</li> </ul>
Quality Assurance:	<ul style="list-style-type: none"> <li>• AS/NZ ISO 9001:2008</li> </ul>

Comment:

This tender provided the third lowest price. This tender was not clearly documented as it attempted to address the various disciplines in one document. This tender can therefore not be recommended.

**4. Hydraulics Design Australia (HDA)**

Total score:	<b>72.92 (4<sup>th</sup>)</b>
Fee proposal:	<ul style="list-style-type: none"> <li>• Second Highest</li> </ul>
Relevant experience and expertise:	<ul style="list-style-type: none"> <li>• Major recent projects include Riverton Aquatic and Recreation Centre, Curtin University Sports and Events Centre</li> </ul>
Project team capacity to deliver Project:	<ul style="list-style-type: none"> <li>• 4 staff appointed to project, with a summary of relevant experience and qualifications</li> </ul>
History and viability of company:	<ul style="list-style-type: none"> <li>• Established 1997</li> <li>• Perth Office</li> <li>• 7 staff</li> <li>• Public Liability Insurance of \$20m</li> <li>• Workers Compensation Insurance of \$50m</li> </ul>
Referees comments:	<ul style="list-style-type: none"> <li>• 4 referees and no references provided</li> </ul>
Demonstrated capacity to deliver:	<ul style="list-style-type: none"> <li>• Comprehensive and well documented - exceeds criteria - low risk to Town</li> </ul>
Capacity to address requirements:	<ul style="list-style-type: none"> <li>• Comprehensive - meets criteria - low risk to Town</li> </ul>
Methodology, key issues and risks:	<ul style="list-style-type: none"> <li>• Comprehensive - meets criteria - low risk to Town</li> </ul>
Quality Assurance:	<ul style="list-style-type: none"> <li>• Tender states that Quality Management System in place, no certificate provided.</li> </ul>

Comment:

The tender provided the second highest price. This tender was comprehensively documented, however this tender can not be recommended as it is not cost effective.

**5. WSP Lincolne Scott**

Total score:	<b>66.92 (5<sup>th</sup>)</b>
Fee proposal:	• Second lowest
Relevant experience and expertise:	• Major projects include Perth Arena
Project team capacity to deliver Project:	• 4 staff with a brief description of experience
History and viability of company:	<ul style="list-style-type: none"> <li>• Global Company</li> <li>• A number of awards received for various categories</li> <li>• Public Liability Insurance of \$20m</li> <li>• Workers Compensation Insurance</li> </ul>
Referees comments:	• No information provided
Demonstrated capacity to deliver:	• Selection criteria not adequately met
Capacity to address requirements:	• Selection criteria not adequately met
Methodology, key issues and risks:	• Selection criteria not adequately met
Quality Assurance:	• Criteria not met

Comments:

This tender provided the second lowest price. This tender was poorly documented and failed to specifically address requested criteria including; methodology, referees and quality assurance and accordingly minimal scores could be provided for these criteria.

**6. CID**

Total score:	<b>27.92 (6<sup>th</sup>)</b>
Fee proposal:	• Highest
Relevant experience and expertise:	• No specific leisure facilities or major office developments detailed
Project team capacity to deliver Project:	<ul style="list-style-type: none"> <li>• 24 staff across 4 separate business groups</li> <li>• Minimal relevant details provided for specific project staff</li> </ul>
History and viability of company:	<ul style="list-style-type: none"> <li>• Western Australia based company</li> <li>• Established 5 years</li> <li>• Financials included</li> <li>• Public Liability Insurance of \$5m</li> <li>• Workers Compensation Insurance of \$50m</li> </ul>
Referees comments:	• 5 referees with 1 financial referee and no references provided
Demonstrated capacity to deliver:	• Comprehensive - meets criteria - low risk to Town
Capacity to address requirements:	• Comprehensive - meets criteria - low risk to Town
Methodology, key issues and risks:	• Information not specific to project
Quality Assurance:	• Criteria not met

Comment:

The tender provided the highest price. This tender was poorly documented and did not address the full criteria including; methodology, referee comments, quality assurance and accordingly no score could be provided for these criteria.

## Pool Engineering

### 1. AVP

Total score:	<b>81.25 (1<sup>st</sup>)</b>
Fee proposal:	• Lowest
Relevant experience and expertise:	• Projects include State Aquatic Centre South Australia, plus various regional aquatic centres Australia wide.
Project team capacity to deliver Project:	• 4 staff appointed to project.
History and viability of company:	<ul style="list-style-type: none"> <li>• Established 1996</li> <li>• Medium sized national firm</li> <li>• Head office in Perth</li> <li>• Policies indicated, no information provided on Public Liability and Workers Compensation Insurance</li> </ul>
Referees comments:	• 7 referees provided and no references provided
Demonstrated capacity to deliver:	• Comprehensive and well documented - exceeds criteria - very low risk to Town.
Capacity to address requirements:	• Comprehensive - meets criteria - low risk to Town.
Methodology, key issues and risks:	• Meets criteria - low risk to Town.
Quality Assurance:	• Tender refers to an in-house Quality Management System, no certificate provided.

#### Comments:

This tender provided the lowest price. This tender was well documented and showed relevant pool engineering experience. Therefore this tender is recommended.

### 2. Norman Disney & Young (NDY)

Total score:	<b>75.58 (2<sup>nd</sup>)</b>
Fee proposal:	• Second Lowest
Relevant experience and expertise:	• Major recent projects include various West Australian leisure facilities
Project team capacity to deliver Project:	• 2 staff appointed to project, with comprehensive summary of relevant experience and qualifications
History and viability of company:	<ul style="list-style-type: none"> <li>• Global Company</li> <li>• Established 1959</li> <li>• 70 staff with specialists in each engineering discipline</li> <li>• Public Liability Insurance of \$10m</li> <li>• Workers Compensation Insurance</li> </ul>
Referees comments:	• 3 referees provided
Demonstrated capacity to deliver:	• Comprehensive and well documented - exceeds criteria - low risk to Town
Capacity to address requirements:	• Comprehensive - meets criteria - low risk to Town
Methodology, key issues and risks:	• Meets criteria
Quality Assurance:	• ISO 9001:2008

#### Comments:

This tender provided the second lowest price. This tender was well documented however relevant pool engineering experience was not adequately shown and therefore, this tender is not recommended.

**3. AECOM**

Total score:	<b>66.25 (3<sup>rd</sup>)</b>
Fee proposal:	<ul style="list-style-type: none"> <li>• Second Highest</li> </ul>
Relevant experience and expertise:	<ul style="list-style-type: none"> <li>• Major Projects include Canning Leisure Centre</li> <li>• Relevant local government facilities</li> </ul>
Project team capacity to deliver Project:	<ul style="list-style-type: none"> <li>• 6 project staff across for various consultancies including an overview of relevant qualifications and experience</li> </ul>
History and viability of company:	<ul style="list-style-type: none"> <li>• Global Company</li> <li>• Insurance can be provided upon request</li> </ul>
Referees comments:	<ul style="list-style-type: none"> <li>• 2 referees provided</li> </ul>
Demonstrated capacity to deliver:	<ul style="list-style-type: none"> <li>• Comprehensive and well documented - exceeds criteria - very low risk to Town</li> </ul>
Capacity to address requirements:	<ul style="list-style-type: none"> <li>• Comprehensive and well documented - exceeds criteria - very low risk to Town</li> </ul>
Methodology, key issues and risks:	<ul style="list-style-type: none"> <li>• Meets criteria - very low risk to Town.</li> </ul>
Quality Assurance:	<ul style="list-style-type: none"> <li>• AS/NZ ISO 9001:2008</li> </ul>

Comment:

This tender provided the second highest price. This tender was not clearly documented as it attempted to address the various disciplines in one document. This tender can therefore not be recommended.

**4. Geoff Ninnes Fong Partners**

Total score:	<b>59.33 (4<sup>th</sup>)</b>
Fee proposal:	<ul style="list-style-type: none"> <li>• Highest</li> </ul>
Relevant experience and expertise:	<ul style="list-style-type: none"> <li>• Projects include various aquatic centres world wide</li> </ul>
Project team capacity to deliver Project:	<ul style="list-style-type: none"> <li>• 8 staff consultancy team, with comprehensive summary of relevant experience and qualifications</li> </ul>
History and viability of company:	<ul style="list-style-type: none"> <li>• Established 1974</li> <li>• Medium sized firm</li> <li>• Head office in Sydney</li> <li>• Public Liability Insurance of \$20m</li> <li>• Workers Compensation Insurance of \$1m</li> </ul>
Referees comments:	<ul style="list-style-type: none"> <li>• 10 referees provided and 10 references provided</li> </ul>
Demonstrated capacity to deliver:	<ul style="list-style-type: none"> <li>• Comprehensive and well documented - exceeds criteria - low risk to Town</li> </ul>
Capacity to address requirements:	<ul style="list-style-type: none"> <li>• Comprehensive and well documented - exceeds criteria - low risk to Town</li> </ul>
Methodology, key issues and risks:	<ul style="list-style-type: none"> <li>• Comprehensive and well documented - exceeds criteria - low risk to Town</li> </ul>
Quality Assurance:	<ul style="list-style-type: none"> <li>• Tender states that an in-house Quality Management System in place, no certificate provided.</li> </ul>

Comments:

This tender provided the highest price. This tender was comprehensive and well documented however this tender cannot be recommended as it is not cost effective.

**Environmental and Acoustics**

**1. Norman Disney & Young (NDY)**

Total score:	<b>75.92 (1<sup>st</sup>)</b>
Fee proposal:	• Lowest
Relevant experience and expertise:	• Major recent projects include various West Australian leisure facilities
Project team capacity to deliver Project:	• 3 staff appointed to project, with comprehensive summary of relevant experience and qualifications
History and viability of company:	<ul style="list-style-type: none"> <li>• Global Company</li> <li>• Established 1959</li> <li>• 70 staff with specialists in each engineering discipline</li> <li>• Public Liability Insurance of \$10m</li> <li>• Workers Compensation Insurance</li> </ul>
Referees comments:	• 3 referees provided
Demonstrated capacity to deliver:	• Comprehensive and well documented - exceeds criteria - low risk to Town
Capacity to address requirements:	• Comprehensive - meets criteria - very low risk to Town
Methodology, key issues and risks:	• Meets criteria
Quality Assurance:	• ISO 9001:2008

Comments:

This tender provided the lowest price. This tender was well documented. Accordingly, this tender is recommended.

**2. WSP Lincolne Scott**

Total score:	<b>45.42 (2<sup>nd</sup>)</b>
Fee proposal:	• Second lowest
Relevant experience and expertise:	• Major projects include Perth Arena
Project team capacity to deliver Project:	• 4 staff with a brief description of experience
History and viability of company:	<ul style="list-style-type: none"> <li>• Global Company</li> <li>• A number of awards received for various categories</li> <li>• Public Liability Insurance of \$20m</li> <li>• Workers Compensation Insurance</li> </ul>
Referees comments:	• No information provided
Demonstrated capacity to deliver:	• Selection criteria not adequately met
Capacity to address requirements:	• Selection criteria not adequately met
Methodology, key issues and risks:	• Selection criteria not adequately met
Quality Assurance:	• Criteria not met

Comments:

This tender provided the second lowest price. This tender was poorly documented and failed to specifically address requested criteria including; methodology, referees and quality assurance and accordingly minimal scores could be provided for these criteria.

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

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

**OFFICER RECOMMENDATION:**

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

**COUNCIL DECISION ITEM 9.4.1**

**Moved Cr Farrell, Seconded Cr Burns**

*That the recommendation be adopted.*

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

**BACKGROUND:**

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

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

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

<b>Date</b>	<b>Document</b>	<b>No of copies</b>	<b>Details</b>
11/10/2010	Deed of Licence	1	Town of Vincent, Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Spotless Services Ltd of Gate 7, Subiaco Oval, Subiaco Road, Subiaco WA 6008 re: Main Roads Meeting - 13 October 2010 (Gareth Naven Room)
11/10/2010	Deed of Licence	1	Town of Vincent, Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Spotless Services Ltd of Gate 7, Subiaco Oval, Subiaco Road, Subiaco WA 6008 re: Alliance Catering Tradeshow - 14 October 2010 (Gareth Naven Room and nib Lounge)
15/10/2010	Deed of Licence	1	Town of Vincent, Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Spotless Services Ltd of Gate 7, Subiaco Oval, Subiaco Road, Subiaco WA 6008 re: Nescafe Australia Conference - 20 and 21 October 2010 (Suites 3, 4, 5, 6, 7, 8, 9, 10 & 11)

<b>Date</b>	<b>Document</b>	<b>No of copies</b>	<b>Details</b>
25/10/2010	Deed of Licence	1	Town of Vincent, Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Spotless Services Ltd of Gate 7, Subiaco Oval, Subiaco Road, Subiaco WA 6008 re: Main Roads Meeting - 27-28 October 2010 (Gareth Naven Room)
25/10/2010	Deed of Licence	1	Town of Vincent, Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Spotless Services Ltd of Gate 7, Subiaco Oval, Subiaco Road, Subiaco WA 6008 re: Main Roads Meeting - 28 October 2010 (nib Lounge)
26/10/2010	Deed of Licence	2	Town of Vincent, Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Live Nation Australia of 196-204 Faraday Street, Carlton Vic 3053 and Dainty Consolidated Entertainment Pty Ltd of 470 St Kilda Road, Melbourne 3000 re: Neil Diamond Concert - 29 March 2011 (Stadium)

**9.4.2 Audit Committee – Receiving of Unconfirmed Minutes – 21 October 2010**

<b>Ward:</b>	-	<b>Date:</b>	27 October 2010
<b>Precinct:</b>	-	<b>File Ref:</b>	FIN0106
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer:</b>	John Giorgi, Chief Executive Officer		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

*That the Council RECEIVES the Audit Committee Unconfirmed Minutes dated 21 October 2010, as shown in Appendix 9.4.2.*

**COUNCIL DECISION ITEM 9.4.2**

**Moved Cr Farrell, Seconded Cr Burns**

*That the recommendation be adopted.*

**CARRIED “EN BLOC” (9-0)**

**PURPOSE OF REPORT:**

The purpose of this report is for the Council to receive the unconfirmed minutes of the Audit Committee held on 21 October 2010.

**BACKGROUND:**

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

*"That the Council;*

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

**CONSULTATION/ADVERTISING:**

N/A.

**LEGAL/POLICY:**

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

**STRATEGIC IMPLICATIONS:**

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

**SUSTAINABILITY IMPLICATIONS:**

Nil.

**FINANCIAL IMPLICATIONS:**

Nil.

**COMMENT:**

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

**9.4.3 nib Stadium Management Committee Meeting - Receiving of Unconfirmed Minutes 1 November 2010**

<b>Ward:</b>	South	<b>Date:</b>	2 November 2010
<b>Precinct:</b>	Beaufort, P13	<b>File Ref:</b>	RES0082
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer:</b>	M McKahey, Personal Assistant		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

*That the Council RECEIVES the Unconfirmed Minutes of the nib Stadium Management Committee Meeting held on 1 November 2010, as shown in Appendix 9.4.3.*

**COUNCIL DECISION ITEM 9.4.3**

**Moved Cr Farrell, Seconded Cr Burns**

*That the recommendation be adopted.*

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

**PURPOSE OF REPORT:**

The purpose of the report is for the Council to receive the Unconfirmed Minutes of the nib Stadium Management Committee meeting held on 1 November 2010.

**BACKGROUND:**

At the Ordinary Meeting of Council held on 14 September 2004, the Council considered the establishment of a Committee for the management of the Stadium (now known as "nib Stadium" - formerly "ME Bank Stadium") and resolved inter alia as follows:

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

- (iii) *to delegate the following functions to the Committee;*
- (a) *to establish and review the Heads of Agreement (HOA) Key Performance Indicators (KPIs) in conjunction with Allia;*
  - (b) *to assess whether each proposed Licensing Agreement is consistent with the KPIs and the provisions of the HOA and to approve the proposed Licensing Agreement if it is consistent;*
  - (c) *to supervise the performance of the Services by Allia and to ensure that Allia performs the Services in accordance with the KPIs and the HOA;*
  - (d) *to receive and consider Performance Reports;*
  - (e) *to advise the Council on Capital Improvements required for the Stadium and to make recommendations to the Council about the use of the Reserve Fund;*
  - (f) *to review Naming Signage; and*
  - (g) *to review the Risk Management Plan;*

*(For the purpose of avoidance of doubt, it is acknowledged that the Committee's functions do not include carrying out any of the Operational Management Services which are to be provided by Allia)."*

**CONSULTATION/ADVERTISING:**

Not applicable.

**LEGAL/POLICY:**

The Local Government Act Regulations 1996 requires that Committee Meeting Minutes be reported to the Council.

**STRATEGIC IMPLICATIONS:**

This is in keeping with the Town's Strategic Plan - Plan for the Future 2009-2014, Objective 4.1 - *"Provide Good Strategic Decision Making, Governance, Leadership and Professional Management"* and, in particular, Objective 4.1.2 - *"Manage the organisation in a responsible, efficient and accountable manner"*.

**SUSTAINABILITY IMPLICATIONS:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

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

**9.4.6 Information Bulletin**

<b>Ward:</b>	-	<b>Date:</b>	3 November 2010
<b>Precinct:</b>	-	<b>File Ref:</b>	-
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer:</b>	A Radici, Executive Assistant		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

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

**COUNCIL DECISION ITEM 9.4.6**

**Moved Cr Farrell, Seconded Cr Burns**

*That the recommendation be adopted.*

**CARRIED “EN BLOC” (9-0)**

**DETAILS:**

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

<b>ITEM</b>	<b>DESCRIPTION</b>
IB01	Letter from the Western Australian Planning Commission regarding Amendment to Residential Design Codes – New Multiple Dwelling Provisions
IB02	Letter from the Department of Regional Development and Lands regarding 34 (Lot 1) Cheriton Street, East Perth
IB03	Letter from the Tamala Park Regional Council regarding the Tamala Park Regional Council’s Annual Report 2009/2010
IB04	Letter from Northbridge History Project regard The Project Report 2005 – 2010
IB05	Letter of Appreciation from Anglicare WA regarding Town of Vincent Community Development
IB06	Local Government Reform Update, Bulletin #06, November 2010
IB07	WALGA Infopage regarding White Ribbons™ for Road Safety Campaign 2010
IB08	Minutes of the Tamala Park Regional Council Ordinary Council Meeting held on 14 October 2010
IB09	Unconfirmed Minutes of the Sustainability Advisory Group Meeting held on 25 October 2010
IB10	Minutes of the Mindarie Regional Council Ordinary Council Meeting held on 28 October 2010
IB11	Register of Petitions - Progress Report - November 2010
IB12	Register of Notices of Motion - Progress Report - November 2010
IB13	Register of Reports to be Actioned - Progress Report - November 2010
IB14	Register of Legal Action (Confidential – Council Members Only) - Progress Report - November 2010
IB15	Register of State Administrative Tribunal Appeals - Progress Report - November 2010
IB16	Forum Notes - 21 October 2010
IB17	Notice of Forum - 16 November 2010

**9.1.11 No. 259 (Lot: 1 D/P: 26081) Walcott Street, North Perth - Retrospective Sign Additions to Existing Shop**

<b>Ward:</b>	North	<b>Date:</b>	1 November 2010
<b>Precinct:</b>	North Perth: P08	<b>File Ref:</b>	PRO2496; 5.2010.494.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer:</b>	A Dyson, Statutory Planning Officer		
<b>Responsible Officer:</b>	R Boardman, Director Development Services		

**OFFICER RECOMMENDATION:**

*That the Council;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, REFUSES the application submitted by L Pino on behalf of the owner M Primus as trustee for Acquaviva Trust for Retrospective Sign Additions to Existing Shop, at No. 259 (Lot 1 D/P: 26081) Walcott Street, North Perth, and as shown on plans stamp-dated 24 September 2010, for the following reasons:*

- (i) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) *the non-compliance with the Town's Signs and Advertising Policy 3.5.2; specifically:*
  - (a) *Clause 3) ii) Awning/Verandah Signs b); gg) requiring a minimum clearance of 2.75 metres;*
  - (b) *Clause 3) xviii) Window Signs a); and*
  - (c) *Clause 3) xviii) Window Signs b); and*
- (iii) *ADVISES the applicant that within twenty eight (28) days from the issue of the 'Refusal to Commence Development' that the following is to occur the non-compliant signage noted in (ii) above shall be removed or amended to comply with the Town's Signs and Advertising Policy 3.5.2.*

**Moved Cr Farrell, Seconded Cr Maier**

*That the recommendation be adopted.*

Debate ensued.

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

**Reason:**

1. It replaces previous signage rather than increasing the area of signage.

**ALTERNATIVE RECOMMENDATION - COUNCIL DECISION ITEM 9.1.11**

**Moved Cr Farrell, Seconded Cr Buckels**

*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 Pino on behalf of the owner M Primus as trustee for Acquaviva Trust for Retrospective Sign Additions to Existing Shop, at No. 259 (Lot 1 D/P: 26081) Walcott Street, North Perth, and as shown on plans stamp-dated 24 September 2010, subject to the following conditions:*

- (i) the signage shall not have flashing or intermittent lighting;*
- (ii) all signage shall be subject to a separate Sign Licence application being submitted to and approved by the Town prior to the erection of the signage;*
- (iii) signage shall be kept in a good state of repair, safe, and be non-climbable and free from graffiti for the duration of its display on-site; and*
- (iv) within twenty eight (28) days of the issue date of this 'Approval to Commence Development', a Building Approval Certificate Application, structural details certified by a Practicing Structural Engineer, including plans and specifications of the subject commenced works, shall be submitted to and approved by the Town of Vincent Building Services as required under section 374 AA of the Local Government (Miscellaneous Provisions) Act 1960, and regulation 11 A of the Building Regulations 1989.*

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

<b>Landowner:</b>	M Primus
<b>Applicant:</b>	L Pino
<b>Zoning:</b>	Metropolitan Region Scheme: (MRS): Urban Town Planning Scheme No. 1 (TPS 1): Local Centre
<b>Existing Land Use:</b>	Pharmacy
<b>Use Class:</b>	Shop
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	304 square metres
<b>Access to Right of Way</b>	N/A

**PURPOSE OF REPORT:**

This proposal requires referral to the Council for determination.

**BACKGROUND:**

22 January 2010 The Town received a complaint whether the signage at the property was approved as it had recently been altered.

**DETAILS:**

The proposal involves an application for Retrospective Approval of signage for an existing Pharmacy on the corner of Walcott and Blake Streets in North Perth.

The signage consists in the form of brand signage (*Pharmacy 777 – Everyday 8am -7pm*) along the fascia of the building across each frontage; wall signage at the rear of the building (*Pharmacy 777 –Taking Care of Your Health – Rear Parking*) abutting the car park; window signage along the entire length of the tenancy (*Pharmacy 777 and Photos of Persons*); and under awning signage (*Pharmacy 777 – Everyday 8am -7pm*).

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

**COMPLIANCE:**

<b>NON-COMPLIANT REQUIREMENTS</b>		
<b>REQUIREMENTS</b>	<b>REQUIRED</b>	<b>PROPOSED</b>
<b>Sign Standards</b> Window Signs	Not to cover more than 50% of the glazed area of any one window or exceed 10 square metres in area in total per tenancy on one lot.  Maintain an active and interactive presentation to the street for the balance of the window.	Window Sign completely covers window pane and provides no interaction with streetscape.  Window Sign completely covers window pane.
<b>Officer Comments:</b>		
It is considered the proposed window signage is not supportable given the presence of window signage does not allow for interactive surveillance of the street and provides a barrier to visual amenity.		
Underside of Awning Signs x 2	Have a minimum clearance of 2.75 metres from the finished ground level to the lowest part of the sign.	Clearance Height of 2.2 metres.
<b>Officer Comments:</b>		
It is considered the proposed under awning signage does not comply with the minimum clearance height and is not supported.		

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

<b>Consultation Submissions</b>
The proposal was not advertised as it is considered not to involve intensification of the current use of the site, is incidental, associated and ancillary to the usage and development of the site, and is being referred to the Council for consideration and determination.

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

**COMMENTS:**

The Town's objective concerning signs and advertising is to ensure that the display of advertisements on properties does not adversely impact upon the amenity of the surrounding areas, while providing appropriate exposure of activities or services.

The building in this instance has signage which does not complement the existing visual amenity of the Local Centre in which it is located. It is considered that the unauthorised signage does not promote "in and out" surveillance and is considered excessive to the needs of the use, and would create an undesirable precedence to other commercial uses.

In light of the above, the signage is considered to adversely impact on the visual amenity of the subject site and surrounding area and is not supported for the reasons outlined above.

**9.1.4 No. 139 (Lot 8; D/P 56031) Buxton Street, Mount Hawthorn - Proposed Change of Use from Commercial Hall to Unlisted Use (Small Bar)**

<b>Ward:</b>	North	<b>Date:</b>	2 November 2010
<b>Precinct:</b>	Mount Hawthorn; P01	<b>File Ref:</b>	PRO0793; 5.2010.373.1
<b>Attachments:</b>	<a href="#">001</a> ; <a href="#">002</a>		
<b>Reporting Officer:</b>	D Pirone, Statutory Planning Officer		
<b>Responsible Officer:</b>	R Boardman, Director Development Services		

**OFFICER RECOMMENDATION:**

*That the Council;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by the owners A & R Burton for proposed Change of Use from Commercial Hall to Unlisted Use (Small Bar), at No. 139 (Lot 8; D/P 56031) Buxton Street, Mount Hawthorn, and as shown on plans stamp-dated 2 August 2010, subject to the following conditions:*

- (i) *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 to and approved by the Town prior to the erection of the signage;*
- (ii) *the maximum number of patrons to occupy the small bar at any one time shall be 100 persons;*
- (iii) *packaged liquor shall not be sold at the premises for take-away purposes;*
- (iv) *the hours of operation of the small bar shall be limited to 5:30pm to 10:00pm Wednesday and Thursday and 5:30pm to 11:30pm Friday and Saturday;*
- (v) *the approval for a small bar is valid for a period of 12 months only and should the applicant wish to continue the use after that period, it shall be necessary to re-apply to and obtain approval from the Town prior to continuation of the use; and*
- (vi) **WITHIN TWENTY EIGHT (28) DAYS OF THE 'APPROVAL TO COMMENCE DEVELOPMENT', the following shall be submitted to and approved by the Town:**
  - (a) **Venue Management Plan**  
  
*A detailed management plan that addresses the control of noise, anti-social behaviour, traffic, car parking, disposal of rubbish and its collection, litter associated with the development and any other appropriate matters.*

---

**Moved Cr Lake, Seconded Cr Maier**

*That the recommendation be adopted.*

**Debate ensued.**

**AMENDMENT NO 1**

**Moved Cr Maier, Seconded Cr Topelberg**

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

*“(iv) the hours of operation of the small bar shall be limited to ~~5:30pm to 10:00pm~~  
~~Wednesday and Thursday and~~ 5:30pm to 11:30pm Friday ~~and Saturday;~~”*

Debate ensued.

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

Debate ensued.

**AMENDMENT NO 2**

**Moved Cr McGrath, Seconded Cr Harvey**

*That a new clause be inserted as follows:*

*“That the Council SENDS a letter of support to the Department of Racing, Gaming & Liquor for the venue as a unique establishment indicating the Council’s preference for the venue to continue to operate as it has done in the past, in particular, for it to continue to operate only one night a week.”*

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

Debate ensued.

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

**COUNCIL DECISION ITEM 9.1.4**

*That the Council;*

- (i) in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by the owners A & R Burton for proposed Change of Use from Commercial Hall to Unlisted Use (Small Bar), at No. 139 (Lot 8; D/P 56031) Buxton Street, Mount Hawthorn, and as shown on plans stamp-dated 2 August 2010, subject to the following conditions:*
  - (a) all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted to and approved by the Town prior to the erection of the signage;*
  - (b) the maximum number of patrons to occupy the small bar at any one time shall be 100 persons;*
  - (c) packaged liquor shall not be sold at the premises for take-away purposes;*
  - (d) the hours of operation of the small bar shall be limited to 5:30pm to 11:30pm Friday;*

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

(f) *WITHIN TWENTY EIGHT (28) DAYS OF THE 'APPROVAL TO COMMENCE DEVELOPMENT', the following shall be submitted to and approved by the Town:*

1. *Venue Management Plan*

*A detailed management plan that addresses the control of noise, anti-social behaviour, traffic, car parking, disposal of rubbish and its collection, litter associated with the development and any other appropriate matters; and*

(ii) *SENDS a letter of support to the Department of Racing, Gaming & Liquor for the venue as a unique establishment indicating the Council's preference for the venue to continue to operate as it has done in the past, in particular, for it to continue to operate only one night a week.*

<b>Landowner:</b>	A & R Burton
<b>Applicant:</b>	R Burton
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Local Centre
<b>Existing Land Use:</b>	Commercial Hall
<b>Use Class:</b>	Unlisted Use (Small Bar)
<b>Use Classification:</b>	"SA"
<b>Lot Area:</b>	1133 square metres
<b>Access to Right of Way</b>	Not applicable.

**PURPOSE OF REPORT:**

The proposal requires referral to the Council for determination, as the Town's Officers do not have the delegation to determine applications for Unlisted Uses.

**BACKGROUND:**

- July 1974                      The Perth City Council approved a change of a non-conforming use of furniture manufacture and showroom to yacht showrooms in July 1974. This approval was not taken up.
- October 1974                A further application to change the non-conforming use to allow the installation and sale of vehicular exhaust systems was apparently approved and taken up.
- 16 December 1985        The Perth City Council refused an application to convert the vehicular exhaust systems operations use to a furniture factory.
- 17 March 1986              The Perth City Council approved a change of use from vehicular exhaust systems to a showroom/warehouse.
- 15 September 1986        The Perth City Council approved, for a period of two years, an application to change the use of the subject premises, for the storage and wholesale of motor vehicles.

25 July 2000 The Council at its Ordinary Meeting conditionally approved a change of use from general industry to commercial hall ('Jazz Cellar').

18 December 2001 The Council at its Ordinary Meeting conditionally approved an application for alterations and additions to, including a caretaker's residence, and change of use of a portion of the light industry use to shop, to the existing light industry uses and commercial hall.

**DETAILS:**

The proposal involves a change of use from the commercial hall portion of the building to small bar. The subject premises has been operating under the name "The Jazz Cellar" in accordance with the Planning Approval granted by the Council at its Ordinary Meeting held on 25 July 2000, for the change of use from general industry to commercial hall.

"The Jazz Cellar" is essentially a type of bar that allows patrons to bring their own alcoholic beverages as they do not sell any alcohol on-site. Previously, a liquor licence was not required for this type of business; however, the Department of Racing Gaming Liquor (DRGL) has advised the owner that a liquor licence is now required. The owner met with the Officers of the DRGL, who advised that the most relevant type of liquor licence for their business would be a Small Bar Liquor Licence. However, in order for the owner to obtain a Small Bar Liquor Licence, a change of use is required from the Town.

The subject planning application proposes the following changes to the way "The Jazz Cellar" is currently operating:

Existing	Proposed
<ul style="list-style-type: none"> <li>Operates 1 night per week (Friday).</li> </ul>	<ul style="list-style-type: none"> <li>Operate 4 nights per week (Wednesday to Saturday)</li> </ul>
<ul style="list-style-type: none"> <li>Operates from 5:30pm to 11pm.</li> </ul>	<ul style="list-style-type: none"> <li>Operate from 5:30pm to 11:30pm</li> </ul>
<ul style="list-style-type: none"> <li>Maximum approved number of patrons is 100.</li> </ul>	<ul style="list-style-type: none"> <li>Maximum number of patrons - 100.</li> </ul>
<ul style="list-style-type: none"> <li>BYO food and drinks (both alcoholic and non-alcoholic) only.</li> </ul>	<ul style="list-style-type: none"> <li>BYO food and drinks; however, may have a small amount of alcohol for sale.</li> </ul>

The applicant's submission (002) is attached to this report.

**COMPLIANCE:**

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
<b>Plot Ratio:</b>	N/A	N/A
<i>Officer Comments:</i>		
Noted – no variation.		

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

Consultation Submissions		
Item	Comments Received	Officer Comments
Support (12)	<ul style="list-style-type: none"> <li>"I think such places are vitally important for the social and cultural fabric of any city, particularly in this instance where the business is small, privately owned and passionately run."</li> </ul>	<ul style="list-style-type: none"> <li>Noted.</li> </ul>

Consultation Submissions		
Item	Comments Received	Officer Comments
	<ul style="list-style-type: none"> <li>• <i>"I am a local resident of Mount Hawthorn and firmly believe we should retain small intimate venues such as this."</i></li> <li>• <i>"Perth has little in the way of culture and this venue is one of the rare places that provides great music and atmosphere."</i></li> </ul>	<ul style="list-style-type: none"> <li>• Noted.</li> <li>• Noted.</li> </ul>
	<ul style="list-style-type: none"> <li>• <i>"The Town of Vincent should do their utmost to ensure this venue continues to be a gem in the suburb of Mount Hawthorn."</i></li> </ul>	<ul style="list-style-type: none"> <li>• Noted.</li> </ul>
	<ul style="list-style-type: none"> <li>• <i>"... I believe it is a venue of great cultural value."</i></li> </ul>	<ul style="list-style-type: none"> <li>• Noted.</li> </ul>
	<ul style="list-style-type: none"> <li>• <i>"The Jazz Cellar is a wonderful place. There is nowhere else in Perth where you can have so much fun while feeling so safe. It is unique in that I can go there with my friends, parents or grandparents and everyone is guaranteed a good night."</i></li> </ul>	<ul style="list-style-type: none"> <li>• Noted.</li> </ul>
	<ul style="list-style-type: none"> <li>• <i>"We found this venue to be well run, with a friendly and welcoming ambience."</i></li> </ul>	<ul style="list-style-type: none"> <li>• Noted.</li> </ul>
	<ul style="list-style-type: none"> <li>• <i>"The managers run an excellent venue with mature sensibilities."</i></li> </ul>	<ul style="list-style-type: none"> <li>• Noted.</li> </ul>
	<ul style="list-style-type: none"> <li>• <i>"This venue is critical to the creative expression of music from the old timers to the apprentices. The Jazz Cellar is rare bridge which brings generations together in mutual admiration."</i></li> </ul>	<ul style="list-style-type: none"> <li>• Noted.</li> </ul>
Objections (5)	<ul style="list-style-type: none"> <li>• Lack of car parking – Buxton Street becomes filled with cars from patrons attending the venue.</li> </ul>	<ul style="list-style-type: none"> <li>• Not supported – Refer to comments below.</li> </ul>
	<ul style="list-style-type: none"> <li>• Noise from patrons when the venue closes.</li> </ul>	<ul style="list-style-type: none"> <li>• Not supported – This matter is addressed by Noise Regulations.</li> </ul>
	<ul style="list-style-type: none"> <li>• Damage to and items stolen from nearby properties.</li> </ul>	<ul style="list-style-type: none"> <li>• Noted.</li> </ul>
	<ul style="list-style-type: none"> <li>• Rubbish dispersed across the street and in front gardens.</li> </ul>	<ul style="list-style-type: none"> <li>• Noted.</li> </ul>
	<ul style="list-style-type: none"> <li>• Objections to the extension of the operating hours.</li> </ul>	<ul style="list-style-type: none"> <li>• Not supported in part – A condition has been applied to limit the hours of operation from 5:30pm to 10:00pm on Wednesday and Thursday and from 5:30pm to 11:30pm on Friday and Saturday.</li> </ul>
	<ul style="list-style-type: none"> <li>• Drunken and anti-social behaviour from patrons.</li> </ul>	<ul style="list-style-type: none"> <li>• Noted.</li> </ul>
<b>Advertising</b>	Advertising for a period of 21 days was carried out as per the Town's Policy No. 4.1.5 – relating to Community Consultation.	

<b>Car Parking</b>	
Car parking requirement (nearest whole number) • Shop – 1 bay per 15 square metres of gross floor area Gross Floor Area = 282 square metres ( <b>requires 18.8 car bays</b> ) • Motor Vehicle Repairs – 3 bays per working bay Number of Working Bays = 3 ( <b>requires 9 car bays</b> ) • Small Bar – 1 bay per 4.5 persons approved for the site Number of persons approved = 100 ( <b>requires 22.22 car bays</b> ) • Caretakers Residence – 1 bay per residence ( <b>requires 1 car bay</b> ) <b>Total car bays required = 51.02 car bays</b>	= 51 car bays
Apply the adjustment factors. • 0.85 (within 400 metres of a bus stop)	(0.85) = 43.35 car bays
Minus the car parking provided on-site	9 car bays
Minus the approved on-site car parking shortfall. *The minutes of the Ordinary Meeting of Council held on 18 December 2001 indicate that a previous shortfall of 24 car bays has previously been approved on-site.	24 car bays
<b>Resultant shortfall</b>	<b>10.35 car bays</b>

The above Car Parking Assessment Table indicates that a shortfall of 10.35 car bays is proposed on-site. The minutes of the Ordinary Meeting of Council held on 18 December 2001 indicate that the ‘*Reciprocal Parking*’ requirements of the Town’s Parking and Access Policy were previously applied and, therefore, resulted in a car parking surplus of 3.4 car bays.

The ‘*Reciprocal Parking*’ requirements of the Parking and Access Policy are stated as follows:

‘9) ii) *Reciprocal Parking*

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

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

It is considered that demand for car parking by the uses on-site will not reasonably coincide, as the operating hours for “The Jazz Cellar” are at night, and the motor vehicle repairs and shop uses are during the day. In light of this, a daytime and night time parking assessment has been provided.

<b>Daytime Uses Car Parking</b>	
Car parking requirement (nearest whole number) • Shop – 1 bay per 15 square metres of gross floor area Gross Floor Area = 282 square metres ( <b>requires 18.8 car bays</b> ) • Motor Vehicle Repairs – 3 bays per working bay Number of Working Bays = 3 ( <b>requires 9 car bays</b> ) • Caretakers Residence – 1 bay per residence ( <b>requires 1 car bay</b> ) <b>Total car bays required = 28.8 car bays</b>	= 29 car bays
Apply the adjustment factors. • 0.85 (within 400 metres of a bus stop)	(0.85) = 24.65 car bays
Minus the car parking provided on-site	9 car bays
Minus the approved on-site car parking shortfall. *The minutes of the Ordinary Meeting of Council held on 18 December 2001 indicate that a previous shortfall of 24 car bays has previously been approved on-site.	24 car bays
<b>Resultant surplus</b>	<b>8.35 car bays</b>

<b>Night Time Uses Car Parking</b>	
Car parking requirement (nearest whole number) • Small Bar – 1 bay per 4.5 persons approved for the site Number of persons approved = 100 ( <b>requires 22.22 car bays</b> ) • Caretakers Residence – 1 bay per residence ( <b>requires 1 car bay</b> ) <b>Total car bays required = 23.22 car bays</b>	= 23 car bays
Apply the adjustment factors. • 0.85 (within 400 metres of a bus stop)	(0.85) = 19.55 car bays
Minus the car parking provided on-site	9 car bays
Minus the approved on-site car parking shortfall. *The minutes of the Ordinary Meeting of Council held on 18 December 2001 indicate that a previous shortfall of 24 car bays has previously been approved on-site.	24 car bays
<b>Resultant surplus</b>	<b>13.45 car bays</b>

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

**COMMENTS:**

In light of the above, it is considered appropriate to apply the requirement for 'Reciprocal Car Parking' as per the Council's previous determination at its Ordinary Meeting held on 18 December 2001. It is noted that the above car parking shortfall will not apply to any future applications for change of use or the like, as a condition for cash-in-lieu has not been applied to the Officer Recommendation.

Furthermore, a number of objections have been received regarding the proposed additional hours and days of operation, and that the anti-social behaviour can only be tolerated one night per week. The Town's Officers recommend that in light of the comments from surrounding landowners, a temporary planning approval for a period of 12 months is appropriate as a means of maintaining the use over a limited period of time. A condition has been applied to reduce the hours of operation from 5:30pm to 10:00pm on Wednesdays and Thursdays, and from 5:30pm to 11:30pm on Fridays and Saturdays.

In light of the above, it is recommended that the Council approve the application for a period of 12 months only.

**9.1.10 No. 13 (Lot 24; D/P 2324) Grosvenor Road, Mount Lawley – Proposed Change of Use from Single House to Medical Consulting Rooms and Associated Alterations to Existing Building**

<b>Ward:</b>	South	<b>Date:</b>	1 November 2010
<b>Precinct:</b>	Norfolk; P10	<b>File Ref:</b>	PRO3533; 5.2010.352.2
<b>Attachments:</b>	<a href="#">001</a> ; <a href="#">002</a>		
<b>Reporting Officer:</b>	D Pirone, Statutory Planning Officer		
<b>Responsible Officer:</b>	R Boardman, Director Development Services		

**OFFICER RECOMMENDATION:**

*That the Council;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, REFUSES the application submitted by Beaufort Realty on behalf of the owner M T Hoang & L T Vuong for proposed Change of Use from Single House to Medical Consulting Rooms and Associated Alterations to Existing Building, at No. 13 (Lot 24; D/P 2324) Grosvenor Road, Mount Lawley, and as shown on plans stamp-dated 22 July 2010, for the following reasons:*

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) the non-compliance with the Town's Policies relating to Parking and Access, Consulting Rooms and Non-Residential/Residential Interface, and the objectives of the Town's Town Planning Scheme No. 1;*
- (iii) the approval of the proposed development would create an undesirable precedent for other similar commercial use developments encroaching into established residential areas;*
- (iv) there is a shortfall in the car parking requirements; and*
- (v) the consideration of the objections received.*

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Cr Burns departed the Chamber at 7.09pm.

Moved Cr Maier, Seconded Cr Buckels

*That the recommendation be adopted.*

Debate ensued.

Cr Burns returned to the Chamber at 7.12pm.

Debate ensued.

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

**Reason:**

1. Location of the property is next to a public car park.

**ALTERNATIVE RECOMMENDATION - COUNCIL DECISION ITEM 9.1.10**

**Moved Cr Maier, Seconded Cr Buckels**

*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 Beaufort Realty on behalf of the owner M T Hoang & L T Vuong for proposed Change of Use from Single House to Medical Consulting Rooms and Associated Alterations to Existing Building, at No. 13 (Lot 24; D/P 2324) Grosvenor Road, Mount Lawley, and as shown on plans stamp-dated 22 July 2010, subject to the following conditions:*

- (i) **Medical Consulting Rooms (Medical Practitioners):**
- (a) *any change of use from Medical Consulting Rooms (Medical Practitioners) shall require Planning Approval to be applied for and obtained from the Town prior to the commencement of such use;*
  - (b) *shall be limited to a maximum of three (3) consulting rooms/consultants operating at any one time. Any increase in the number of consulting rooms/consultants shall require Planning Approval to be applied for and obtained from the Town;*
  - (c) *the hours of operation shall be limited to the following times: 9.00am to 5:00pm Monday to Friday, and closed on Saturdays, Sundays and Public Holidays; and*
  - (d) *shall not be used for massage activity of a sexual nature, prostitution, as a brothel business, as an agency business associated with prostitution, as an escort agency business, or the like;*
- (ii) **Building**
- (a) *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 Grosvenor Road;*
- (iii) **Signage**
- (a) *all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application and all signage shall be subject to a separate Sign Licence application, being submitted to and approved by the Town prior to the erection of the signage;*
- (iv) **Street Walls and Fences**
- Any new street/front wall, fence and gate within the Grosvenor Road 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;*
- (v) *within twenty-eight (28) days of the issue date of this 'Approval to Commence Development', the owner(s) or the applicant on behalf of the owner(s) shall comply with the following requirements:*
- (a) *pay a cash-in-lieu contribution of \$6,360 for the equivalent value of 2.12 car parking spaces, based on the cost of \$3,000 per bay as set out in the Town's 2010/2011 Budget; OR*

(b) *lodge an appropriate assurance bond/ bank guarantee of a value of \$6,360 to the satisfaction of the Town. This assurance bond / bank guarantee will only be released in the following circumstances:*

- (1) *to the Town at the date of issue of the Building Licence for the development, or first occupation of the development, whichever occurs first; or*
- (2) *to the owner(s)/applicant following receipt by the Town of a Statutory Declaration of the prescribed form endorsed by the owner(s)/applicant and stating that they will not proceed with the subject 'Approval to Commence Development'; or*
- (3) *to the owner(s)/applicant where the subject 'Approval to Commence Development' did not commence and subsequently expired.*

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

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

(a) **Refuse and Recycling Management Plan**

*A Refuse and Recycling Management Plan shall be submitted to and approved by the Town prior to commencement of any works. The Plan shall include details of refuse bin location, number of rubbish and recycling receptacles, vehicle access and manoeuvring, and disposal of sharps.*

*Revised plans and details shall be submitted demonstrating a bin compound being provided in accordance with the Town's Health Services Specifications.*

*Commercial:*

*1 x mobile garbage bin per unit; and*

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

(b) **Car Parking Plan**

*The provision of a minimum of four on-site car bays (which includes 1 car bay for people with disabilities), which comply with the Town's Policy relating to Parking and Access and Australian Standards AS2890.1 - "Off Street Parking"; and*

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

(a) **Bicycle Parking Facilities**

*One (1) class three 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 facilities shall be submitted to and approved by the Town prior to installation of such facility; and*

(b) Car Parking

*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."*

Debate ensued.

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

<b>Landowner:</b>	M T Hoang & L T Vuong
<b>Applicant:</b>	Jon Adams
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R40
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Consulting Rooms
<b>Use Classification:</b>	"SA"
<b>Lot Area:</b>	450 square metres
<b>Access to Right of Way</b>	South side, 4 metres wide, sealed, Town owned

**PURPOSE OF REPORT:**

The proposal requires referral to the Council for determination as the Town's Officers do not have the delegation to determine 'SA' use applications.

**BACKGROUND:**

6 April 2006 An application was lodged with the Town to change the use from single house to consulting rooms.

26 April 2007 The abovementioned application was cancelled as the applicant did not provide the required additional information after several requests.

**DETAILS:**

The proposal involves the change of use from single house to medical consulting rooms. The applicant has not indicated the exact tenant that is proposed to occupy the building, but that it will be of a medical consulting room nature, the operating hours would be from 9am to 5pm Monday to Friday. The application is for 3 medical consulting rooms.

The applicant's submission is attached to the report.

**COMPLIANCE:**

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
<b>Consulting Rooms Policy:</b>	Applications for Consulting Rooms in a Residential zone where the lot is within 200 metres of a Local Centre or District Zone is not favourable.	The subject lot is within 20 metres of a District Centre zone.
<i>Officer Comments:</i>		
Not supported – Refer to 'Comments' section.		

<b>NON-COMPLIANT REQUIREMENTS</b>		
<b>REQUIREMENTS</b>	<b>REQUIRED</b>	<b>PROPOSED</b>
<b>Town of Vincent Economic Development Strategy:</b>	No requirement to add new commercial precincts or nodes as all Vincent's residents live within 1 kilometre of a commercial centre.	Commercial use in a residential zone.
<i>Officer Comments:</i>		
Not supported – Refer to 'Comments' section.		
<b>Non-Residential/ Residential Development Interface Policy:</b>	Non-residential developments shall be restricted to District and Local Centre zones.	Commercial use in a residential zone.
<i>Officer Comments:</i>		
Not supported – Refer to 'Comments' section.		

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

<b>Consultation Submissions</b>		
<b>Item</b>	<b>Comments Received</b>	<b>Officer Comments</b>
Support	Nil.	Noted.
Objections (3)	<ul style="list-style-type: none"> <li>• Lack of car parking.</li> <li>• Lack of bicycle parking.</li> <li>• The site should remain as a residential use.</li> </ul>	<ul style="list-style-type: none"> <li>• Supported.</li> <li>• Supported.</li> <li>• Supported.</li> </ul>
<b>Advertising</b>	Advertising for a period of 21 days was carried out as per the Town's Policy No. 4.1.5 – relating to Community Consultation.	

<b>Car Parking</b>	
Car parking requirement (nearest whole number)	= 9 car bays
<ul style="list-style-type: none"> <li>• Consulting Rooms – 3 spaces per Consulting Room/Consultant</li> </ul> Number of Consulting Rooms/Consultants = 3 (requires 9 car bays)	
Apply the adjustment factors.	(0.68)
<ul style="list-style-type: none"> <li>• 0.85 (within 400 metres of a bus stop)</li> <li>• 0.80 (within 50 metres of a public car parking place with in excess of 50 car parking spaces)</li> </ul>	= 6.12 car bays
Minus the car parking provided on-site	4 car bays
Minus the most recently approved on-site car parking shortfall.	Nil
Resultant shortfall	2.12 car bays

<b>Bicycle Parking</b>
Consulting Rooms (proposed 3 consultants)
<ul style="list-style-type: none"> <li>• 1 space per 8 consultants (class 1 or 2) = 0.375 spaces</li> <li>• 1 space per 4 consultants (class 3) = 0.75 spaces</li> </ul> Total class one or two bicycle spaces = 0.375 spaces = Nil Total class three bicycle spaces = 0.75 spaces = 1 space

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

**COMMENTS:**

The current use of the building is a residential use and is therefore a permitted use. Due to the nature of the proposed activities, the proposed consulting rooms use ("SA" use) is not considered to be a part of the general fabric of the residential area, regardless of the scale and intensity of its operations and that it abuts a District Centre zone and car park. Approval of the proposed development would create an undesirable precedent for further encroachment of commercial uses into residential areas. The proposed consulting rooms use is not considered to serve the day-to-day needs of local residents and is considered more appropriate in areas which have been appropriately zoned and developed for such uses, namely the Town's commercial centres. Furthermore, the proposal is inconsistent with the objectives of the Town's Economic Development Strategy, which aims to condense commercial type activities within Local Centres, District Centres or Commercial zoned areas in order to capitalise upon co-locational benefits and increase the viability of the Town's commercial centres.

Furthermore, the Town's Technical Services Officers have advised that the proposed on-site car parking is non-compliant with the Australian Standards and in the event of an approval, the applicant will be required to provide a car bay for persons with disabilities and other compliant car bays. It has been advised, that it appears, 4 compliant car bays will be able to be provided on-site. The plans also do not indicate a bin storage area, which will also be required in the event of a Planning Approval being granted.

For the abovementioned reasons, the proposal is therefore considered unacceptable and it is recommended that the Council refuse the application.

**9.1.9 No. 91 (Lot: 3 ; D/P 6257) Bourke Street, Leederville - Proposed Construction of Four-Storey Mixed Use Development Comprising Four Single Bedroom Multiple Dwellings, Four Multiple Dwellings and One Office and Associated Car Parking- State Administrative Tribunal (SAT) Review Matter No. 293 of 2010**

<b>Ward:</b>	South	<b>Date:</b>	1 November 2010
<b>Precinct:</b>	Leederville; P03	<b>File Ref:</b>	PRO4826; 5.2010.209.2
<b>Attachments:</b>	<a href="#">001</a> , <a href="#">002</a>		
<b>Reporting Officer:</b>	R Narroo, Senior Planning Officer (Statutory)		
<b>Responsible Officer:</b>	R Boardman, Director Development Services		

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the report relating to No. 91 (Lot 3; D/P6257) Bourke Street, Leederville for proposed Demolition of the Existing Single House and the Construction of Four-Storey Mixed Use Development Comprising Four Single Bedroom Multiple Dwellings, Four Multiple Dwellings and One Office and Associated Car Parking;*
- (ii) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES, as part of the State Administrative Tribunal Review Matter No. DR No. 293 of 2010, the application submitted by the Peter Jodrell Architects on behalf of the owner S Motearefi for proposed Demolition of the Existing House and the Construction of Four-Storey Mixed Use Development Comprising Four Single Bedroom Multiple Dwellings, Four Multiple Dwellings and One Office and Associated Car Parking, and, as shown on plans stamp-dated 20 October 2010, for the following reasons:*
  - (a) *Non compliance with density and plot ratio;*
  - (b) *Non-compliance with height and number of storeys;*
  - (c) *Consideration of the objections received; and*
- (iii) *as per Orders Nos. 3 and 4 of the State Administrative Tribunal invites the Mayor and/or one or more Councillors nominated and/or the Chief Executive Officer to attend the Mediation on behalf of the Council on the Review (appeal) at 10AM on 17 November 2010 at the Town's Administration Centre, in relation to the above review matter.*

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**COUNCIL DECISION ITEM 9.1.9**

**Moved Cr Topelberg, Seconded Cr Lake**

*That the recommendation be adopted.*

Debate ensued.

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

<b>Landowner:</b>	S Motearefi
<b>Applicant:</b>	Peter Jodrell Architects
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R40
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Office Building and Multiple Dwelling
<b>Use Classification:</b>	“SA” and “P”
<b>Lot Area:</b>	616 square metres
<b>Access to Right of Way</b>	Not applicable

**PURPOSE OF REPORT:**

To update the Council on the above review application.

To comply with the requirements of the Town’s Policy/Procedure for the State Administrative Tribunal (SAT).

Section 31 of the State Administrative Tribunal 2004 states as follows:

- “31. *Tribunal may invite decision-maker to reconsider*
- (1) *At any stage of a proceeding for the review of a reviewable decision, the Tribunal may invite the decision-maker to reconsider the decision.*
  - (2) *Upon being invited by the Tribunal to reconsider the reviewable decision, the decision-maker may –*
    - (a) *affirm the decision;*
    - (b) *vary the decision; or*
    - (c) *set aside the decision and substitute its new decision.*
  - (3) *If the decision-maker varies the decision or sets it aside and substitutes a new decision, unless the proceeding for a review is withdrawn it is taken to be for the review of the decision as varied or the substituted decision.”*

Under Section 31 of the SAT Act 2004, the Town has been invited to determine the subject application; that is, to (a) affirm the decision; (b) vary the decision; or (c) set aside the decision and substitute its new decision. Orders dated 20 October 2010 are attached (002).

**BACKGROUND:**

15 December 2009 The Council at its Ordinary Meeting conditionally approved additional two (2) two-storey grouped dwellings to existing single house.

24 August 2010 The Council at its Ordinary Meeting refused the application for Demolition of the Existing Single House and the Construction of Four Storey Mixed Use Development Comprising Four Single Bedroom Multiple Dwellings, Four Multiple Dwellings and One Office and Associated Car Parking for the following reasons:

- “1. *The development is too high and too dense; and*
2. *There is insufficient car parking.”*

14 October 2010 On-site inspection and mediation held by SAT.

17 November 2010 Further mediation scheduled to be held at Town of Vincent Administration Centre.

**DETAILS:**

The changes to the new plans submitted (Attachment 001) as compared to the plans refused by Council at its Ordinary Meeting held on 24 August 2010 are as follows:

- The floor area of the living room of the front apartment No. 8 on the third floor has been slightly reduced and is further setback from the eastern property;
- The design feature above the balcony of apartment No. 8 has been removed;
- The area of the office on the ground floor has been reduced;
- An additional extra car bay adjacent to the foyer for visitors is proposed; and
- The roof height has been reduced slightly.

Given the above changes, a new Compliance Table has been prepared to reflect those requirements which are affected by these changes, except the density which does not change.

The applicant has provided the following comments:

*“Further to the Refusal to our Planning Application for an 8 apartment + office building we confirm that after meeting with council staff and SAT on-site and at council offices on Thursday 14 October, we now present to you an amended proposal that we believe will address the reasons for refusal, namely parking and building bulk.*

*Changes to the proposal now incorporate the following:*

- *A small reduction in the floor area of the front apartment No 8.*
- *Amendments to the roof design particularly above the balcony of apartment 8 to reduce heights.*
- *Reduction in the size of the office at ground floor level.*
- *Addition of one extra car bay adjacent the foyer for visitors.*

*In conversation with SAT, the officer commented on his assessment of the correctness of the councillor’s intentions to create a redevelopment on No 91 that provides a transition between the approved offices (5 storeys) on the western side of the site, and the existing grouped dwellings to the east. He was most complimentary towards the proposed design in terms of the appropriateness of the scale and contemporary character of the building and encouraged further work with councillors to bring the proposal to Approval status.*

*The composite elevation of our proposal as shown on SK5 and it’s relation with existing and proposed neighbours was felt to be crucial in determining the way our building provided the link and buffer between a very large and wide 5 – 6 storey office building ,and 3 single and 2 storey grouped dwellings. The comment was made that our presentation of the 3 D photorealistic model of the building may have in fact made the 3-4 storey elevation look higher than its neighbour. The elevations clearly demonstrate that the building will provide a graduated scaling down of the building mass, particularly with the proposed amendments.*

*It has to be acknowledged that the approved office building to the west of our site creates a massive bulk to the precinct and without a reasonable approach to the scale of our site, the proposal will feel somewhat swamped by the neighbour.*

*Our attempts to address your issues of scale and density are therefore tempered by the ongoing desire to continue to provide a building that is an appropriate and high quality urban solution to a difficult infill.*

*Our client now seeks your reconsideration of the application given the thorough assessment by the officers in their original support, and now our subsequent adjustments to the design.*

*We continue to strive for a proposal that will make a positive contribution to the built form of Leederville, and look forward to your support of the application.”*

**COMPLIANCE:**

<b>NON-COMPLIANT REQUIREMENTS</b>		
<b>REQUIREMENTS</b>	<b>REQUIRED</b>	<b>PROPOSED</b>
<b>Density:</b>	R40-2.5 multiple dwellings or 3.7 single bedroom multiple dwellings	R108-4 multiple dwellings and 4 single multiple dwellings  Density bonus= 170 per cent
<i>Officer Comments:</i>		
Not supported- Refer to comments below.		
<b>Plot Ratio:</b>	0.6	1.29
<i>Officer Comments:</i>		
Not supported- Refer to comments below.		
<b>Height</b>	7 metres	15 metres
<i>Officer Comments:</i>		
Not supported-Refer to comments below.		

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

**Car Parking**

In accordance with the Residential Design Code requirements for mixed-use development, on-site car parking requirements for multiple dwellings may be reduced to one car bay per dwelling, where on-site car parking required for other users is available outside normal business hours. A total of 11 car bays have been provided for the proposed development. For the residential component, 9 car bays have been provided. The balance of car bays available for the commercial component in this instance is 2 car bays.

<b>Car Parking</b>	
Car parking requirement (nearest whole number) Office: 1 car bay per 50 square metres gross office/administration floor area (proposed 78 square metres) = 1.56 car bays= 2 car bays	2 car bays
Apply the parking adjustment factors: <ul style="list-style-type: none"> <li>• 0.85 (within 400 metres of a bus stop)</li> <li>• 0.85 (within 400 metres of one or more public car parks in excess of 75 spaces)</li> <li>• 0.80 (development contains a mix of uses, where at least 45 per cent of the gross floor area is residential)</li> </ul>	(0.578)  1.156 car bays
Minus the car parking provided on-site	2
Minus the most recently approved on-site car parking shortfall	Nil
Surplus	0.844 car bay

<b>Bicycle Parking</b>		
<b>Bicycle Parking:</b>	<b>Offices-</b> <ul style="list-style-type: none"> <li>• 1 space per 200 (proposed 78) square metres) gross floor area (class 1 or 2) = 1 space</li> </ul>	Not provided- a condition of planning approval would be imposed in the event of an approval.

<b>Consultation Submissions</b>
Not applicable.

<b>Other Implications</b>	
<b>Legal/Policy</b>	Planning and Development Act 2005 (WA), State Administrative Tribunal Act 2004 (WA) and Town's Policy No. 4.1.23-State Administrative Tribunal Policies and Procedures.
<b>Strategic</b>	The Town's Local Planning Strategy has identified Oxford Street as an Activity Corridor and the subject site is located 47 metres from Oxford Street.
<b>Sustainability</b>	Nil.
<b>Financial/Budget</b>	Potential cost of employing a private consultant to represent the Town.

**COMMENTS:**

Should the Council wish to approve this amended application, then Clause 40 of the Town's Planning Scheme No. 1 will be required to be applied. For the Council to apply Clause 40, the Council will have to be satisfied that the proposal complies with Clause 40 (3) b (i) and (ii), which states, inter alia, that the proposal would not have any undue adverse affect on the inhabitants of the locality.

At the Council Forum held on 20 April 2010, discussion took place in relation to the following matters:

- Privacy of the adjoining properties;
- Although the subject site was adjacent to the proposed (at that time not approved) 5 – storey development, Bourke Street was not a main road as such, but was a normal residential street;
- Need to provide a reasonable transition in scale between the 5 storeys on Oxford Street and the rest of Bourke Street. A 3 storeys development with a loft, was considered a significant concession to achieve the above transition, as the original proposal that was approved for this site was considered to be underdevelopment; and
- Sustainability factors.

The latest amended plans, as part of the SAT appeal still do not address the above concerns and, therefore, the Town Officers are not in a position to recommend to the Council the application of Clause 40 to support the amended plans. The amended proposal still results in an undue impact on the adjoining properties.

With regard to the height and development being too dense, the new plans have not addressed these concerns. The amended proposal is still a four storey building comprising eight residential units and one office. It is considered that the height and bulk is still out of character with the area and will impact adversely on the amenity of the locality.

The new plans submitted indicate an additional car bay for the office component. As shown in the Car Parking Assessment Table, the application complies with the required number of car parking bays.

Given that the applicant has not addressed the concerns of the Council with regard to height and bulk, the application is recommended for refusal, as per the Council's previous decision to refuse the application at the Ordinary Meeting of Council held on 24 August 2010.

**9.1.12 Amendment No. 71 to Planning and Building Policies - Draft Policy No. 3.2.2 Relating to Residential Streetscapes**

<b>Ward:</b>	Both	<b>Date:</b>	2 November 2010
<b>Precinct:</b>	All Precincts	<b>File Ref:</b>	PLA0179
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer:</b>	R Marie, Planning Officer (Strategic)		
<b>Responsible Officer:</b>	R Boardman, Director Development Services		

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the report relating to Amendment No. 71 to Planning and Building Policies - Draft Policy No. 3.2.2 relating to Residential Streetscapes;*
- (ii) *CONSIDERS the summary of the 286 submissions received during the formal advertising period, which was undertaken in accordance with Clause 47 (3), (4) and (5)(a) of the Town of Vincent Town Planning Scheme No. 1, as shown in Appendix 9.1.12;*
- (iii) *DOES NOT ADOPT the Draft Policy No. 3.2.2 relating to Residential Streetscapes, due to the number of objections to the Draft Policy during the consultation period;*
- (iv) *AUTHORISES the Chief Executive Officer to advertise the details of the Council's determination in accordance with Clause 47(5)(b) and Clause 47(6) of Town Planning Scheme No. 1; and*
- (v) *NOTES that as part of the review of Town Planning Scheme No. 1, greater emphasis will be placed on the protection of residential character, both in the aims of the Scheme Text and in the character statements in the Precinct Policies.*

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Cr Farrell departed the Chamber at 7.16pm.

**COUNCIL DECISION ITEM 9.1.12**

**Moved Cr Buckels, Seconded Cr McGrath**

*That the recommendation be adopted.*

Cr Farrell returned to the Chamber at 7.17pm.

Debate ensued.

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

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

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

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**PURPOSE OF REPORT:**

The purpose of this report is to provide the Council with an overview of the outcomes of the formal advertising period for Amendment No. 71 to Planning and Building Policies – Draft Policy No. 3.2.2 relating to Residential Streetscapes, and to present a recommendation to progress the matter.

**BACKGROUND:**

23 February 2010 At its Ordinary Meeting, the Council considered a report entitled *Progress Report No. 2 – Research into Policies and Processes Relating to Streetscape Management within the Town* (Item 9.1.18). This report presented research into other Local Government approaches to streetscape management, and made recommendations on how to progress the Town's revised Residential Streetscapes Policy.

Clause (ii) (b) of the Council resolution noted that:

*“the Town’s Officers will report back to the Council by April 2010, with a draft Streetscape Policy, where streetscapes are identified by a community nomination process...”*

27 April 2010 At its Ordinary Meeting, the Council considered a report (Item 9.1.8), which presented the Draft Policy relating to Residential Streetscapes whereby streets are identified through a community nomination process.

At this meeting, the Council endorsed in part, the Officer Recommendation to commence formal advertising of the proposed draft Policy.

18 May 2010 -  
17 August 2010 A formal consultation period was held for three (3) months and during this time a total of four (4) Community Workshops were held at various locations and times to inform the community on the intent and details of the draft Policy.

21 September 2010 The Town’s Officers presented details of the outcomes of the consultation (that is, number of submissions and comments raised) at a Council Member Forum.

**DETAILS:**

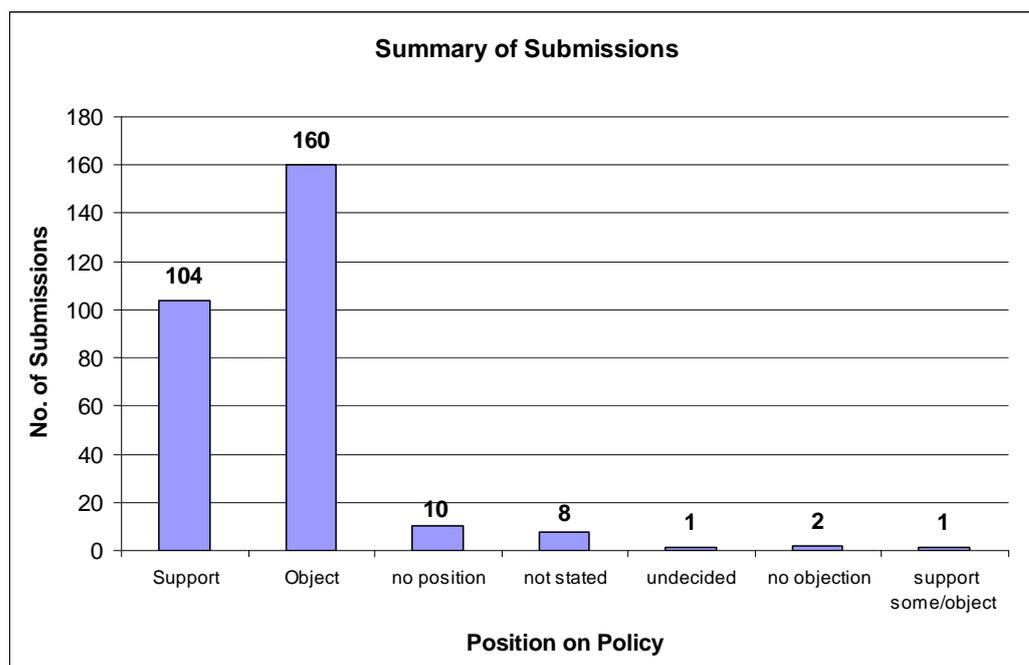
The Draft Policy relating to Residential Streetscapes was advertised in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1 between 18 May 2010 and 17 August 2010. The advertising comprised of 6047 letters to all owners affected by the original Policy, letters to those who commented on the original Policy and letters to the Town’s Precinct Groups, surrounding local governments and relevant authorities. Four (4) community workshops were also held. A total of 286 submissions were received during the extended three (3) month advertising period. Given the mixed community reaction that surrounded the original Draft Streetscapes Policy advertised in 2008, the consultation period was extended, to allow sufficient time for interested parties to comment.

The four (4) community workshops held provided details on the Policy and its intent and enabled input and discussion from attendees. Details of these workshops are provided below:

- Workshop 1:  
When: Wednesday 28 July 2010, between 12.30pm-2.00pm.  
Where: Town of Vincent Administration and Civic Centre.  
Number of Attendees: 24 members of the public.
- Workshop 2:  
When: Wednesday 28 July 2010, 6.00pm-7.30pm.  
Where: Town of Vincent Administration and Civic Centre.  
Number of Attendees: 12 members of the public.

- Workshop 3:  
When: Thursday 29 July 2010, 6.00pm-7.30pm.  
Where: Italian Club, Fitzgerald Street, West Perth  
Number of Attendees: 10 members of the public.
- Workshop 4:  
When: Wednesday 4 August 2010, 6.00pm-7.30pm.  
Where: Mount Hawthorn Primary School, Killarney Street, Mount Hawthorn.  
Number of Attendees: 24 members of the public.

A breakdown of the written submissions received during the consultation period is shown in the following graph.



A number of comments were raised both in the written submissions and at the community workshops. A detailed summary of the written comments received can be viewed in Appendix 9.1.12, "Laid on the Table", and a summary is provided in the table below.

<b>Consultation</b>	
<b>Comments Received:</b>	
The Draft Policy is limiting what can be done with people's property. The Policy is too restrictive. Property owners should have the right to develop their property how they like.	
<i>Officer Comments:</i>	
Noted. Any development in the Town is still to comply with the Town of Vincent Town Planning Scheme No. 1 and associated Planning and Building Policies.	
<b>Comments Received:</b>	
Concern that there are no provisions in the Policy to outline when and how a streetscape can be removed/deleted.	
<i>Officer Comments:</i>	
Noted. In the instance that Design Guidelines were adopted for a street, they would be adopted as a Planning and Building Policy pursuant to the Town of Vincent Town Planning Scheme No. 1. Similar to any other Planning Policy, the rescission of the Policy would be as per Clause 47 of the Town Planning Scheme.	

<b>Consultation</b>
<b>Comments Received:</b>
Concerns with the proposed percentages to nominate and to finally adopt a street.
<i><b>Officer Comments:</b></i>
Noted. The percentages listed in the Policy, both to nominate and to finally adopt the Design Guidelines, were raised numerous times throughout the consultation.
The Town recognises that the development of Design Guidelines through a 'nomination and voting' system could be highly subjective and may not necessarily result in an effective planning tool. It is also noted that there may be instances where a street exhibits a high level of consistency in character, however due to the percentage required, would not be considered a 'recognised streetscape'.
<b>Comments Received:</b>
If a nomination is not successful, there needs to be a provision to prohibit another nomination being submitted for the same street.
<i><b>Officer Comments:</b></i>
Noted. There are similar provisions in Section 55 of the <i>Heritage of Western Australia Act 1990</i> , which stipulates that land considered but not entered in the Register on a permanent basis, is not to be proposed for registration for 5 years.
<b>Comments Received:</b>
Concern over who can nominate a street.
<i><b>Officer Comments:</b></i>
Noted. It was not considered appropriate to allow external parties to nominate a street.
<b>Comments Received:</b>
Concern over impact on property value.
<i><b>Officer Comments:</b></i>
Noted. Property values generally are determined by a multiplicity of factors including zoning, other planning requirements, lot sizes, types of surrounding properties, the level of amenities and services in the surrounding area, tenancy opportunities, prevailing trends in the 'market cycle', the social profile of areas, and the quality and maintenance of individual buildings. As such, this assumption can not be qualified with respect to this Policy or any other of the Town's Planning and Building Policies.
<b>Comments Received:</b>
Incentives are needed from the Town to complement the owner's obligation to adhere to and accept the greater character protection controls.
<i><b>Officer Comments:</b></i>
Noted. Any incentives for streetscape improvements will have budget implications and, therefore would require further investigation.
<b>Comments Received:</b>
Concern that the Policy would prohibit alterations and additions to existing properties and contemporary new development.
<i><b>Officer Comments:</b></i>
Noted. Any alterations and additions are still required to comply with the Town's existing Residential Design Elements Policy and other Planning and Building Policies even without the adoption of specific Design Guidelines.
<b>Comments Received:</b>
Concern with demolition being prohibited.
<i><b>Officer Comments:</b></i>
Noted. The Town would like to note the following comments made by the Heritage Council of WA: <i>'The policy does refer to these streetscapes being 'worthy of protection' to the extent that there is a presumption against demolition of 'original dwellings'. If the Town considers that existing buildings need to be retained in order to protect the 'residential character and visual cohesiveness', we would suggest that these should be identified as heritage precincts and protected accordingly under the Town Planning Scheme. Your proposed process of nomination, assessment and policy development could be equally appropriate for heritage conservation areas.</i>

<b>Consultation</b>	
...	
<i>Refusal of demolition – care should be taken to distinguish between heritage places, which require retention and urban character which can be maintained through replication. Areas of urban character should not generally require retention and conservation of existing buildings, but instead should describe how character can be continued in new development.’</i>	
<b>Comments Received:</b>	
Concern that information listed in the Policy could be included in the Design Guidelines (clause 4 of the Policy), is too specific.	
<b>Officer Comments:</b>	
Noted. This clause was intended to be a guide of elements that may be included in the Design Guidelines.	

<b>Other Implications</b>	
<b>Legal/Policy</b>	Town of Vincent Town Planning Scheme No. 1 and associated Policies.
<b>Strategic</b>	Strategic Plan 2009-2014 – Strategic Objectives: Natural and Built Environment: “1.1.2 Develop and implement a Town Planning Scheme and associated policies, guidelines and initiatives that deliver the community vision; ... 1.1.4 Minimise negative impacts on the community and environment.”
<b>Sustainability</b>	Character protection within the Town will have social and environmental dividends, by virtue of the retention and reuse of original housing stock and will be best addressed through the review of the Town Planning Scheme and associated Policies.
<b>Financial/Budget</b>	The current 2010/2011 Budget allocates \$58,200 for Town Planning Scheme Amendments and Policies.

**COMMENTS:**

Extensive consultation was undertaken for the Draft Policy No. 3.2.2 relating to Residential Streetscapes, through a three (3) month comment period and four (4) community workshops. **The consultation illustrated that the majority, 56% of respondents who provided written comment, did not support the Policy.**

Following the consideration of the comments received, it is considered that a Policy based on a ‘nomination and vote’ is more likely to result in subjectivity. Whilst character protection is a concern of the community and therefore community support is necessary, the approach and mechanism needs to be grounded in proper and orderly planning. It is recognised that the assessment of the street as outlined in Clause 3 of the Draft Policy would have provided some planning grounds for determining whether a street was ‘worthy of protection’; however, the need to gain 75% support for the final adoption of the Design Guidelines, opens the process up to criticism. Not all streets will be able to meet the threshold and, therefore, no Design Guidelines would be adopted for the street. This could be detrimental for those streets that are considered highly consistent in character.

There are two examples of Design Guidelines that have been prepared for specific streets within the Town; namely, Lacey Street, and Brookman and Moir Streets, with the intention of maintaining the character and heritage of the streets respectively. Both examples of Design Guidelines have been based on the streets exhibiting a high level of consistency in the built form, and in terms of Brookman and Moir Streets also its heritage significance. It is noted that both these Policies were not developed through a nomination process. The Town recognises the importance of character protection; however, a process of nominating is not considered the most appropriate mechanism to manage this.

Through the review of the Town of Vincent Town Planning Scheme No. 1, there will be greater focus on character protection, both through the aims of the Scheme and through character statements in the Precinct Policies. Further to this, it is reiterated that the Town's Policy No. 3.2.1 relating to Residential Design Elements states the following in relation to character protection;

*'7.4.1 Preservation of Amenity on Adjoining Land and Surrounding Area*

*Any new development, including alterations and additions, is to consider preserving the amenity of adjoining neighbours and the surrounding area. Such impacts include, but are not limited to, overlooking, overshadowing, loss of views and building design in relation to the existing streetscape and rhythm.*

*Where considered appropriate, the Town may require a development application to be submitted with an accompanying Amenity Impact Statement which:*

- *demonstrates consideration has been given to the impact on the amenity of adjacent properties; and*
- *outlines any measures that have been taken to mitigate any likely undue impacts on the amenity of adjacent properties.*

*An Amenity Impact Statement may be required where a variation to the Acceptable Development Criteria of the Policy is proposed. An Amenity Impact Statement will explain how a proposed development will respond to the Objectives and Performance Criteria of the Policy, and put forward planning justification as to why a variation should be considered.*

*An Amenity Impact Statement is to demonstrate that the proposed variation will not have an undue impact on the amenity of the adjoining properties and the surrounding area. An Amenity Impact Statement may be supported by materials such as photographs, photograph montages, sketches and architectural models.'*

In light of the above, it is recommended that the Council receives the report relating to Amendment No. 71 to Planning and Building Policies - Draft Policy No. 3.2.2 Residential Streetscapes, and that the Council do not proceed with the Policy.

**9.1.3 No. 24 (Lots 2 and 3; D/P 75) Brisbane Street, Dual Frontage to Bulwer Street, Perth - Proposed Change of Use from Office and Warehouse to Office and One (1) Multiple Dwelling and Associated Alterations and Additions – Application for Retrospective Approval**

<b>Ward:</b>	South	<b>Date:</b>	2 November 2010
<b>Precinct:</b>	Beaufort; P13	<b>File Ref:</b>	PRO5021; 5.2010.356.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer:</b>	D Pirone, Statutory Planning Officer		
<b>Responsible Officer:</b>	R Boardman, Director Development Services		

**OFFICER RECOMMENDATION:**

*That the Council;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by the owner J P Shannon for proposed Change of Use from Office and Warehouse to Office and One (1) Multiple Dwelling and Associated Alterations and Additions – Application for Retrospective Approval, at No. 24 (Lots 2 and 3; D/P 75) Brisbane Street, Dual Frontage to Bulwer Street, Perth, and as shown on plans stamp-dated 23 July 2010, subject to the following conditions:*

(i) **Building**

- (a) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Brisbane Street and Bulwer Street;*
- (b) *the total gross floor area of the office shall be limited to 288 square metres. Any increase in floor space or change of use for the subject land shall require Planning Approval to be applied for and obtained from the Town; and*
- (c) *the doors, windows and adjacent floor areas on the ground floor and first floor fronting Brisbane Street and Bulwer Street shall maintain an active and interactive relationship with this street;*

(ii) **Signage**

- (a) *all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application and all signage shall be subject to a separate Sign Licence application, being submitted to and approved by the Town prior to the erection of the signage; and*

(iii) **WITHIN TWENTY EIGHT (28) DAYS FROM THE ISSUE OF THIS 'APPROVAL TO COMMENCE DEVELOPMENT', the applicant shall submit to the Town;**

(a) **Building Approval Certificate**

*A Building Approval Certificate Application (Form 8,) including architectural drawings and building compliance report (BCA), which are prepared by a qualified Practising Building Consultant demonstrating the building complying with the Building Code of Australia (BCA) requirements for a change of use. The cost of this service shall be borne by the applicant/owner(s);*

(b) **Car Parking Plan**

- (1) *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;*
- (2) *A minimum of 4 car parking spaces for the commercial component of the development, shall be clearly marked and signposted for the exclusive use of the staff/customers of the development;*
- (3) *A minimum of 1 car parking space provided for the residential component of the development, shall be clearly marked and signposted for the exclusive use of the residents of the development;*
- (4) *The on-site car parking area for the commercial component shall be available for the occupiers and visitors of the residential component outside normal business hours; and*
- (5) *The car parking area shown for the commercial component shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;*

(c) **Bicycle Parking Facilities Plan**

*A minimum of two (2) class one or two bicycle parking facilities shall be provided at a location convenient to the entrance of the development. Details of the design and layout of the bicycle parking facilities shall be submitted to and approved by the Town prior to the installation of such facilities;*

(d) **Refuse Management Plan**

*A Refuse Management Plan shall be submitted to and approved by the Town. The Plan should include details of refuse bin location, vehicle access and manoeuvring.*

*Revised plans and details shall be submitted demonstrating a bin compound being provided in accordance with the Town's Health Services Specifications,*

*Residential:*

*1 x mobile garbage bin per unit; and*

*1 x paper recycle bin per unit,*

*Commercial:*

*1 x mobile garbage bin per unit, or per 200 square metres of floor space; and*

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

(e) **Acoustic Report**

*An Acoustic Report in accordance with the Town's Policy No. 3.5.21 relating to Sound Attenuation shall be prepared and submitted. The recommended measures of the Acoustic Report shall be implemented and certification from an acoustic consultant that the measures have been undertaken, prior to the first occupation of the development, and the applicant/owners shall submit a further report from an acoustic consultant 6 months from first occupation of the development certifying that the development is continuing to comply with the measures of the subject Acoustic Report; and*

(f) Section 70A Notification

*The owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the dwelling that:*

- (1) *the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities; and*
- (2) *the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential unit/dwellings. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development.*

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

*The works associated with the submission of the above shall be completed within 28 days of the Town approving the submitted information.*

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Cr Burns departed the Chamber at 7.46pm.

COUNCIL DECISION ITEM 9.1.3

Moved Cr Farrell, Seconded Cr Lake

*That the recommendation be adopted.*

Debate ensued.

Cr McGrath departed the Chamber at 7.47pm.

Debate ensued.

Cr Burns returned to the Chamber at 7.48pm.

Debate ensued.

Cr McGrath returned to the Chamber at 7.49pm.

Debate ensued.

Cr Harvey departed the Chamber at 7.50pm.

Debate ensued.

MOTION PUT AND CARRIED (8-0)

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

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<b>Landowner:</b>	J P Shannon
<b>Applicant:</b>	J P Shannon
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential/Commercial R80
<b>Existing Land Use:</b>	Office and Warehouse
<b>Use Class:</b>	Office and Multiple Dwelling
<b>Use Classification:</b>	“P” and “AA”
<b>Lot Area:</b>	782 square metres
<b>Access to Right of Way</b>	Not Applicable

**PURPOSE OF REPORT:**

The subject application requires referral to the Council for determination as the Town’s Officers do not have the delegation to determine applications for retrospective approval.

**BACKGROUND:**

- 12 July 1962            The City of Perth issued Building Licence approval for alterations and additions to existing church building (conversion of Church to Warehouse).
- 29 November 1973    The City of Perth issued Building Licence approval for proposed toilets and tea preparation room to existing office and warehouse.
- 24 June 1996           The Town of Vincent issued a Building Licence for proposed office refurbishment.

**DETAILS:**

The proposal involves the application for retrospective approval for the change of use from office and warehouse to office and one (1) multiple dwelling.

The previous plans and approvals indicate that the proposed dwelling portion of the building is approved as a warehouse, whilst the office portion will remain unchanged. The plans indicate that there is additional office proposed on the first floor of the rear portion of the building and, as such, the dwelling is a multiple dwelling.

The plans illustrate what currently exists on-site and the internal walls shown in a darker shade indicate the portion that is retrospective. It is noted that no external construction works are retrospective.

**COMPLIANCE:**

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
<b>Density:</b>	5.5 multiple dwellings at R80.	1 multiple dwelling.
<i>Officer Comments:</i>		
Noted – No variation proposed.		
<b>Plot Ratio:</b>	1.0 or 782 square metres.	0.52 or 407.5 square metres
<i>Officer Comments:</i>		
Noted – No variation proposed.		

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
<b>Commercial/Residential Floor Area Ratio (Beaufort Precinct Policy):</b> Total Floor Area = 586.5 square metres	Residential = Minimum of 66 percent (387.09 square metres)  Commercial = Maximum of 34 percent (199.41 square metres)	Residential = 48.59 percent (285 square metres)  Commercial = 51.41 percent (301.5 square metres)
<i>Officer Comments:</i>		
Supported – The proposed development introduces a residential component that was previously approved as a warehouse. Whilst the ratio does not comply with the requirements of the Beaufort Precinct Policy, it is considered that the inclusion of the residential component is a step closer to achieving the objectives of the Precinct Policy for the area.		
<b>Outdoor Living Area/Balconies:</b>	All dwellings are to provide a balcony or ground floor open space area of a minimum area of 4 square metres with a minimum dimension of 1.5 metres.	No outdoor living area proposed for the dwelling.
<i>Officer Comments:</i>		
Supported – The proposed development does not provide an area used for outdoor living; however, this is considered supportable as the dwelling provides a number of large internal living areas that will meet the needs of the residents.		

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

Consultation Submissions		
Item	Comments Received	Officer Comments
Support (1)	No comments provided.	Noted.
Objection (1)	<ul style="list-style-type: none"> <li>The property is allegedly being used for a lodging house.</li> </ul>	<ul style="list-style-type: none"> <li>The Town has not found any evidence to suggest that the property is being used as a lodging house; however, the Town's Officers will monitor the situation.</li> </ul>
<b>Advertising</b>	Advertising for a period of 14 days was carried out as per the Town's Policy No. 4.1.5 – relating to Community Consultation.	

Commercial Car Parking	
Car parking requirement (nearest whole number) • Office – 1 bay per 50 square metres of gross floor area Gross Floor Area = 301.5 square metres ( <b>requires 6.03 car bays</b> ) <b>Total car bays required = 6.03 car bays</b>	= 6 car bays
Apply the adjustment factors. • 0.85 (within 400 metres of a bus stop) • 0.85 (within 400 metres of a public car parking place with in excess of 75 car parking spaces)	(0.7225)  = 4.36 car bays
Minus the car parking provided on-site	4 car bays (for commercial)
Minus the approved on-site car parking shortfall.	Nil
<b>Resultant shortfall</b>	<b>0.36 car bay</b>
Residential Car Parking	
The Residential Design Codes allow for residential car parking to be reduced to 1 car bay per unit in a mixed use development. 1 car bay has been provided for the residential component and a condition has been applied for this car bay to be marked and signposted for the exclusive use of the residential component.	

**Bicycle Parking**

Office (proposed 301.5 square metres)

- 1 space per 200 square metres of public area (class 1 or 2) = 1.51 spaces
- 1 space per 750 square metres over 1000 square metres (class 3) = Nil

Total class one or two bicycle spaces = 1.51 spaces = 2 spaces

Total class three bicycle spaces = Nil

The plans do not indicate a class 1 or 2 bicycle facility and, therefore, a condition has been applied to ensure this.

**Other Implications**

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

**COMMENTS:**

**Department of Planning**

The application was referred to the Department of Planning as the property abuts Bulwer Street, which is an Other Regional Road. The Department has reviewed the application and advised that they have no objections to the proposed development, as the proposal seeks no alterations to vehicular access.

**Planning Services**

The subject application is generally compliant with the requirements of the Town's Policies and the R Codes and is considered to be improving an existing situation due to the inclusion of the residential component. In light of the above, it recommended that the Council approve the retrospective application, subject to standard and appropriate conditions to address the above matters.

**9.1.13 Public Consultation on the Draft Central Metropolitan Perth Sub-Regional Strategy**

<b>Ward:</b>	-	<b>Date:</b>	29 October 2010
<b>Precinct:</b>	-	<b>File Ref:</b>	ORG0016
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer:</b>	E Lebbos, Strategic Planning Officer S Kendall, Senior Heritage and Strategic Planning Officer		
<b>Responsible Officer:</b>	R Boardman, Director Development Services		

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) **RECEIVES** the:
  - (a) *report relating to the Draft Central Metropolitan Perth Sub-regional Strategy and the Town’s Submission on the Draft Strategy, as shown in Attachment 001; and*
  - (b) *Draft Central Metropolitan Perth Sub-regional Strategy as “Laid on the Table”;*
- (ii) *advises the Western Australian Planning Commission (WAPC) and the Western Australian Local Government Association (WALGA) that it SUPPORTS IN PRINCIPLE the Draft Central Metropolitan Perth Sub-regional Strategy subject to the comments identified in the Town’s Submission, as shown in Attachment 001, being further investigated and addressed by the WAPC; and*
- (iii) **NOTES** that the:
  - (a) *Department of Planning will be presenting on the Draft Central Metropolitan Perth Sub-regional Strategy at the Council Member Forum scheduled for 16 November 2010; and*
  - (b) *Draft Central Metropolitan Perth Sub-regional Strategy will assist the Town in implementing the objectives of Directions 2031 that are directly relevant to the Town.*

**Moved Cr Lake, Seconded Cr McGrath**

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

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

- (ii) *advises the Western Australian Planning Commission (WAPC) and the Western Australian Local Government Association (WALGA) that it SUPPORTS IN PRINCIPLE the Draft Central Metropolitan Perth Sub-regional Strategy subject to the comments identified in the Town’s Submission, as shown in Attachment 001, subject to Attachment 001 being further amended as follows, the following comments being inserted in the ‘Recommendation’ section of:*
  - (a) *Issue No. 3 of the General Comments Table:*

**“The Town requests that the above points are further considered and addressed in the Strategy to confirm the WAPC’s support for the Town’s intentions for East Perth TOD and Claisebrook Road North Precincts.**

To facilitate the very significant number of additional dwellings proposed for the East Perth area (both the East Perth TOD and East Perth Power Station) in the Draft Strategy, it is envisaged that there will be a need for additional community facilities in the area. The need for such additional facilities should be identified in the Strategy.

It is to be noted that there are two batching plants in the Claisebrook Road North Precinct. The location of these uses 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.

These uses have a negative impact on the visual and general amenity of the area and would inhibit the development of this area as a key urban growth area. It is requested that the Strategy acknowledge this land use conflict and support the Town's intentions for this area."; and

(b) *Issue No. 4 of the General Comments Table:*

"It is understood that the term 'Major transport routes/corridors' refers to both primary freight roads and secondary freight roads for the purpose of protecting such roads from incompatible urban encroachment. However, it is noted that the Strategy is not clear/specific in this regard. Further clarification is requested in this regard."

*being further investigated and addressed by the WAPC; and"*

Debate ensued.

Cr Harvey returned to the Chamber at 7.52pm.

Debate ensued.

Cr Topelberg departed the Chamber at 7.53pm.

Debate ensued.

Cr Topelberg returned to the Chamber at 7.58pm.

AMENDMENT

Moved Cr McGrath, Seconded Cr Lake

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

*"(ii) advises the Western Australian Planning Commission (WAPC) and the Western Australian Local Government Association (WALGA) that it SUPPORTS IN PRINCIPLE the Draft Central Metropolitan Perth Sub-regional Strategy subject to the comments identified in the Town's Submission, as shown in Attachment 001, subject to Attachment 001 being further amended as follows, the following comments being inserted in the 'Recommendation' section of:*

(b) *Issue No. 4 of the General Comments Table:*

"It is understood that the term 'Major transport routes/corridors' refers to both primary freight roads and secondary freight roads for the purpose of protecting such roads from incompatible urban encroachment. However, it is noted that the Strategy is not clear/specific in this regard. Further clarification is requested in this regard. Council would attest that urban development is compatible with secondary freight roads such as Fitzgerald and Beaufort Streets."

Debate ensued.

The Mover, Cr McGrath advised that he wished to change his amendment and reword it as follows:

*“Secondary freight roads are widespread in the Town of Vincent and urban encroachment and development is considered Council would attest that urban development is compatible with secondary freight roads such as Fitzgerald and Beaufort Streets.”*

The Seconder, Cr Lake agreed.

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

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

**COUNCIL DECISION ITEM 9.**

*That the Council;*

(i) **RECEIVES** the:

- (a) *report relating to the Draft Central Metropolitan Perth Sub-regional Strategy and the Town’s Submission on the Draft Strategy, as shown in Attachment 001; and*
- (b) *Draft Central Metropolitan Perth Sub-regional Strategy as “Laid on the Table”;*

(ii) *advises the Western Australian Planning Commission (WAPC) and the Western Australian Local Government Association (WALGA) that it SUPPORTS IN PRINCIPLE the Draft Central Metropolitan Perth Sub-regional Strategy subject to the comments identified in the Town’s Submission, as shown in Attachment 001, subject to Attachment 001 being further amended as follows, the following comments being inserted in the ‘Recommendation’ section of:*

(a) *Issue No. 3 of the General Comments Table:*

*“The Town requests that the above points are further considered and addressed in the Strategy to confirm the WAPC’s support for the Town’s intentions for East Perth TOD and Claisebrook Road North Precincts.*

*To facilitate the very significant number of additional dwellings proposed for the East Perth area (both the East Perth TOD and East Perth Power Station) in the Draft Strategy, it is envisaged that there will be a need for additional community facilities in the area. The need for such additional facilities should be identified in the Strategy.*

*It is to be noted that there are two batching plants in the Claisebrook Road North Precinct. The location of these uses 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.*

*These uses have a negative impact on the visual and general amenity of the area and would inhibit the development of this area as a key urban growth area. It is requested that the Strategy acknowledge this land use conflict and support the Town’s intentions for this area.”; and*

(b) *Issue No. 4 of the General Comments Table:*

*“It is understood that the term ‘Major transport routes/corridors’ refers to both primary freight roads and secondary freight roads for the purpose of protecting such roads from incompatible urban encroachment. However, it is noted that the Strategy is not clear/specific in this regard. Further clarification is requested in this regard. Secondary freight roads are widespread in the Town of Vincent and urban encroachment and development is considered compatible with secondary freight roads such as Fitzgerald and Beaufort Streets.”*

*being further investigated and addressed by the WAPC; and”*

(iii) *NOTES that the:*

(a) *Department of Planning will be presenting on the Draft Central Metropolitan Perth Sub-regional Strategy at the Council Member Forum scheduled for 16 November 2010; and*

(b) *Draft Central Metropolitan Perth Sub-regional Strategy will assist the Town in implementing the objectives of Directions 2031 that are directly relevant to the Town.*

---

**PURPOSE OF REPORT:**

The purpose of this report is to inform the Council of the *Draft Central Metropolitan Perth Sub-regional Strategy* currently being advertised for public comment, and to provide a summary of the Draft Strategy to the Council.

**BACKGROUND:**

The *Draft Central Metropolitan Perth Sub-regional Strategy* has been prepared along with a *Draft Outer Metropolitan Perth and Peel Sub-regional Strategy*, both of which are an integral part of implementing the objectives of *Directions 2031 and Beyond – Metropolitan Planning Beyond the Horizon*.

The *Draft Central Metropolitan Perth Sub-regional Strategy* has been developed in consultation with major stakeholders, including the private sector and major servicing agencies. As with *Directions 2031*, it is envisaged that this Draft Strategy will be reviewed on a regular basis, and updated to meet changes in economic, social and environmental conditions.

The Draft Strategy has been released by the WAPC for public comment, with submissions closing on 29 November 2010.

The Town has received a letter dated 21 September 2010 from the WALGA, inviting comment on the Draft Strategy, by 15 November 2010, in order for the Town’s comments to be incorporated in a submission by the WALGA to the WAPC.

**DETAILS:**

*Directions 2031* provides the highest level of strategic metropolitan planning to guide the development of more detailed policies, strategic and plans. Due to the size and complexity of strategic planning for the metropolitan area, sub-regional strategies have been prepared to provide guidance at the local level.

The *Draft Central Metropolitan Perth Sub-regional Strategy* is one of two sub-regional strategies that support the implementation of Directions 2031. The Draft Strategy identifies eight strategic priorities to deliver the five outcomes sought by Directions 2031, that being ‘liveable, prosperous, accessible, sustainable, responsible.’ The development of this Draft Strategy has taken into account a number of strategic planning frameworks and policies, which all have implications for the form and content of the strategy (refer to Figure 1 below).

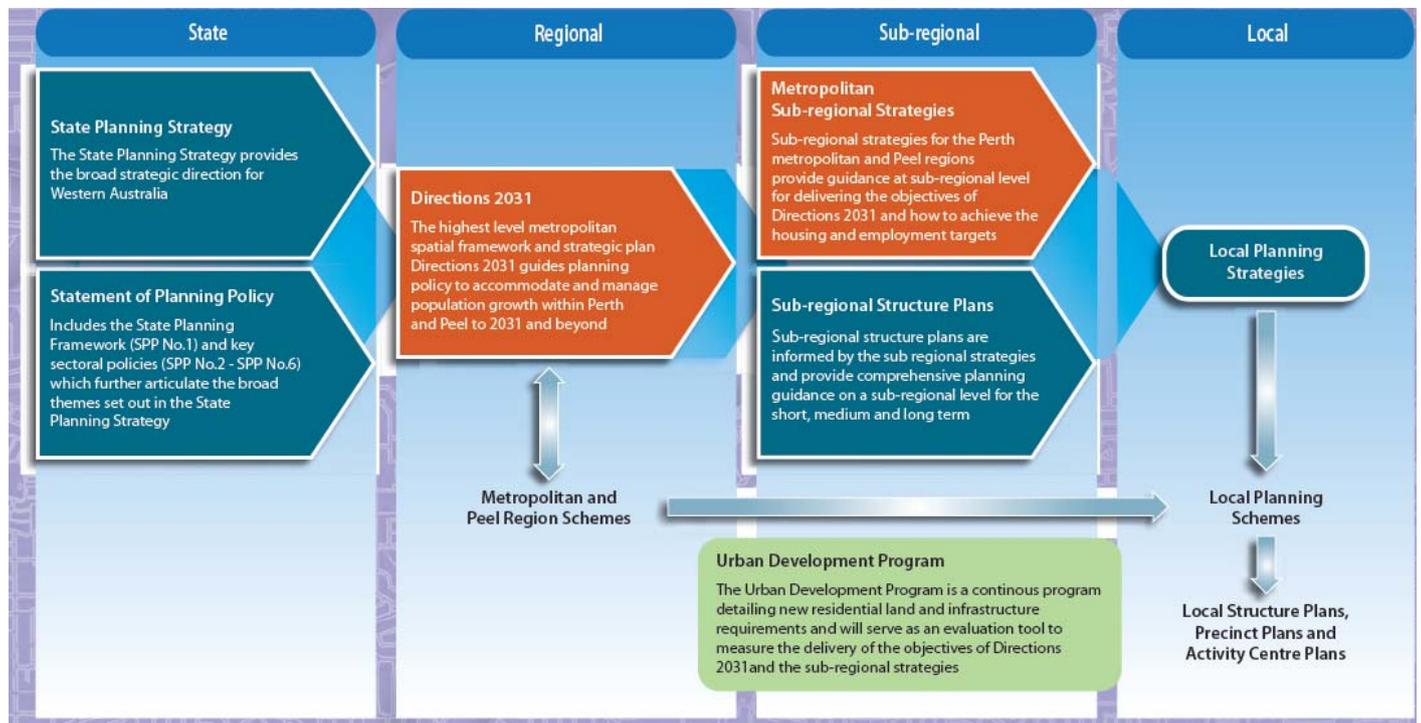


Figure 1: Strategic planning frameworks and policies taken into account by the Draft Strategy

The central metropolitan sub-region covers an area of 45,290 hectares and includes all land within the inner and middle sectors of Metropolitan Perth, comprising 19 local government areas. The *Draft Central Metropolitan Perth Sub-regional Strategy* focuses on development opportunities within these inner and middle sectors, highlighting opportunities where high-quality residential development may be achieved in ways that capitalise on urban advantages such as proximity to transport, open space, and commercial or employment precincts. The Draft Strategy also promotes housing diversity and employment opportunities in Activity Centres, showing possible locations for future growth, and highlighting the essential service infrastructure that will be necessary to support these developments in the medium to long term.

The *Draft Central Metropolitan Perth Sub-regional Strategy* provides a broad framework for delivering the objectives of Directions 2031 by identifying a strategic plan of actions, agency responsibilities and delivery timeframes. It is intended that the Department of Planning and the WAPC will have an ongoing and lead role in facilitating the implementation of the actions in the Draft Strategy, over the short to medium term.

In summary, the Draft Strategy will guide planning at a local level by:

- ‘Providing information about the level of expected growth in each local government area through the housing targets as identified in Directions 2031;
- Outlining the wide spread development opportunities throughout the sub-region;
- Investigating the development potential of targeted locations in growth areas, activity centres, urban corridors and transit oriented developments;

- Prioritising actions to revitalise or create vibrant activity centres and facilitate the supply, affordability and choice of available housing in areas with easy access to public transport and other essential services;
- Supporting the planning and delivery of land for employment growth and economic development;
- Identifying key public transport and service infrastructure projects to support growth; and
- Informing all levels of government decision-making on where and when to fund the most efficient roll out or upgrading of public infrastructure services.'

To further guide strategic planning at local government level and to cater for the projected growth in population, dwellings and employment to 2031, the Draft Strategy has spatially defined a broad urban structure of how the sub-region will grow. The structural components that have been identified for facilitating urban growth areas include:

- 'Major growth areas;
- Activity centres;
- Urban corridors and transit oriented (rail station) growth areas;
- Road and rail infrastructure, including the freight network;
- Green network;
- Industrial (employment) land;
- Major public infrastructure, such as the port, airport, etc; and
- Metropolitan attractors.'

### **Implications for the Town of Vincent**

The Town's Officers have reviewed the *Draft Central Metropolitan Perth Sub-regional Strategy*, particularly in relation to the above structural components, and have highlighted points of discussion considered most relevant to the Town, in Attachment 001.

However, additional detailed comments have also been outlined below:

#### 1. Major Growth Areas:

The predicted dwelling growth by 2031, as proposed by the Draft Strategy, is 121,000 dwellings in the central sub-region. This is expected to come from a range of development opportunities, including growth areas, urban corridors, transit oriented developments and small scale incremental development. Of this predicted growth of 121,000 dwellings, 5000 dwellings are proposed to be in the Town of Vincent (Figure 5 – page 17).

The most suitable sites for major growth areas, as determined by the Draft Strategy, are those located in places with existing high levels of amenity, suitable zonings and densities, receptive communities and those areas which have the potential for financial return to attract private developers.

Three rates of development take-up (low = 70 per cent, medium = 85 per cent and high = 95 per cent) have been proposed in the Draft Strategy as possible alternatives for development. However, statistics have been based on the medium rate of development, which has been identified as the most likely development scenario.

The following areas within the Town of Vincent have been identified as urban growth areas, along with the following proposed additional dwellings, based on the medium rate of development:

- East Perth TOD: 1100 dwellings;
- Leederville Secondary Centre – TOD: 800 dwellings;
- West Perth Regeneration Masterplan: 600 dwellings;
- East Perth Power Station (EPRA): 500 dwellings; and
- Glendalough TOD: 600 dwellings.

Furthermore, in addition to the planned growth areas listed above, the Draft Strategy has identified small scale incremental development in all local government areas. In total, this growth area is expected to be in the order of 40,000 additional dwellings to 2031, of which 1,105 dwellings has been proposed in the Town of Vincent.

*Officer Comment*

It is noted that these proposed major growth areas, as identified in the *Draft Central Metropolitan Perth Sub-regional Strategy*, are partially in line with the recommendations for increasing density within the Town as outlined in the Town's Draft Local Planning Strategy.

However, refer to point 3 in Table 1 – General Comments in Attachment 001 for additional comments.

2. Activity Centres:

Certain areas within the Town have been identified in the Draft Strategy as Activity Centres, including Leederville, Mount Hawthorn and Mount Lawley. More specifically, Leederville has been identified as a Secondary Centre, and Mount Hawthorn and Mount Lawley/Highgate have been identified as District Centres. Furthermore, Fitzgerald Street has also been identified as a District Centre.

Secondary Centres have been defined in the Draft Strategy as *'important suburban centres generally dominated by retailing but also including offices, housing, community services, recreational activities and in some cases, entertainment facilities.'*

District Centres have been defined as centres that *'generally serve the main weekly household shopping, service and community needs of the district. They are predominantly retail focused but many also include a limited mix of other uses.'*

*Officer Comment*

The Town's Officers have concerns in relation to the inconsistent classification of District Centres, as some have been identified based on the area, whilst others have been identified based on the street. In particular, the Town has concerns regarding Fitzgerald Street, which has been identified as a District Centre in the Draft Strategy. By listing the street as an Activity Centre as opposed to the defined town centre area, it is unclear as to whether this relates to the focal hub, that is, the Town's North Perth Town Centre area around Fitzgerald Street and Angove Street, or to the street in general.

Furthermore, although it is considered that the recognition of the Leederville, Mount Hawthorn, Mount Lawley/Highgate, and Fitzgerald Street areas in the Draft Strategy as Activity Centres, is in line with the Town's future direction for the development of these areas as focal hubs, it is noted that no mention has been made of the Town's Perth Town Centre area, contained within William and Brisbane Streets, between Brisbane Street and Newcastle Street and William Street and Lake Street, as an Activity Centre. Rationale for this area to be identified as an Activity Centre, is as follows:

The Perth Town Centre area, with William Street at its core, has a unique character and position. Boasting unique views to the city, William Street has become an interesting place to visit with its history and cultural attractions. Asian convenience stores and restaurants are plentiful along this street, and represent a wide range of ethnic cultures. The establishment of the new Central TAFE campus and the increase of residential populations in Northbridge will see opportunities to bring significant numbers of potential new customers to the area. This in turn will see opportunities for increasing commercial and retail uses along William Street. In addition, William Street provides primary access and an effective gateway to the Northbridge Entertainment area, the Perth Cultural Precinct and the Central Business District from the northern and eastern suburbs.

As outlined in the Town's Draft Local Planning Strategy, a view to the future would see opportunities to develop this area of Perth as a place with living streets, a place lively with community activity where alfresco dining, weekend and night markets, and street vendors are encouraged, and where public open space is plentiful, attractive and inviting.

3. Urban Corridors and Transit Oriented (Rail Station) Growth Areas:

Directions 2031 recognises that key high-frequency public transport corridors can provide improved connections between Activity Centres and access to high quality public transport from adjacent suburbs. These urban corridors are not high-speed through traffic routes, nor are they intended to accommodate ribbon development of commercial activities beyond Activity Centre precincts, as it diminishes the viability of centres and potentially creates access and traffic conflicts along regional roads.

Rather, suitable urban corridors provide opportunities for new medium rise high-density housing in existing urban areas, located within a five-minute walk of high-frequency routes as priority locations for new housing.

As such, Oxford Street, London/Loftus Streets, Charles Street, Fitzgerald Street, Beaufort Street and Scarborough Beach Road within the Town of Vincent, have all been identified as suitable urban corridors/public transport corridors in the Draft Strategy (Figure 52 – page 85).

*Officer Comment*

It is noted that the identification of the above streets within the Town as urban corridors/public transport corridors, is in line with the Town's strategic direction for increasing density/building heights along these corridors.

In particular, the Town is in the process of amending its Policy No. 3.4.8 relating to Multiple Dwellings in Residential Zones. As part of this amendment, the Policy identifies a list of 'Major Roads' within the Town, where greater heights can be considered for Multiple Dwellings to maximise the opportunities afforded by the Town's close proximity to the central business district, major public transport routes and road networks to provide an increase in the range of housing types consistent with State Government planning principles.

As such, all of the roads mentioned above, that have been identified by the *Draft Central Metropolitan Perth Sub-regional Strategy* as suitable urban corridors/public transport corridors, have been listed in the Policy as 'Major Roads'.

Furthermore, particular note is made to Scarborough Beach Road, as the Town formally became a part of the Scarborough Beach Road Activity Corridor Working Group in February 2009. A pilot project is being undertaken, in collaboration with the City of Stirling and the Department of Planning, for the development of the corridor in line with best practice planning principles.

4. Road and Rail Infrastructure, including the Freight Network:

The central sub-region is serviced by a series of major road and rail routes that radiate from the Perth capital city to the wider metropolitan region. The Draft Strategy discusses opportunities for urban consolidation by improving the connections between Activity Centres in the central sub-region, in order to utilise the capacity of the existing public and private transport networks more efficiently, reducing the need for trips through or into and out of the City to reach other destinations.

The Draft Strategy has identified a number of primary and secondary freight roads. The roads primarily within the Town of Vincent's jurisdiction, that have been identified as secondary freight roads are as follows (Figure 52 – page85):

- Brady Street;
- London/Loftus Street;
- Charles Street;
- Scarborough Beach Road;

- Fitzgerald Street;
- Beaufort Street;
- Vincent Street; and
- East Parade.

In relation to primary freight roads, these have been identified as either Main Roads jurisdiction or local government jurisdiction. As such, there is a discrepancy in the Draft Strategy, as in Figure 52 – page 94, London/Loftus Street and East Parade have been identified as primary freight roads (Main Roads jurisdiction), and Brady Street and Fitzgerald Street have been identified as primary freight roads (local government jurisdiction), in addition to having been identified as secondary freight roads as mentioned above.

In relation to these major transport corridors and freight operations, the Draft Strategy states that these must be protected from incompatible urban encroachments (page 93). Furthermore, on page 83 of the Draft Strategy, it states that major transport (freight) corridors are generally unsuitable as urban corridors.

*Officer Comment*

Although the Town concurs with most of the roads that have been identified as either primary or secondary freight roads, Fitzgerald Street has also been identified as a District Centre in the Draft Strategy, and as such, the Town has concerns with it also being identified as a primary freight road, particularly because of the implications this may have for the Town's proposed MRS amendment for the removal of road widening reservations along Fitzgerald Street.

The retention of road widening reservations are not supported by the Town along Fitzgerald Street (Carr Street to Walcott Street), other than to accommodate functional intersections and the provision of central medians to facilitate safe pedestrian movement. The Town's Officers have corroborated further on this, in point 4 of Table 1 – General Comments in Attachment 001.

Furthermore, the Town has identified North Perth as one of the Town's five town centre areas, as a result of the emerging potential of the Fitzgerald and Angove Street area. The area has extraordinarily rich heritage and cultural contrasts, vibrant markets, and abundant green spaces. Therefore, in light of the fact that the Draft Strategy discourages urban encroachments along freight roads, the Town has concerns with Fitzgerald Street being identified as either a secondary or primary freight road, because of the implications this will have on the development of the area as a town centre.

In light of the above, as well as the fact that Fitzgerald Street has been identified as an Activity Centre (District Centre) in the *Draft Central Metropolitan Perth Sub-regional Strategy*, it is considered that the classification of Fitzgerald Street as a key arterial road is inconsistent with future strategic direction at either a State or local level.

5. Role of Local Government in Urban Renewal and Infill:

Other than outlining the structural components to guide planning at a local level, as examined above, the *Draft Central Metropolitan Perth Sub-regional Strategy* also considers the role of local government in urban renewal and infill. Urban infill in established areas is generally a highly fragmented process. Therefore, beyond its traditional role as a planning authority, the Draft Strategy outlines the following measures that might be taken by local government to achieve urban regeneration objectives at the local level:

- 'Directly undertaking selected projects especially those of a form that is not yet attractive to the private sector (e.g. higher density or mixed use in localities without a prior established pattern of such development), in order to establish or influence the market for the preferred typology;

- Joint ventures with private owners to mitigate the development risk as a means of allowing projects to proceed that otherwise might not be within the capacity of a private owner;
- Underwriting of specific aspects of development projects where the private sector is unable or unwilling to carry the risks involved (for example, entering into an option to acquire some of the developed property over and above what the owner would normally develop); and
- Aggregation of sites to enable development to occur on a suitable scale to achieve the desired density or land use outcomes, thus reducing risk and holding costs to potential developers and allowing the local government to control the form of development.’

The Draft Strategy argues that local government needs to be better equipped to undertake public-private partnerships for the development of its assets, and in order to undertake value-enhancing projects for purely investment or revenue-generating purposes. It briefly touches on the WALGA’s Draft Discussion Paper (Local Government Enterprises) for the Department of Local Government, in support of freeing up the ability of local government to undertake urban renewal projects, allowing local government to form arms-length bodies to undertake urban renewal.

*Officer Comment*

The Town commented on the WALGA’s Local Government Enterprises – Draft Discussion Paper, which was presented to the Council at its Ordinary Meeting held on 27 July 2010. The Council supported the Draft Discussion Paper in principle, but identified the following concerns:

- Conflict between the need for commercial confidentiality to achieve better returns, and the responsibility for transparency and accountability to residents and ratepayers;
- Public perception and the relationship with the community;
- Possible conflicts of interest between the Town’s role as planning authority and as a property owner or developer; and
- The management of financial risk when public or community assets are involved.

Therefore, it is suggested that prior to the WAPC endorsing the WALGA’s Draft Discussion Paper in the *Draft Metropolitan Perth Sub-regional Strategy*, it carefully examines the implications of such a venture.

**CONSULTATION/ADVERTISING:**

The WAPC is currently advertising the Draft Strategy for public comment, which closes on 29 November 2010.

The Town has received a letter from the WALGA, inviting comment on the Draft Strategy, by 15 November 2010, in order for the Town’s comments to be incorporated in a submission by the WALGA to the WAPC.

**LEGAL/POLICY:**

Town Planning and Development Act 2005; Town Planning Regulations 1967 and associated Model Scheme Text; Town of Vincent Town Planning Scheme No. 1 and Local Planning Policies adopted pursuant to clause 47 of the Town Planning Scheme No. 1; and Local Planning Strategy.

### **STRATEGIC IMPLICATIONS:**

The Town of Vincent 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.”*

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

Nil.

### **SUSTAINABILITY IMPLICATIONS:**

As mentioned in the ‘Details’ section above, the *Draft Central Metropolitan Perth Sub-regional Strategy* identifies eight strategic priorities to deliver the five outcomes sought by Directions 2031. The Draft Strategy’s priority for delivering the ‘sustainable’ outcome of Directions 2031 states: *‘Protect our natural and built environments and scarce resources; respond to social change and optimise the land use and transport conditions that create vibrant, accessible, healthy and adaptable communities.’*

Associated actions have been developed to facilitate this priority as follows:

- ‘Ensure local planning strategies and schemes assess environmental factors relevant to district level planning. This should provide for the appropriate use and management of elements of the natural and built environments with significant conservation, recreation and cultural heritage values;
- Amend MRS zones and reservations to include within regional parks and recreation reserves additional Crown and other land with regional significance;
- Monitor and evaluate car travel relative to use of public transport, cycling and walking for work trips;
- Use best practice urban design to encourage physical activity, provide universal access to buildings and public spaces, and apply Crime Prevention Through Environmental Design principles to improve community safety; and
- Monitor and evaluate demographic change and housing and employment targets to update the central sub-regional strategy and ensure that it responds to changing community needs.’

However, there appears to be no action relating to the need to embed sustainable building design in our statutory planning system, or the recognition of the impacts of Climate Change. Furthermore, there does not appear to be any synergy between this Draft Strategy and the State Sustainability Strategy.

### **COMMENTS:**

It is noted that, as per Attachment 001, the Officer Comments regarding the Draft Strategy have been addressed in two main separate sections. Comments relating to the actual information within the Draft Strategy have been addressed in Table 1 - General Comments, whilst comments relating to more minor matters have been addressed in Table 2 – Comments relating to layout, diagrams and other miscellaneous matters.

In light of the above, it is recommended that the Council receive the report, and support the Officer Recommendation to advise the WAPC and the WALGA of the Town’s response to the *Draft Central Metropolitan Perth Sub-regional Strategy*.

**9.1.2 No. 13A-15 (Strata Lot 2 on Strata Plan 26712 and Lot 2; D/P 9815) Barnet Street, North Perth – Proposed Two (2), Two-Storey Grouped Dwellings to Existing Single and Grouped Dwelling – Reconsideration on Condition**

<b>Ward:</b>	South	<b>Date:</b>	1 November 2010
<b>Precinct:</b>	Smith's Lake; P06	<b>File Ref:</b>	PRO4550; 5.2010.544.1
<b>Attachments:</b>	<a href="#">001</a> ; <a href="#">002</a>		
<b>Reporting Officer:</b>	D Pirone, Statutory Planning Officer		
<b>Responsible Officer:</b>	R Boardman, Director Development Services		

**OFFICER RECOMMENDATION:**

*That the Council;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by J Spencer on behalf of the owner H Katsamakis & V R Traganopoulos for proposed Two (2), Two-Storey Grouped Dwellings to Existing Single and Grouped Dwelling – Reconsideration of Condition at Nos. 13A-15 (Strata Lot 2 on Strata Plan 26712 and Lot 2; D/P 9815) Barnet Street, North Perth, and as shown on plans stamp-dated 18 October 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;*
- (ii) *any new street/front wall, fence and gate within the Barnet Street setback area, including along the side boundaries within this street setback area, shall comply with the Town's Policy provisions relating to Street Walls and Fences;*
- (iii) *first obtaining the consent of the owners of Nos. 11, 13 and 17 Barnet Street and No. 25 Bourke Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 13 and 17 Barnet Street and No. 25 Bourke Street in a good and clean condition;*
- (iv) *no street verge tree(s) shall be removed. The street verge tree(s) is to be retained and protected from any damage including unauthorised pruning;*
- (v) **PRIOR TO THE ISSUE OF A BUILDING LICENCE, the following shall be submitted to and approved by the Town:**
  - (a) **Privacy Screening**

*The balcony to the family room on the eastern elevation of Unit 1, being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of No. 13 Barnet Street stating no objection to the respective proposed privacy encroachments;*

(b) **Articulation**

*The incorporation of significant horizontal or vertical articulation, such as staggering setbacks on the southern and western elevations of unit 1;*

(c) **Boundary Walls**

*The height of the boundary wall on the eastern elevation of unit 1 being a maximum of 3.5 metres, with a maximum average of 3 metres; and*

(d) **Landscaping and Reticulation Plan**

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

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

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

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

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

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

- (vi) ***WITHIN TWENTY EIGHT (28) DAYS OF THE ISSUE OF THE 'APPROVAL TO COMMENCE DEVELOPMENT', the owner(s) of Nos. 13A-15 Barnet Street, North Perth, shall register a grant of easement, with the Town being a party, on No. 13A Barnet Street, North Perth, to provide rights of access to/from No. 15 Barnet Street, North Perth. The grant of easement shall be registered on the Certificate(s) of Titles of the subject land. All legal documentation shall be prepared by the Town's solicitors or other solicitors agreed upon by the Town and be to the satisfaction of the Town. All costs associated with this condition shall be borne by the applicant/owner(s).***

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**Moved Cr Maier, Seconded Cr Lake**

*That the recommendation be adopted.*

**AMENDMENT**

**Moved Cr Maier, Seconded Cr Burns**

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

- “(v) the constructed buildings must be consistent with the Building Licence issued on 4 September 2009; and”***

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

Debate ensued.

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

**COUNCIL DECISION ITEM 9.1.2**

*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 J Spencer on behalf of the owner H Katsamakis & V R Traganopulos for proposed Two (2), Two-Storey Grouped Dwellings to Existing Single and Grouped Dwelling – Reconsideration of Condition at Nos. 13A-15 (Strata Lot 2 on Strata Plan 26712 and Lot 2; D/P 9815) Barnet Street, North Perth, and as shown on plans stamp-dated 18 October 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;*
- (ii) any new street/front wall, fence and gate within the Barnet Street setback area, including along the side boundaries within this street setback area, shall comply with the Town’s Policy provisions relating to Street Walls and Fences;*
- (iii) first obtaining the consent of the owners of Nos. 11, 13 and 17 Barnet Street and No. 25 Bourke Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 13 and 17 Barnet Street and No. 25 Bourke Street in a good and clean condition;*
- (iv) no street verge tree(s) shall be removed. The street verge tree(s) is to be retained and protected from any damage including unauthorised pruning;*
- (v) the constructed buildings must be consistent with the Building Licence issued on 4 September 2009; and*
- (vi) WITHIN TWENTY EIGHT (28) DAYS OF THE ISSUE OF THE ‘APPROVAL TO COMMENCE DEVELOPMENT’, the owner(s) of Nos. 13A-15 Barnet Street, North Perth, shall register a grant of easement, with the Town being a party, on No. 13A Barnet Street, North Perth, to provide rights of access to/from No. 15 Barnet Street, North Perth. The grant of easement shall be registered on the Certificate(s) of Titles of the subject land. All legal documentation shall be prepared by the Town’s solicitors or other solicitors agreed upon by the Town and be to the satisfaction of the Town. All costs associated with this condition shall be borne by the applicant/owner(s).*

<b>Landowner:</b>	H Katsamakis & V R Traganopulos
<b>Applicant:</b>	J Spencer
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R40
<b>Existing Land Use:</b>	Grouped Dwelling and Single House
<b>Use Class:</b>	Grouped Dwelling
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	830 square metres
<b>Access to Right of Way</b>	Not applicable.

**PURPOSE OF REPORT:**

The purpose of the report is for the Council to reconsider a condition that was placed on the previous conditional Planning Approval granted by the Council at its Ordinary Meeting held on 16 December 2008.

**BACKGROUND:**

- 16 December 2008                      The Council at its Ordinary Meeting conditionally approved an application for the proposed demolition of existing toilet block and construction of two (2), two-storey grouped dwellings to an existing single house and grouped dwelling.
- 4 September 2009                      The Building Licence was issued for the abovementioned development.

**DETAILS:**

The proposal involves the reconsideration of the following condition on the Planning Approval granted by the Council at its Ordinary Meeting held on 16 December 2008:

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

Prior to the Town issuing the Building Licence for the subject development, the applicant requested the Town to prepare the relevant Legal Agreement and caveat for the amalgamation of the lots.

The applicant has engaged a surveyor to prepare the amalgamation of the lots, and the surveyor has advised that the subject lots cannot legally be amalgamated. This is because No. 13A Barnet Street is actually a rear strata lot and the front strata lot is owned by another party. Therefore, the application of the amalgamation condition essentially required No. 13A Barnet Street to be amalgamated with No. 15 Barnet Street, but this cannot occur without the signatures of the owners of No. 13 Barnet Street.

Therefore, instead of amalgamating the lots, so the proposed rear dwelling behind No. 15 Barnet Street can use the driveway, the applicant is requesting that another condition be placed on the approval that requires the a grant of easement be placed over the driveway so that both rear dwellings have rights to use the driveway. The applicant has confirmed with the surveyor that this can occur, and the applicant has submitted to the Town the easement documentation that will be placed on the Certificate of Title (Attachment 001).

The applicant's submission (Attachment 002) is attached to the report.

**COMPLIANCE:**

<b>NON-COMPLIANT REQUIREMENTS</b>
The proposed reconsideration of condition does not result in any further variations to the R Codes or the Town’s Policies.

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

<b>Consultation Submissions</b>	
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The proposed reconsideration of condition does not result in any further variations to the R Codes or the Town's Policies and is therefore not required to be advertised.	
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<b>Other Implications</b>	
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<b>Legal/Policy</b>	TPS 1 and associated Policies, and Residential Design Codes (R Codes).
<b>Strategic</b>	Nil.
<b>Sustainability</b>	Nil.
<b>Financial/Budget</b>	Nil.

**COMMENTS:**

The Town's Officers have no objections to the proposed reconsideration of condition as the applicant cannot legally amalgamate the two lots without the signature of No. 13 Barnet Street, who is not prepared to sign the application form. In light of the above, the Town's Officers recommend that a new condition be placed on the Planning Approval that requires a grant of easement, so that both rear properties have access to their sites. It is recommended that the Town be a party to this easement to avoid any potential for the easement to be removed in the future.

As the dwellings are almost completed, it also recommended that the documentation, signing and lodgement for grant of easement, commence within 28 days of the issue of this determination notice. Once the applicant/owner has provided the Town with the documents for the right of carriageway easement, the Town will refund the \$2,500 paid by the owner for the amalgamation bond.

Furthermore, the other conditions that were placed on the Planning Approval granted by the Council on 16 December 2008 will be updated to reflect the wording of the standard conditions used at the present time.

In light of the above, it is recommended that the Council approve the deletion of the amalgamation condition and the placement of a grant of easement condition.

**9.1.8 Nos. 80-84 (Lots 252 and 253; D/P: 3845) Matlock Street, Mount Hawthorn - Proposed Demolition of Existing Hall and Construction of a Two-Storey Mixed Use Development Comprising Four (4) Multiple Dwellings, Two (2) Offices and Associated Car Parking - Request from the State Administrative Tribunal (SAT) to Reconsider Decision - Review Matter No. DR 296 of 2010**

<b>Ward:</b>	North	<b>Date:</b>	2 November 2010
<b>Precinct:</b>	Mount Hawthorn; P1	<b>File Ref:</b>	PRO0887; 5.2010.187.2
<b>Attachments:</b>	<a href="#">001</a> ; <a href="#">002</a>		
<b>Reporting Officer:</b>	T Cappellucci, Statutory Planning Officer		
<b>Responsible Officer:</b>	R Boardman, Director Development Services		

**OFFICER RECOMMENDATION:**

*That the Council;*

(i) *RECEIVES the report relating to Nos. 80-84 (Lots 252 and 253; D/P: 3845) Matlock Street, Mount Hawthorn - Proposed Demolition of Existing Hall and Construction of a Two-Storey Mixed Use Development Comprising Four (4) Multiple Dwellings, Two (2) Offices and Associated Car Parking - State Administrative Tribunal (SAT) Review matter No. DR 296 of 2010; and*

(ii) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES BY AN ABSOLUTE MAJORITY, as part of the State Administrative Tribunal Review Matter No. DR 296 of 2010, the application submitted by F Lam on behalf of the owner C C & C T & F H Lam for proposed Demolition of Existing Hall and Construction of a Two-Storey Mixed Use Development Comprising Four (4) Multiple Dwellings, Two (2) Offices and Associated Car Parking, at Nos. 80-84 (Lots 252 and 253; D/P: 3845) Matlock Street, Mount Hawthorn and as shown on plans stamp-dated 21 October 2010, subject to the following conditions:*

(a) **Building**

(1) *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 Matlock Street;*

(2) *first obtaining the consent of the owners of No. 186 and No. 184A Scarborough Beach Road, Mount Hawthorn, for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 186 and No. 184A Scarborough Beach Road, Mount Hawthorn, in a good and clean condition;*

(3) *the maximum gross floor area of the non-residential component shall be limited to 471 square metres of offices. Any increase in floor space or change of use for the subject land shall require Planning Approval to be applied to and obtained from the Town;*

- (4) *doors, windows and adjacent floor areas of the office component on the ground floor fronting Matlock Street shall maintain an active and interactive relationship with this street; and*
- (5) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*

(b) **Car Parking and Accessways**

- (1) *The on-site car parking area for the non-residential component shall be available for the occupiers and visitors of the residential component outside normal business hours;*
- (2) *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;*
- (3) *all pedestrian access and vehicle driveway/crossover levels shall match into existing verge/footpath levels;*
- (4) *the car parking area shown for the non-residential component shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;*
- (5) *the provision of a minimum of 17 car bays on-site, and a minimum of 7 car bays are to be specifically allocated for the 4 multiple dwellings; and*
- (6) *in keeping with the Town's practice for multiple dwellings, commercial, retail and similar developments, the footpaths adjacent to the subject land shall be upgraded, by the applicant, to a brick paved standard to the Town's specification. A refundable footpath upgrading bond and/or bank guarantee of \$15,300 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing facilities have been reinstated to the satisfaction of the Town's Technical Services Division. An application to the Town for the refund of the upgrading bond must be made in writing;*

(c) **Signage**

*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 to and approved by the Town prior to the erection of the signage;*

(d) **Fencing**

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

(e) Verge Trees

*No street verge tree(s) shall be removed. The street verge tree(s) is to be retained and protected from any damage including unauthorized pruning;*

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

(1) Construction Management Plan

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

- (a) *public safety, amenity and site security;*
- (b) *contact details of essential site personnel;*
- (c) *construction operating hours;*
- (d) *noise control and vibration management;*
- (e) *dilapidation reports of nearby properties;*
- (f) *air and dust management;*
- (g) *stormwater and sediment control;*
- (h) *soil excavation method (if applicable);*
- (i) *waste management and materials re-use;*
- (j) *traffic and access management;*
- (k) *parking arrangements for contractors and subcontractors;*
- (l) *Consultation Plan with nearby properties; and*
- (m) *any other matters deemed appropriate by the Town;*

(2) Landscape and Reticulation Plan

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

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

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

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

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

(3) **Amalgamation of Lots**

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

(4) **Section 70A Notification**

*The owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the dwelling that:*

- (i) the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities; and*
- (ii) the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential unit/dwellings. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development.*

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

(5) **Schedule of External Finishes**

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

(6) **Acoustic Report**

*An Acoustic Report in accordance with the Town's Policy No. 3.5.21 relating to Sound Attenuation shall be prepared and submitted. The recommended measures of the Acoustic Report shall be implemented and certification from an acoustic consultant that the measures have been undertaken, prior to the first occupation of the development, and the applicant/owners shall submit a further report from an acoustic consultant 6 months from first occupation of the development certifying that the development is continuing to comply with the measures of the subject Acoustic Report;*

(7) **Refuse and Recycling Management**

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

(8) **Tandem Parking**

*Prior to the issue of a Building Licence, a management plan addressing how a vehicle will enter/exit a tandem parking bay when there is a vehicle already parked at the rear or front parking bay, to be submitted and approved by the Town; and*

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

(1) **Bicycle Parking Facilities**

*A minimum of 2 class one or two bicycle parking facilities shall be provided at a location convenient to the entrance of the development. Details of the design and layout of the bicycle parking facilities shall be submitted to and approved by the Town prior to the installation of such facilities;*

(2) **Underground Power and Lighting**

*The power lines adjacent to the subject lots shall be placed underground for the complete length of the Matlock Street frontage of the development, at the full expense of the developer;*

(3) **Entry Gates**

*Any proposed vehicular entry gates off the Right of Way adjacent to the car parking area shall have a minimum 50 per cent visually permeable and shall be either open at all times or suitable management measures shall be implemented to ensure access is available for visitors for the commercial 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;*

(4) **Residential Car Bays**

*The car parking spaces provided for the residential component and visitors of the development shall be clearly marked and signposted for the exclusive use of the residents of the development; and*

(5) **Clothes Drying Facility**

*The multiple dwellings development shall be provided with a screened outdoor area for clothes drying, or alternatively each dwelling shall be provided with clothes dryer.*

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**Moved Cr Topelberg, Seconded Cr Maier**

*That the recommendation be adopted.*

**Debate ensued.**

**AMENDMENT**

**Moved Cr Maier, Seconded Cr McGrath**

*That a new subclause (ii)(a)(6) be inserted as follows:*

*“(ii)(a)(6) the bedroom 2 windows for Units 1 and 4 on the upper floor shall be increased in size to be similar as the windows for bedroom No. 3. All bedrooms 2 and 3 on the upper floor shall incorporate "feature mouldings" as per the original plans refused by the Council at its Ordinary Meeting held on 24 August 2010;”*

Debate ensued.

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

*“(ii)(a)(6) the bedroom 2 windows for Units 1 and 4 on the upper floor shall be increased in size to be similar as the windows for bedroom No. 3 and include obscure glazing as shown for bedroom No. 3. All bedrooms 2 and 3 on the upper floor shall incorporate "feature mouldings" as per the original plans refused by the Council at its Ordinary Meeting held on 24 August 2010;”*

The Seconder, Cr McGrath agreed.

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

Debate ensued.

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

**COUNCIL DECISION ITEM 9.1.8**

*That the Council;*

- (i) *RECEIVES the report relating to Nos. 80-84 (Lots 252 and 253; D/P: 3845) Matlock Street, Mount Hawthorn - Proposed Demolition of Existing Hall and Construction of a Two-Storey Mixed Use Development Comprising Four (4) Multiple Dwellings, Two (2) Offices and Associated Car Parking - State Administrative Tribunal (SAT) Review matter No. DR 296 of 2010; and*
- (ii) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES BY AN ABSOLUTE MAJORITY, as part of the State Administrative Tribunal Review Matter No. DR 296 of 2010, the application submitted by F Lam on behalf of the owner C C & C T & F H Lam for proposed Demolition of Existing Hall and Construction of a Two-Storey Mixed Use Development Comprising Four (4) Multiple Dwellings, Two (2) Offices and Associated Car Parking, at Nos. 80-84 (Lots 252 and 253; D/P: 3845) Matlock Street, Mount Hawthorn and as shown on plans stamp-dated 21 October 2010, subject to the following conditions:*
  - (a) **Building**
    - (1) *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 Matlock Street;*

- (2) *first obtaining the consent of the owners of No. 186 and No. 184A Scarborough Beach Road, Mount Hawthorn, for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 186 and No. 184A Scarborough Beach Road, Mount Hawthorn, in a good and clean condition;*
  - (3) *the maximum gross floor area of the non-residential component shall be limited to 471 square metres of offices. Any increase in floor space or change of use for the subject land shall require Planning Approval to be applied to and obtained from the Town;*
  - (4) *doors, windows and adjacent floor areas of the office component on the ground floor fronting Matlock Street shall maintain an active and interactive relationship with this street;*
  - (5) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site; and*
  - (6) *the bedroom 2 windows for Units 1 and 4 on the upper floor shall be increased in size to be similar as the windows for bedroom No. 3 and include obscure glazing as shown for bedroom No. 3. All bedrooms 2 and 3 on the upper floor shall incorporate "feature mouldings" as per the original plans refused by the Council at its Ordinary Meeting held on 24 August 2010;*
- (b) *Car Parking and Accessways*
- (1) *The on-site car parking area for the non-residential component shall be available for the occupiers and visitors of the residential component outside normal business hours;*
  - (2) *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;*
  - (3) *all pedestrian access and vehicle driveway/crossover levels shall match into existing verge/footpath levels;*
  - (4) *the car parking area shown for the non-residential component shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;*
  - (5) *the provision of a minimum of 17 car bays on-site, and a minimum of 7 car bays are to be specifically allocated for the 4 multiple dwellings; and*
  - (6) *in keeping with the Town's practice for multiple dwellings, commercial, retail and similar developments, the footpaths adjacent to the subject land shall be upgraded, by the applicant, to a brick paved standard to the Town's specification. A refundable footpath upgrading bond and/or bank guarantee of \$15,300 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing facilities have been reinstated to the satisfaction of the Town's Technical Services Division. An application to the Town for the refund of the upgrading bond must be made in writing;*

(c) Signage

*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 to and approved by the Town prior to the erection of the signage;*

(d) Fencing

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

(e) Verge Trees

*No street verge tree(s) shall be removed. The street verge tree(s) is to be retained and protected from any damage including unauthorized pruning;*

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

(1) Construction Management Plan

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

- (a) *public safety, amenity and site security;*
- (b) *contact details of essential site personnel;*
- (c) *construction operating hours;*
- (d) *noise control and vibration management;*
- (e) *dilapidation reports of nearby properties;*
- (f) *air and dust management;*
- (g) *stormwater and sediment control;*
- (h) *soil excavation method (if applicable);*
- (i) *waste management and materials re-use;*
- (j) *traffic and access management;*
- (k) *parking arrangements for contractors and subcontractors;*
- (l) *Consultation Plan with nearby properties; and*
- (m) *any other matters deemed appropriate by the Town;*

(2) Landscape and Reticulation Plan

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

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

- (a) *the location and type of existing and proposed trees and plants;*
- (b) *all vegetation including lawns;*
- (c) *areas to be irrigated or reticulated;*

- (d) *proposed watering system to ensure the establishment of species and their survival during the hot and dry months; and*
- (e) *separate soft and hard landscaping plans (indicating details of plant species and materials to be used).*

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

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

(3) *Amalgamation of Lots*

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

(4) *Section 70A Notification*

*The owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the dwelling that:*

- (i) *the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities; and*
- (ii) *the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential unit/dwellings. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development.*

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

(5) *Schedule of External Finishes*

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

(6) *Acoustic Report*

*An Acoustic Report in accordance with the Town's Policy No. 3.5.21 relating to Sound Attenuation shall be prepared and submitted. The recommended measures of the Acoustic Report shall be implemented and certification from an acoustic consultant that the measures have been undertaken, prior to the first occupation of*

*the development, and the applicant/owners shall submit a further report from an acoustic consultant 6 months from first occupation of the development certifying that the development is continuing to comply with the measures of the subject Acoustic Report;*

(7) **Refuse and Recycling Management**

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

(8) **Tandem Parking**

*Prior to the issue of a Building Licence, a management plan addressing how a vehicle will enter/exit a tandem parking bay when there is a vehicle already parked at the rear or front parking bay, to be submitted and approved by the Town; and*

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

(1) **Bicycle Parking Facilities**

*A minimum of 2 class one or two bicycle parking facilities shall be provided at a location convenient to the entrance of the development. Details of the design and layout of the bicycle parking facilities shall be submitted to and approved by the Town prior to the installation of such facilities;*

(2) **Underground Power and Lighting**

*The power lines adjacent to the subject lots shall be placed underground for the complete length of the Matlock Street frontage of the development, at the full expense of the developer;*

(3) **Entry Gates**

*Any proposed vehicular entry gates off the Right of Way adjacent to the car parking area shall have a minimum 50 per cent visually permeable and shall be either open at all times or suitable management measures shall be implemented to ensure access is available for visitors for the commercial 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;*

(4) **Residential Car Bays**

*The car parking spaces provided for the residential component and visitors of the development shall be clearly marked and signposted for the exclusive use of the residents of the development; and*

(5) **Clothes Drying Facility**

*The multiple dwellings development shall be provided with a screened outdoor area for clothes drying, or alternatively each dwelling shall be provided with clothes dryer.*

<b>Landowner:</b>	C C & C T & F H Lam
<b>Applicant:</b>	F Lam
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R30
<b>Existing Land Use:</b>	Hall
<b>Use Class:</b>	Offices and Multiple Dwellings
<b>Use Classification:</b>	"AA" and "P"
<b>Lot Area:</b>	1112 square metres
<b>Right of Way:</b>	Eastern side, 5 metres wide, sealed

**PURPOSE OF REPORT:**

To update the Council on the above review application.

To comply with the requirements of the Town's Policy/Procedure for the State Administrative Tribunal (SAT).

Section 31 of the State Administrative Tribunal 2004 states as follows:

*"31. Tribunal may invite decision-maker to reconsider*

- (1) At any stage of a proceeding for the review of a reviewable decision, the Tribunal may invite the decision-maker to reconsider the decision.*
- (2) Upon being invited by the Tribunal to reconsider the reviewable decision, the decision-maker may –*
  - (a) affirm the decision;*
  - (b) vary the decision; or*
  - (c) set aside the decision and substitute its new decision.*
- (3) If the decision-maker varies the decision or sets it aside and substitutes a new decision, unless the proceeding for a review is withdrawn it is taken to be for the review of the decision as varied or the substituted decision."*

Under Section 31 of the SAT Act 2004, the Town has been invited to determine the revised application; that is, to (a) affirm the decision; (b) vary the decision; or (c) set aside the decision and substitute its new decision. Orders dated 18 October 2010 are outlined in Attachment 002.

**BACKGROUND:**

27 July 2010            The Council at its Ordinary Meeting deferred an application for demolition of existing hall and construction of a two-storey mixed use development comprising four (4) multiple dwellings, two (2) offices and associated car parking at the above site for the following reason:

*"That the item be DEFERRED for further consideration to address the Council's concerns about the appearance of the development in a residential area, particularly side articulation and also in light of the bonus' that may be applied."*

5 August 2010            The applicant submitted new elevation plans to address the concerns raised by the Council in relation to articulation on the northern elevation.

24 August 2010 The Council at its Ordinary Meeting refused the application for demolition of existing hall and construction of a two-storey mixed use development comprising four (4) multiple dwellings, two (2) offices and associated car parking at the above site for the following reason:

*“Insufficient articulation, particularly in relation to the northern boundaries.”*

20 September 2010 The applicant lodged an application to the State Administrative Tribunal (SAT) to review the Council decision of 24 August 2010.

13 October 2010 Mediation held by the SAT, where the SAT made the following Orders dated 18 October 2010:

1. *In view of a modified proposal to be submitted by the applicant on or before 22 October 2010 and pursuant to s 31(1) of the State Administrative Tribunal Act 2004 (WA) the respondent is invited to reconsider its decision on or before 9 November 2010.*
2. *The matter is adjourned to a further mediation to commence at 4pm on 15 November 2010 at the Town of Vincent.*
3. *The Mayor or President of the respondent is invited to attend and/or nominate one or more councillors and/or the chief executive officer of the respondent to attend the mediation.”*

15 November 2010 Further mediation scheduled to be held at Town of Vincent offices.

**DETAILS:**

The proposal involves the demolition of the existing hall and the construction of a two-storey mixed use development comprising four (4) multiple dwellings, two (2) offices and associated car parking.

The applicant has provided an amended northern elevation as a result of the SAT Mediation, held on 13 October 2010, to address the reasons the application was refused at the Ordinary Meeting held on 24 August 2010. The ground and upper floor plans have been slightly adjusted with the northern elevation significantly altered to provide appropriate forms of articulation. No further variations are proposed.

**COMPLIANCE:**

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
Density:	R30 – 3.33 multiple dwellings.	R35.97 – four (4) multiple dwellings – 19.8 per cent density bonus.
<i>Officer Comments:</i>		
Supported: The development is consistent with the objectives of Clause 40 of TPS 1 with respect to enhancing the amenity of the area, the demolition of the existing building which has no specific cultural heritage, and the proposal is consistent with orderly and proper planning of the locality. The intensity of development and the uses are consistent with the surrounding development and land uses, and it is considered the development will not have an unreasonable impact on occupiers of the development or on the conservation of amenities of the locality. The height and scale is considered compatible with the surrounding built form; in particular, the commercial development immediately adjoining the south side of the subject property, on Scarborough Beach Road, which is zoned District Centre.		

<b>NON-COMPLIANT REQUIREMENTS</b>		
<b>REQUIREMENTS</b>	<b>REQUIRED</b>	<b>PROPOSED</b>
<b>Plot Ratio:</b>	N/A	N/A
<b><i>Officer Comments:</i></b>		
Noted.		
<b>Front Setbacks:</b> <i>Ground Floor</i>	To be sympathetic to the predominant streetscape pattern on adjoining land and in the immediate locality. Average front setback of 5.5 metres.	5 metres.
<b><i>Officer Comments:</i></b>		
Supported: Consistent with the existing streetscape of the residential properties on the same side of Matlock Street. In addition, to aid in the site's transition as a buffer site, the introduction of mature landscaping within the street setback area to Matlock Street, is provided.		
<i>Upper Floor</i>	To be sympathetic to the predominant streetscape pattern on adjoining land and in the immediate locality.	As above.
<b><i>Officer Comments:</i></b>		
As above.		
<b>Building Setbacks:</b> <i>Ground Floor</i> Side (South) – Commercial Unit 2	1.5 metres	Nil
<b><i>Officer Comments:</i></b>		
Supported: Setback variation is not considered to create an undue, adverse effect on the adjoining property. In addition, Nos. 184A and 186 Scarborough Beach Road are commercial properties. Therefore, even though there is 10 per cent of No. 184A and 17 percent of No. 186 Scarborough Beach Road overshadowed, no undue amenity impacts result as the overshadowing area is at the rear of both properties where currently car parking is provided.		
<b>Privacy Setbacks:</b> <i>First Floor Residential Multiple Dwellings</i> Unit 3 (Side East) – Bed 1	4.5 metres	2 metres to southern property boundary of No. 184A Scarborough Beach Road, commercial property.
<b><i>Officer Comments:</i></b>		
Supported: Adjoining property is commercial; therefore, no undue amenity impacts as no direct overlooking of active habitable spaces and outdoor living areas of residential dwellings.		
Unit 3 (Side East) - Balcony	7.5 metres	5.65 metres to southern property boundary of No. 184A Scarborough Beach Road, commercial property.
<b><i>Officer Comments:</i></b>		
Supported: Adjoining property is commercial; therefore, no undue amenity impacts as no direct overlooking of active habitable spaces and outdoor living areas of residential dwellings.		

<b>NON-COMPLIANT REQUIREMENTS</b>		
<b>REQUIREMENTS</b>	<b>REQUIRED</b>	<b>PROPOSED</b>
<b>Essential Facilities – Multiple Dwellings:</b>	Provided with an adequate common area set aside for clothes-drying, screened from view from the primary or secondary street.	No common area set aside for clothes drying provided.
<b>Officer Comments:</b>		
Not Supported: A condition has been recommended to provide a common area for clothes-drying or alternatively, each dwelling be provided with a clothes dryer.		
<b>Building Articulation:</b>	Street and side facades are to be highly articulated and of a contemporary character, and exposed side walls and the rear walls of buildings are to be well articulated.	Northern elevation now provides articulation in the form of additional ground and upper floor windows, as well as increased staggering of the upper floor walls. While both northern and southern elevations provide obscure glassing to windows, projections, as well as feature moulding to all upper storey windows.
<b>Officer Comments:</b>		
Supported: Refer to “Officer Comments” below.		
<b>Town’s Non-Residential/Residential Development Interface Policy:</b>	The proposed land uses in mixed use developments, being compatible with on-site and nearby uses, and take into consideration any impact on residential amenity that the proposed land uses may have.	Proposed two (2) commercial office units on the ground floor facing Matlock Street, which is a residential area. However, directly to the south of the subject site, are commercial properties on Scarborough Beach Road, which are zoned commercial.
<b>Officer Comments:</b>		
Supported: The existing use on-site is that of a Hall, for the Scripture Union which has existed for many years. It is currently a single storey development with seven (7) car parking bays accessed from Matlock Street. The proposed two (2) commercial offices on the ground floor are considered compatible with the existing use on-site. The impact of the proposed two (2) offices on the adjoining residential area of Matlock Street is minimised by having vehicular access to the associated car parking area via the rear right of way (see the attached image). The result of which is a reduction in noise and traffic emissions from cars entering and exiting the site from Matlock Street. In addition, adjoining the subject site directly to the south are commercial properties on Scarborough Beach Road, zoned commercial. No. 186 Scarborough Beach Road is being used as an office and retail complex while No. 184 is a three-storey mixed use development comprising shops, an eating house and offices. The subject site is directly in line with the existing commercial development on the opposite side of Matlock Street at No. 85 Matlock Street, which is a two-storey single house with office building. This results in creating a buffer from the residential properties to the north of the subject site on both sides of Matlock Street.		
<b>Bicycle Parking:</b>	Two (2) class 1 or 2 bicycle parking spaces.	No bicycle parking spaces identified on the plans.
<b>Officer Comments:</b>		
Not Supported: Condition has been placed to provide two (2) bicycle parking spaces.		

<b>Consultation Submissions</b>		
<b>Item</b>	<b>Comments Received Supporting (1)</b>	<b>Officer Comments</b>
	No comments.	Noted.
<b>Item</b>	<b>Comments Received Objecting (3)</b>	<b>Officer Comments</b>
<u>Density</u>	<p>Increase in density from 3 to 4 dwellings is based purely on commercial gain.</p> <p>Added density results in additional car bays, which results in reducing the landscaping on the site.</p>	<p>Not Supported: The proposal is considered to enhance the amenity of the area given the current state of the site as a brick and tile hall constructed circa 1969; and the fact that the proposal will promote housing diversity, and caters for the changing demographics and housing needs/wants of the community.</p> <p>Not Supported: Adequate car parking is provided on-site in accordance with the Town's requirements. In respect of landscaping, as multiple dwellings in this instance are provided above non-residential uses, as per the Residential Design Codes, no specified amount of landscaping is required.</p>
<u>Side Setbacks</u>	<p>No visual separation between fence and car bays.</p> <p>Reduction in side setbacks results in additional commercial floor area and additional area for the apartments, as well as additional overshadowing, loss of access to views and natural light to the north.</p> <p>Nil setbacks should not be allowed in a residential area.</p>	<p>Not Supported: The visitors parking bay is separated from the right of way sliding gate by 500millimetres of landscaping.</p> <p>Not Supported: Refer to comments in the Assessment Table.</p> <p>Not Supported: As per the Residential Design Codes requirements for dwellings in mixed use developments, walls on the boundary for two-thirds of the boundary behind the street setback up to 6 metres in height are allowed.</p>
<u>Front Setback</u>	5 metre front setback is not as required.	<p>Not Supported: The front setback is consistent with the existing streetscape of the residential properties on the same side of Matlock Street.</p> <p>The height and scale is considered compatible with the surrounding built form; in particular, the commercial properties fronting Scarborough Beach Road. While in terms of the adjoining residential properties, the two-storey height of the proposed mixed use development complies with the Town's requirements for two-storey dwellings.</p>

<b>Consultation Submissions</b>		
<u>Parapet Wall</u>	Height of parapet wall reduces access to daylight and open space.	Noted: The area to the south is affected by overshadowing, which is due to the lot orientation and the size of the lots. The properties to the south are currently used as commercial properties. It is envisaged that if the properties to the south were developed, it is likely that it would be developed similarly with respect to use, height and form as per the development standards for Commercial areas within the Mount Hawthorn Precinct.
<u>Parking/Traffic</u>	<p>Lot 252 and Lot 253 currently have no access or use of the ROW.</p> <p>Increased activity in the laneway, therefore, a loss of privacy and safety.</p>	<p>Not Supported: Technical Services have determined that both lots have legal access to use the Right of Way.</p> <p>Not Supported: Adequate car parking is provided on-site in accordance with the Town's requirements to meet the requirements of the proposal. In terms of privacy, there are no non-compliant visual privacy issues, while in terms of safety, the statement is considered speculative in nature, as there is an existing designated right of way off Coogee Street which provides access to the rear of the subject property.</p>
<u>Services</u>	No indication as to location of numerous services such as solar panels, satellite dishes, antennas, etc.	Noted: A condition has been recommended for 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, are designed integrally with the building, and be located so as not to be visually obtrusive from Matlock Street.
<u>Building Articulation</u>	Lack of Articulation on facades of the side boundaries results in an unsatisfactory flat façade which may impinge on the future development potential of these adjoining properties.	Supported: The applicant has modified the side boundary elevations to the north and south to incorporate more articulation. Additional modification to the northern boundary has been undertaken, as part of the SAT mediation process. The addition of obscure glass windows below the fixed non-major opening windows, along with additional feature moulding and corbel band, has resulted in the side elevations, in particular the northern elevation towards the residential property of No. 86 Matlock Street, being more complementary to the residential rhythm of the streetscape.

<b>Consultation Submissions</b>		
		In addition, the additional articulating of the upper floor side elevations has moderated the visual impact of building bulk and scale on the neighbouring properties.
<u>Privacy</u>	<p>Loss of privacy due to balconies facing east looking directly into property.</p> <p>Privacy setbacks are not setback enough.</p> <p>Allowing a two storey building blocks out any view which may be there.</p>	<p>Not Supported: The balconies facing east from the proposed Units 3 &amp; 4 (multiple dwellings) are setback 12 metres from the right of way; therefore, there is not a visual privacy issue to properties east of the rear right of way, as per the requirements of the R-Codes.</p> <p>Not Supported: Refer to comments in the Assessment Table.</p> <p>Not Supported: The height and overall design of the proposal is not considered to create an unacceptable bulk and scale issue.</p>
<u>Property Value</u>	Loss of value of property.	Not Supported: There is know evidence submitted to substantiate the claim of the proposal devaluing of property values. In addition, it is noted this is not a valid planning consideration.
<u>Zoning</u>	Residential zone and should be kept that way.	<p>Not Supported: The proposed two-storey mixed use development comprising two (2) offices, four (4), multiple dwellings and associated car parking is considered to be consistent with the adjacent Commercial Zone to the south of the subject property along Scarborough Beach Road, as well as with the Residential properties on Matlock Street. This is through the integration of work place, through ground floor offices, and residential, through multiple dwellings, while at the same time providing sufficient levels of residential amenity with no undue impacts on neighbouring properties.</p> <p>The building design in relation to height and scale, is considered compatible with the surrounding built form; in particular, for the properties north of the subject site at Nos. 80-84 Matlock Street which are residential properties.</p>

<b>Consultation Submissions</b>		
<u>Matlock Street in comparison to Scarborough Beach Road</u>	Matlock Street is not Scarborough Beach Road and should not be compared to Scarborough Beach Road.	<p>Noted: The proposal has been assessed as being on Matlock Street, not Scarborough Beach Road. If the proposal was compared to Scarborough Beach Road, the residential component (multiple dwellings) would have been assessed in accordance with R60 standards, not R30, therefore resulting in potentially more multiple dwellings being allowed on-site.</p> <p>However, the site is considered as a buffer site as it lies between a commercial/residential interface and meets the requirements to be classified as a buffer site under the Town of Vincent's Non-Residential/Residential Development Interface Policy.</p> <p>With this proposed mixed use development, it is deemed that the higher than allowed density for the residential development proposed for the multiple dwellings, combined with the appropriate non-residential development in the form of two (2) offices, is suitable as measures have been taken to ensure that adequate on-site parking is provided and the levels of residential amenity are maintained in the surrounding areas.</p> <p>With on-site parking, the site provides a surplus of 2 car bays for the commercial component, along with the required amount of residential parking. While in terms of amenity impacts, there are no privacy, overshadowing and scale and bulk issues to the adjoining properties, as outlined in the above comments.</p>

**Car Parking**

Car parking requirements for the residential component of the development have been calculated using the requirement for multiple dwellings from the Residential Design Codes (R Codes). In accordance with the Residential Design Codes requirements for mixed-use development, on-site car parking for multiple dwellings may be reduced to one car bay per dwelling where on-site parking required for other users is available outside normal business hours. With this mixed use development, the residential component requires the provision of 4 car bays, based on the standard of one (1) car bay for each of the 4 proposed multiple dwellings.

The number of car bays provided for the residential component is 7 car bays with one visitor bay.

A total of 17 car bays have been provided for the entire development, therefore, resulting in 9 car bays available for the commercial component.

<b>Car Parking – Commercial Component</b>	
Car parking requirement (nearest whole number) Office = 1 space per 50 square metres of gross floor area  • Office – Gross Floor Area = 471 square metres (requires 9.42 car bays)  Total car bays required = 9.42 car bays	= 9 car bays (nearest whole number)
Apply the adjustment factors. • 0.85 (within 400 metres of a bus stop) • 0.85 (within 400 metres of a one or more public car parks with in excess of a total of 75 car parking spaces)	(0.7225)  = 6.5025 car bays
Minus the car parking provided on-site	9 car bays
Minus the most recently approved on-site car parking shortfall.	Nil
Resultant surplus	2.4975 car bays

<b>Bicycle Parking – Commercial Component</b>	
Office • 1 space per 200 square metres of gross floor area for employees (class 1 or 2) = 2.35 spaces • 1 space per 750 square metres over 1000 square metres for visitors (class 3) = Nil  Total class one or two bicycle spaces required = 2 spaces Total class three bicycle spaces required = Nil  No class one, two or three bicycle spaces proposed.	
<b>Officer Comments:</b>	
Not Supported: Condition has been placed to provide two (2) bicycle parking spaces.	

<b>Other Implications</b>	
<b>Legal/Policy</b>	Planning and Development Act 2005 (WA), State Administrative Tribunal Act 2004 (WA) and Town's Policy No. 4.1.25 - Procedure for State Administrative Tribunal.
<b>Strategic</b>	Nil.
<b>Sustainability</b>	Nil.
<b>Financial/Budget</b>	Potential cost of employing a private consultant to represent the Town.

**COMMENTS:**

Comments on the additional information provided is summarised below.

Building Articulation on Northern Elevation

The applicant has modified the upper floor of the northern elevation, towards No. 86 Matlock Street, Mount Hawthorn, to incorporate appropriate forms of articulation. This has been achieved by staggering the walls of the upper floor multiple dwellings, units 1 and 4, with each units Bed 2/Bath/Ensuite wall now protruding 1 metre forward from the Bed 1 walls respectively. This has resulted in five (5) staggered walls on the upper floor northern elevation, as opposed to the three (3) originally proposed. This in turn also moderates the impact of the building on the adjoining residential property at No. 86 Matlock Street, Mount Hawthorn, in regards to bulk and scale, while at the same time; the upper floor setbacks are compliant with the requirements of the Residential Design Codes.

In addition to the increased staggering of the upper floor walls on the northern elevation, the obscure glass windows below the fixed non-major opening windows on the upper floor, the feature moulding and corbel band on both the ground and upper floors, along with the additional six (6) non-major opening windows, above 1.6 metres sill height, on two (2) of the three (3) walls on the ground floor commercial unit, has resulted in the northern elevation being more complementary to the residential rhythm of the adjoining property at No. 86 Matlock Street, Mount Hawthorn.

Response to Council reason for initial Refusal

In regards to Council's concern that there is insufficient articulation, particularly in relation to the northern boundary, as discussed above, the applicant has significantly modified the northern elevation facing No. 86 Matlock Street, Mount Hawthorn, to be more in character with the adjoining residential property it is directly adjacent too. The proposed alterations have reduced the visual impact of building bulk and scale of the northern elevation, while at the same time, providing appropriate forms of articulation which do not impact on the adjoining properties direct sun and ventilation, along with any undue privacy concerns.

**Conclusion**

The Town's Officers are of the view that the amended building articulation to the northern elevation addresses the reason for the Council refusing the previous application. The revised proposal is considered supportable and recommended for approval.

**9.2.2 Robertson Park - Proposed installation of a Vietnamese Boat People Monument of Gratitude & Landscaped Drainage Retention Basin**

<b>Ward:</b>	Hyde Park;P12	<b>Date:</b>	18 October 2010
<b>Precinct:</b>	South	<b>File Ref:</b>	CMS0021
<b>Attachments:</b>	<a href="#">001</a> ; <a href="#">002</a>		
<b>Reporting Officer:</b>	R Lotznicker, Director Technical Services J van den Bok, Manager Parks & Property Services T Woodhouse, Coordinator Strategic Planning		
<b>Responsible Officer:</b>	R Lotznicker, Director Technical Services		

**OFFICER RECOMMENDATION:**

*That the Council;*

**(i) APPROVES IN PRINCIPLE;**

- (a) locating the Vietnamese Boat People Monument of Gratitude in the north east corner of Robertson Park as shown on the attached Plan No. 2751-CP-01; and**
- (b) the proposal to further investigate the feasibility of constructing a suitably designed drainage retention basin and associated infrastructure in the north east corner of Robertson Park as shown on Plan No. 2751-CP-01;**

**(ii) CONSULTS with the local community surrounding Robertson Park for a period of twenty one (21) days seeking their views in relation to the proposals and obtains comments from the Heritage Council of Western Australia with respect to the proposals as outlined in clause (i);**

**(iii) NOTES that;**

- (a) the President of the Vietnamese Community has advised that Robertson Park is considered the most suitable alternative option for the installation of the Vietnamese Boat People Monument of Gratitude;**
- (b) in accordance with Section 18 of the Aboriginal Heritage Act 1972, consent to use Robertson Park (an Aboriginal Registered Site) is required from the Minister for Health; Indigenous Affairs for the proposed installation of the Vietnamese Boat People Monument of Gratitude and the landscaped drainage retention basin;**
- (c) the estimated costs associated with clause (iii)(b) above will be in the order of \$28,500 and no funds are currently allocated for locating the Vietnamese Boat People Monument of Gratitude; and**
- (d) the estimated cost of constructing a suitably designed drainage retention basin and associated infrastructure in Robertson Park has not yet been determined; and**

**(iv) RECEIVES a further report on the matter at the conclusion of the community consultation.**

**Moved Cr Maier, Seconded Cr Buckels**

*That the recommendation be adopted.*

Debate ensued.

**AMENDMENT**

**Moved Cr Lake, Seconded Cr Buckels**

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

*“(i)(c) consideration be given to community safety and maximising usable park space in the design of the basin;”*

The Presiding Member, Mayor Catania advised that Cr McGrath had declared a proximity interest in Item 9.2.2 and was required to depart the Chamber whilst the Amendment is being voted on. Cr McGrath departed the Chamber at 8.15pm and did not vote.

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

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

Cr McGrath returned to the Chamber at 8.15pm. The Presiding Member, Mayor Nick Catania advised that the amendment was carried.

Debate ensued.

The Presiding Member, Mayor Catania advised that Cr McGrath to again depart the Chamber whilst the Item is being voted on. Cr McGrath departed the Chamber at 8.18pm and did not vote.

Debate ensued.

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

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

Cr McGrath returned to the Chamber at 8.19pm. The Presiding Member, Mayor Nick Catania advised that the item, as amended was carried.

**COUNCIL DECISION ITEM 9.2.2**

*That the Council;*

- (i) **APPROVES IN PRINCIPLE;**
  - (a) *locating the Vietnamese Boat People Monument of Gratitude in the north east corner of Robertson Park as shown on the attached Plan No. 2751-CP-01; and*
  - (b) *the proposal to further investigate the feasibility of constructing a suitably designed drainage retention basin and associated infrastructure in the north east corner of Robertson Park as shown on Plan No. 2751-CP-01; and*
  - (c) *consideration be given to community safety and maximising usable park space in the design of the basin;*

- (ii) *CONSULTS with the local community surrounding Robertson Park for a period of twenty one (21) days seeking their views in relation to the proposals and obtains comments from the Heritage Council of Western Australia with respect to the proposals as outlined in clause (i);*
- (iii) *NOTES that;*
- (a) *the President of the Vietnamese Community has advised that Robertson Park is considered the most suitable alternative option for the installation of the Vietnamese Boat People Monument of Gratitude;*
  - (b) *in accordance with Section 18 of the Aboriginal Heritage Act 1972, consent to use Robertson Park (an Aboriginal Registered Site) is required from the Minister for Health; Indigenous Affairs for the proposed installation of the Vietnamese Boat People Monument of Gratitude and the landscaped drainage retention basin;*
  - (c) *the estimated costs associated with clause (iii)(b) above will be in the order of \$28,500 and no funds are currently allocated for locating the Vietnamese Boat People Monument of Gratitude; and*
  - (d) *the estimated cost of constructing a suitably designed drainage retention basin and associated infrastructure in Robertson Park has not yet been determined; and*
- (iv) *RECEIVES a further report on the matter at the conclusion of the community consultation.*

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**PURPOSE OF REPORT:**

The purpose of this report is to advise the Council of the Vietnamese Community's preference to construct the Vietnamese Boat People Monument of Gratitude within Robertson Park Reserve.

**BACKGROUND:**

At its Ordinary Meeting held on 27 July 2010 the Council considered a progress report in relation to the Redevelopment of Weld Square where it was decided as follows (in part):

*That the Council;*

- (iii) *FURTHER INVESTIGATES an alternative location for the Vietnamese Boat People Monument of Gratitude at either the Wade Street Reserve or within Robertson Park;*
- (v) *RECEIVES:*
  - (b) *a further separate report on the alternative location for the Vietnamese Boat People Monument of Gratitude as per clause (iii) above;*
- (vi) *ADVISES the President of the Vietnamese Community of its decision.*

**DETAILS:**

**Meeting with the Vietnamese Community:**

On 3 September 2010 the Town's Officers met with the President and representatives of the Vietnamese Community of Western Australia to discuss alternative options for the installation of a Vietnamese Boat People Monument of Gratitude within the Town.

Other parks within the Town such as Banks Reserve, Jack Marks Reserve and Mick Michael Reserve were put forward as possible options in addition to Wade Street Reserve and Robertson Park as previously identified and discussed.

Of the above options only Robertson Park and Wade Street Reserve were seriously considered by the Vietnamese community as possible alternative options mainly due to their proximity to William Street and the influence they have had throughout this area.

**Wade Street Reserve:**

Wade Street Reserve, whilst being the Town's Officers preferred option due to its location at the northern end of William Street, was again discounted by the Vietnamese community due to the lack of area, not so much for the actual memorial installation but for their annual ceremony. Whilst the Town's Officers indicated that it may be possible to close a section of Wade Street for their annual ceremony the lack of area was still raised as an issue.

Officer Comments

Given that the Vietnamese community are not in favour of this location the officers will no longer be recommending this as a suitable location for the memorial.

**Robertson Park Reserve (Palmerston/Randell Street frontages)**

This corner of the above park had previously been identified as a possible alternative site for the Vietnamese Boat People Monument of Gratitude.

There is ample room within this portion of the reserve which consists of areas of grassland surrounded by native garden beds. The Ormiston House foundations 'footprint' is the only other major feature located within this portion of the park, however would not impact on the proposal to install either the Vietnamese Boat People Monument of Gratitude or a Landscaped Drainage Retention basin as is currently being investigated.

Officer Comments

This is the officers preferred location.

In addition the President and representatives of the Vietnamese Community have inspected this proposed location and have advised that this area is most appropriate being relatively close to William Street and their offices located in nearby Brisbane Street. They have also indicated that the area is also large enough to cater for a reasonable gathering of people as would be expected for their intended annual ceremony.

**Vietnamese Boat People Monument of Gratitude:**

The design of the monument has remained the same as previously proposed, being approximately 4 metres in height which on a comparative scale is the height of the current 'Urbi' path lighting. The diameter of the circular base is 6 metres and the monument comprises of three (3) granite sails sitting on a stepped concrete base (refer attached diagram at Appendix 1).

**Possible drainage retention basin/open drain:**

As the Council would be aware on 22 March 2010 a severe storm battered the Perth metropolitan area causing wide spread damage and flooding.

One street that experienced extensive property flooding was Randall Street. Extensive flooding in this street during times of severe rainfall have occurred on a number of previous occasions at this location.

All the drainage in this street is connected to the Claisebrook Main Drain and during major storm events (i.e. in the vicinity of the 1 in 100 event), the Main Drain cannot cope and stormwater quickly builds up in the Randall Street low point (located halfway between Palmerston Street and Fitzgerald Street).

An option currently being investigated to assist in mitigating this flooding is to construct a depression (retention basin) in Robertson Park and construct a channel in road verge on the south side of Randall Street (possibly incorporating a vegetated swale) connected to a new piped drainage system leading to the depression (compensation basin). This may be part planted/part grass however its main function would be for stormwater to be able to be compensated during a major storm event.

Plan No. 2751-CP-01 outlines the concept and a hydraulic analysis of the proposal is currently being undertaken.

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

Consultation in regard to the proposed construction of the Vietnamese Boat People Monument of Gratitude and the proposed landscaped drainage retention basin to be located within Robertson Park Reserve on the corner of Randall and Palmerston Street will be undertaken in accordance with the Towns Community Consultation Policy 4.1.5.

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

##### **Aboriginal Heritage:**

A Section 18 Approval was issued to the Town by the Minister for Aboriginal Affairs on 2 January 2001 with consent to use the land, for the purpose of 'developing and improving Robertson Park, including the creation of a wetland'. At a meeting held with the Department of Indigenous Affairs on 22 October 2010, the Town's Officers were advised that the purpose of this approval issued in 2001 does not address relatively large interpretive structures, such as a Vietnamese Monument, and recommended that the Town submit a Section 18 Application, to avoid the breach of section 17 of the Aboriginal Heritage Act 1972.

As such, in light of the Officer Recommendation, it is recommended that a Section 18 Application is submitted for approval of the installation of the Vietnamese Monument and associated additional works.

In addition, to the Aboriginal heritage significance of this site, Robertson Park is also listed in the State Register of Heritage Places. As such, the proposal is required to be forwarded to the Heritage Council of Western Australia for consideration, and planning approval may also be required.

In accordance with Section 18 of the Aboriginal Heritage Act 1972, consent to use an Aboriginal Registered Site is required from the Minister for Health; Indigenous Affairs.

Failure to receive consent is likely to result in a breach of Section 17 of the Aboriginal Heritage Act 1972.

**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. *“(b) Continue to implement infrastructure improvements for public open space, including the Wetlands Heritage Trail and the Greenway Plan.”*

**SUSTAINABILITY IMPLICATIONS:**

Vegetated swales and planted retention basins are normally designed to cater for the 1 in 1 year storm. Storms of greater magnitude require stormwater to flow quickly away from a problem area. The drainage retention basin/open drain being explored may incorporate an element of appropriate planting/landscaping.

**FINANCIAL/BUDGET IMPLICATIONS:**

**Vietnamese Boat People Monument of Gratitude:**

All costs associated with any additional feature lighting and the design, construction and installation of the monument will be borne by the Vietnamese community. The Town could assist with any minor reserve reinstatement works following the completion of the works.

**Retention Basin:**

Costs associated with this matter would need to be determined once a more detailed design has been prepared.

**COMMENTS:**

As previously advised, the Town's Officers are still keen to be able to accommodate the Vietnamese Boat People Monument of Gratitude within the Town.

Robertson Park is now the preferred option and in conjunction with a possible suitably designed drainage retention basin as shown on the attached plan the monument would provide an added feature within this corner of the park.

Robertson Park already contains many interesting relatively recent features including Artworks, Aids Memorial, Ormiston House foundations “footprint,” Seasonal wetland, Aboriginal landscape & burial site, Playground, Outdoor gym equipment and Barbeque.

The Presiding Member, Mayor Nick Catania advised that Cr Topelberg had declared a proximity interest in Item 9.2.3. Cr Topelberg departed the Chamber at 8.19pm and did not speak or vote on this matter.

**9.2.3 Proposed Introduction of a Two (2) Hour Parking Restriction in Nominated Streets Adjacent to Fitzgerald Street, North Perth – Additional Report**

<b>Ward:</b>	South	<b>Date:</b>	3 November 2010
<b>Precinct:</b>	North Perth Centre Precinct (P9)	<b>File Ref:</b>	PKG0057
<b>Attachments:</b>	<a href="#">001</a> ; <a href="#">002</a> ; <a href="#">003</a>		
<b>Reporting Officers:</b>	A Munyard, Senior Technical Officer, Land & Development R Lotznicker, Director Technical Services		
<b>Responsible Officer:</b>	R Lotznicker, Director Technical Services		

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *APPROVES undertaking of a trial of up to six (6) months for the introduction of a two (2) hour parking restriction on the north sides of Chelmsford Road and Grosvenor Road, (from Leake to Ethel) between 8am and 6pm, Monday to Friday, and 8am until 12 noon Saturday and the retention of unrestricted parking on the south side of both streets (as shown on Plan No. 2730-CP-01C);*
- (ii) *CONSULTS with residents and businesses at the conclusion of the trial to determine whether the proposal has resulted in parking improvements in these streets;*
- (iii) *NOTES that:*
  - (a) *both Chelmsford Road and Grosvenor Road will be regularly monitored during the trial period; and*
  - (b) *a further report will be submitted to the Council at the conclusion of the trial once further consultation has been undertaken; and*
- (iv) *ADVISES the affected residents, business proprietors and all respondents to the recent consultation of its decision.*

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**Moved Cr Lake, Seconded Cr Burns**

*That the recommendation be adopted.*

Cr Farrell departed the Chamber at 8.20pm.

Debate ensued.

Cr Farrell returned to the Chamber at 8.22pm.

Debate ensued.

**AMENDMENT**

**Moved Cr Lake, Seconded Cr Maier**

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

*“(v) REQUESTS the Town’s Officers to formally meet with Bikram Yoga with a view to discussing the parking problems and their advice to their clients.”*

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

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

Debate ensued.

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

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

Cr Topelberg returned to the Chamber at 8.26pm. The Presiding Member, Mayor Nick Catania advised that the item was carried, with one amendment.

**COUNCIL DECISION ITEM 9.2.3**

*That the Council;*

- (i) APPROVES undertaking of a trial of up to six (6) months for the introduction of a two (2) hour parking restriction on the north sides of Chelmsford Road and Grosvenor Road, (from Leake to Ethel) between 8am and 6pm, Monday to Friday, and 8am until 12 noon Saturday and the retention of unrestricted parking on the south side of both streets (as shown on Plan No. 2730-CP-01C);*
- (ii) CONSULTS with residents and businesses at the conclusion of the trial to determine whether the proposal has resulted in parking improvements in these streets;*
- (iii) NOTES that:*
  - (a) both Chelmsford Road and Grosvenor Road will be regularly monitored during the trial period; and*
  - (b) a further report will be submitted to the Council at the conclusion of the trial once further consultation has been undertaken;*
- (iv) ADVISES the affected residents, business proprietors and all respondents to the recent consultation of its decision; and*
- (v) REQUESTS the Town’s Officers to formally meet with Bikram Yoga with a view to discussing the parking problems and their advice to their clients.*

**ADDITIONAL REPORT:**

A report on the proposed Introduction of a Two (2) Hour Parking Restriction in Nominated Streets Adjacent to Fitzgerald Street, North Perth was considered by the Council at its Ordinary meeting held on 26 October 2010 where the Council decided as follows:

*That the item be DEFERRED for further consideration of the matter including the options mentioned during debate on the Item.*

The Town's Officer's were originally requested to investigate complaints from residents in Chelmsford Road, east of Fitzgerald Street regarding employees from a business on the corner of the streets, together with commuters employed in the City, allegedly causing parking congestion in their street.

In addition a local resident has alleged that the recreational facility situated at No. 158A Vincent Street, North Perth (Bikram Yoga) was in breach of their conditions of Development and that this exacerbated the parking situation in Chelmsford Road. This matter is being investigated.

**Consultation Discussion [Refer to Plan showing extent of previous consultation]:**

As outlined in the previous report to Council the outcome of consultation suggested that resident's dissatisfaction over parking congestion was mainly in the evenings, when patronage of the Yoga Centres was high, conflicting with increased residential demand for parking. Comments also suggested that the problem was predominantly in Chelmsford Road as minimal comment was received from residents of Grosvenor, Raglan and Alma Roads, and opinion was fairly evenly divided over whether any action was warranted.

Predictably, most of the responses from businesses in Fitzgerald Street were opposed to the introduction of time restrictions and the loss of parking amenity for staff. Several respondents claimed it was essential that staff have access to parking close to their place of employment, either due to the operational nature of their employment, or in one case, to physical disability.

The Yoga Studios were not included in the consultation, which was limited to Fitzgerald Street and the side streets between Vincent Street and Alma Road, and centred around problems identified with business activity during normal office hours.

**Reasons for the previous officer Recommendation:**

The Officer's recommendation that the Town not proceed with the introduction of the two (2) hour time restriction was based on the following factors:

- A number of inspections of the nominated streets showed that parking congestion during normal business hours was only apparent in Chelmsford Road, east of Fitzgerald Street.
- Although this area was the most congested, from six (6) to fifteen (15) spaces were available in Chelmsford Road, between Fitzgerald Street and Ethel Street, on each of the occasions the street was inspected.
- Chelmsford Road respondent's opinion was divided on the value of the time restrictions, with only nine (9) of the seventeen (17) respondents in favour of this action.
- Introduction of the restriction would only transfer the problem to those surrounding streets which were currently not significantly impacted by parking stress, and whose residents had not shown support for restrictions in their street.
- Many respondents claimed that it was the evenings that were problematic, as a result of the Yoga Studio's patrons, and not day time business activity.
- The Town's recently adopted Parking Strategy recommends that, streets more than 250m from business centres within the Town be freed of restrictions and therefore be available during business hours for uses such as employee parking, with the expectation that the streets would be free of parking during the evenings when residents requirements could be met.

**Advantages and Disadvantages of various Options:**

During the Council discussion a number of different 'possible' alternative options were suggested by several Council Members. These options together with the initial suggestion and an alternative officer suggestion are discussed as follows:

Option 1 (initial Proposal):

- Introduction of a two (2) hour restriction in Chelmsford Road, Grosvenor Road, Raglan Road and Alma Road (from Leake to Ethel) from 8am until 5.30pm, Monday to Friday.

*Advantages:*

- will result in a turnover of vehicles.

*Disadvantages:*

- the majority of residents would not qualify for residential parking permits and would need to abide by the time restrictions.
- visitors to nearby businesses would be disadvantaged.
- employees to nearby businesses would be disadvantaged.

Option 2 (Elected member suggestion):

- Introduction of a two (2) hour restriction between 8am and 6pm, Monday to Friday, on the north side of both Chelmsford Road and Grosvenor Roads only;
- Introduction of residential parking only, "at all other times" on the north side of both Chelmsford Road and Grosvenor Roads only;
- Retain unrestricted parking south side of the street.

*Advantages:*

- would result in a turnover of vehicles.
- would allow residents with permits to park all day on the north side of the streets.
- would still allow visitors to businesses and their employees to find parking.

*Disadvantages:*

- the majority of residents would not qualify for residential parking permits and would need to abide by the time restrictions.
- the majority of residents would not qualify for residential parking permits and would not be able to park in the resident only section of the street.
- visitors to nearby businesses may be disadvantaged.
- employees to nearby businesses may be disadvantaged.
- residential only parking may set an undesirable precedence for streets in the vicinity of other Town centres in the Town e.g. Beaufort Street where parking is at a premium.
- residents may still have some difficulty finding parking in the street at certain times.

Option 3 (Elected member suggestion):

- Introduction of a two (2) hour parking restriction between 8am and 6pm, Monday to Friday, on the north side of Chelmsford Road, Grosvenor Roads, Raglan Road and Alma Road;
- Introduction of residential parking only, "at all other times" on both side of the street.

*Advantages:*

- would result in a turnover of vehicles.

*Disadvantages:*

- the majority of residents would not qualify for residential parking permits and would need to abide by the time restrictions.
- the majority of residents would not qualify for residential parking permits and would not be able to park in the resident only section of the street.
- visitors to nearby businesses would be majorly disadvantaged.
- employees to nearby businesses would be majorly disadvantaged.
- this Residential only parking proposal would set an undesirable precedence for streets in the vicinity of other Town centres in the Town e.g. Beaufort Street where parking is at a premium.
- streets would remain devoid of vehicles as the majority of residents would not
- qualify for residential parking permits and would not be able to park in the resident only section of the street.

Option 4 (alternative officer suggestion):

- Introduction of a two (2) hour parking restriction on the north sides of Chelmsford Road and Grosvenor Road, (from Leake to Ethel) from 8am until 6pm, Monday to Friday, and 8am until 12 noon Saturday.
- Retain unrestricted parking on the south side of both streets.

*Advantages:*

- would result in a steady turnover of vehicles.
- would allow residents with permits to park all day on the north side of the streets.
- would still allow visitors to businesses and their employees to find parking.
- would allow residents to park (unrestricted) on the south side of the street.
- streets would not remain devoid of vehicles.
- no undesirable precedence established.

*Disadvantages:*

- residents may still have some difficulty finding parking in the street at certain times.

**Officer Comments/Discussion:**

The proposed introduction of parking restrictions was initiated by complaints from residents of Chelmsford Road who have observed that demand for parking is increasing in their street. Several inspections were undertaken over the past four weeks, (during office hours) and on each occasion, in excess of six (6) spaces and up to fifteen (15) spaces were available in Chelmsford Road, between Fitzgerald Street and Ethel Street, which is the place of highest demand in the study area. In the other streets in the area of interest, parking availability is plentiful.

Time restricted parking during office hours is more likely to be detrimental than beneficial to the majority of residents, who will not be eligible for exemption if they have on site parking (which the majority have). Most residential properties in the nominated streets are served by rear right of way access to garages.

Time restricted parking in this area will almost certainly be detrimental to the businesses in the vicinity, who have been operating in this area for a significant period, and have chosen this location because of the amenity it provides (including parking for staff, clients and patrons).

Aside from the yoga studios, there are two (2) restaurants in Fitzgerald Street, who will be adversely affected if street parking is not available for their patrons. These businesses have received planning approval from the Town, and invested significantly in their facilities.

They too are ratepayers, and make an important contribution to the vibrancy of the area and mix of residential and commercial activity is part of the fabric of "inner city" living.

#### Residents Only Parking

"Residents Only" parking has been mooted previously as a quick fix for emptying streets and ensuring availability of parking for residents and their visitors.

It is very important to note that residents are not automatically entitled to permits to park in "Residents Only" zones. As with all resident permits, they are only available to residents who are unable to provide off street parking. For this reason, only a few residents would benefit from such a parking control.

"Residents Only" parking is not supported in most other "inner city" local government areas. Below is an extract from a report submitted to the Council at the OMC of 13 July, 2004, which discussed proposed parking restrictions, including "Resident Only" in and around the Beaufort Street Strip.

#### Resident Only restrictions

*Resident Only restrictions are very contentious in public streets. Although there may from time to time be circumstances where such a restriction can be justified (due to very limited off street parking being available), this measure invariably results in inequities in residents privileges and serves to increase the parking burden in other nearby residential streets.*

*Additionally, Resident Only restrictions result in different treatment between different groups of rate payers (residents and business proprietors).*

*Residents of inner city areas, particularly those that were "planned" nearly a century ago, have a somewhat different amenity from that of outer suburban areas. Along with the benefits of living in close proximity to entertainment, business and shopping facilities, they will encounter increased traffic, more noise, parking difficulties and increased exposure to anti-social behaviour. While every attempt is made by Local Governments to minimize the impact of such problems on residents, it is unrealistic to expect a quiet outer suburban amenity in a vibrant inner city location.*

The following extract is from the City of Perth draft "Resident On-Street Parking Policy"

#### **2. OBJECT OF THE POLICY**

(a) *the general object of this policy is:*

*on-street parking for people living in the city will be managed to balance residential, commercial and other parking demands.*

(b) *To achieve the general object of this policy, the following principles will be used in determining how best to manage resident parking in the City:*

(i) *the needs of commercial facilities must not be prejudiced by provision of on-street residential parking.*

- (ii) *acknowledging the limits of parking availability within a locality, Parking permits will be issued to residents and their visitors to Optimise access to on-street parking facilities.*
- (iii) *community access to residential areas is to be maintained and Exclusive on-street residential parking will generally not be acceptable.*

**Conclusion/Recommendations:**

A further review of the comments received from the consultation with businesses and residents in the area, together with regular inspections throughout business hours, suggest that implementing parking restrictions in the nominated streets is not warranted, and doesn't have support of the majority of those canvassed.

Should the Council still wish to implement time restrictions to address residents concerns about parking congestion in the evenings, it is considered that this may impact heavily on the businesses in the area who's viability is dependant on the availability of parking.

It is therefore considered that Option 4 which includes the Introduction of a two (2) hour parking restriction on the north sides of Chelmsford Road and Grosvenor Road, (from Leake to Ethel) between 8am and 6pm, Monday to Friday, and 8am until 12 noon Saturday and the retention of unrestricted parking on the south side of both streets be implemented and trialled for a 6 month period.

**Previous Report:**

The following is a verbatim copy of the previous report presented to the Council at its Ordinary Meeting held on 26 October 2010.

*That the Council;*

- (i) **CONSIDERS:**
  - (a) *the outcome of the consultation with residents and business proprietors regarding proposed introduction of a two (2) hour parking restriction during standard business hours in Alma Road, Raglan Road, Grosvenor Road and Chelmsford Road, between Fitzgerald Street and Ethel Street, as outlined in Appendix 9.2.3; and*
  - (b) *this outcome in conjunction with the recommendations of the Town's Parking Strategy and Precinct Parking management Plans;*
- (ii) **DOES NOT PROCEED** *with the introduction of the time restrictions as initially proposed on attached Plan No 2730-CP-01B, given the mixed response form residents;*
- (iii) **NOTES that:**
  - (a) *maintenance will be carried out to repaint demarcation lines and introduce new line marking in "No Stopping" zones and crossovers where required in the affected area; and*
  - (b) *more Ranger enforcement of the area will be carried out; and*
- (iv) **ADVISES** *the respondents of its decision.*

COUNCIL DECISION ITEM 9.2.3

Moved Cr Maier, Seconded Cr Harvey

*That the recommendation be adopted.*

*Debate ensued.*

*Cr Farrell departed the Chamber at 6.55pm.*

*Debate ensued.*

*Cr Farrell returned to the Chamber at 6.56pm.*

*(During consideration of the Item, various restriction options were proposed by a number of Councillors.)*

*Debate ensued.*

PROCEDURAL MOTION

Moved Cr McGrath, Seconded Cr Harvey

*That the item be DEFERRED for further consideration of the matter including the options mentioned during debate on the Item.*

*Debate ensued.*

PROCEDURAL MOTION PUT AND CARRIED (6-1)

For: Presiding Member, Deputy Mayor Cr Lake, Cr Buckels, Cr Burns, Cr Harvey, Cr McGrath, Cr Maier

Against: Cr Farrell

*(Cr Topelberg was absent from the Chamber and did not vote on this matter. Mayor Catania was an apology for the meeting.)*

*Cr Topelberg returned to the Chamber at 7.07pm. The Presiding Member, Deputy Mayor Cr Sally Lake advised that the item was Deferred.*

ADDITIONAL INFORMATION:

*A local resident has recently alleged that the recreational facility situated at No. 158A Vincent Street, North Perth (Bikram Yoga) is in breach of their conditions of Development Approval in the following ways:*

*(a) They have not provided a contact number to residents for complaints.*

Officer Comment:

*A contact telephone number has been added to the website. The telephone number now includes an answering service, which allows a detailed message to be left and provides mobile telephone numbers for the studio owners.*

- (b) *They do not answer their main phone number during classes.*

*Officer Comment:*

*See (a) above.*

- (c) *If they do answer they refuse to disturb classes to ask their patrons to move cars, even if they are fully blocking residents roller doors and driveways.*

*Officer Comment:*

*In addition to (a) above, residents should contact the Town. Illegally parked vehicles may be towed by the Town in an emergency situation.*

- (d) *They only have 6 parking bays not the seven stated. Seven bays are marked but one is the only fire escape and cannot be blocked.*

*Officer Comment:*

*It is noted that the Building Licence details a car bay 8 metres in depth. Fire exit requirements for the number of persons attending the facility, is 1 metre. It is therefore considered adequate given the required length of a car bay is 5.5 metres.*

- (e) *Classes go beyond the 9.15pm closing time restriction on Mondays, Tuesdays, Wednesdays and Thursdays.*

*Officer Comment:*

*The closing time approved at the Ordinary Meeting of Council held on 11 August 2009 is 9.45pm.*

- (f) *Furthermore the DA required them to undertake the following pro-active measures*
- Maps for each student indicating suitable parking areas.*
  - Updating the website to reflect preferred parking options.*
  - Educating the students before class whilst in the reception area.*
  - Periodical checks of the surrounding streets to ensure there is no disruption.*

*Officer Comment:*

*The attached Operational Management Plan addresses these matters.*

*Planning Approval – No. 158A Vincent Street, North Perth*

*The Council at its Ordinary Meeting held on 11 August 2009, resolved to approve the reconsideration of three (3) conditions from the Approval to Commence Development granted on 2 November 2006, subject to the following conditions:*

- “(i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) the maximum gross floor area of the recreational facility shall be limited to 233 square metres, as shown on approved plans;*

- (iii) *the maximum total number of employees shall be limited to three (3) at any one time;*
- (iv) *the maximum total number of students/clients shall be limited to forty-eight (48) at any one time. Accordingly, the classes shall be scheduled to allow a 30 minute interval between classes to enable sufficient time for patrons to arrive and leave the facility;*
- (v) *the hours of operation shall be limited to 5.30am to 9.45pm Monday to Friday, 7.30am to 6pm Saturday, and 1.30 pm to 6 pm on Sunday, inclusive; and*
- (vi) *a detailed Parking Management Plan for the Recreational facility shall be submitted to and approved by the Town within 28 days of the issue of the subject 'Approval to Commence Development'. The Management Plan is to detail the following aspects:*
  - (a) *Operational Management - to minimise any potential impact on the surrounding locality from patrons parking at the premises and/or surrounding streets; and*
  - (b) *Communications Strategy - outlining a complaint handling system which provides:*
    - (1) *a telephone number and email address to log complaints and enquiries;*
    - (2) *a procedure how complaints will be handled and associated timeframes for responding to such complaints; and*
    - (3) *a record of complaints and enquires logged, and the applicant's response, is to be provided on a 6 monthly basis to the Town of Vincent for its information."*

*Parking Management Plan:*

*A Parking Management Plan was submitted to the Town on 30 November 2009, which was deemed acceptable and was found to comply with the above condition (vi), at that time.*

*It recently came to the Town's attention that the above conditions were not being complied with. The Town's Officers have been liaising with the applicant, to ensure the strict compliance with the conditions of approval.*

*The applicants have now provided the Town with a record of complaints and enquiries for the past two, 6 month periods. This can be found at Attachment 1.*

*The applicants have also reviewed the Parking Management Plan and have updated it, in an effort to further address the issues at hand. These changes are addressed in Attachment 2.*

*The Parking Management Plan was previously only provided to students when attending the studio; however, this has now been reviewed and included on the website. The website page and attached Parking Map are included at Attachment 3.*

*In addition, the applicants have been advised that the Town may commence towing of any offending vehicles, resulting in the offender having to pay approximately \$300 to reclaim their vehicle. The applicants fully support this approach, should any person be found to be parked illegally.*

*Ranger Services Comments*

*The Town's Ranger Services have been conducting evening patrols on a daily basis (Monday to Friday) within the vicinity of Bikram Yoga from 7 October 2010 to 25 October 2010; in particular, the area of the right of way adjacent to No. 157 Chelmsford Road.*

*Rangers have attended the location thirty-one (31) times over a period of sixteen (16) days with varying times from 2.10pm until 9.50pm, and have reported cautioning and infringing vehicles on two (2) occasions. Of the other twenty-nine (29) occasions the Rangers have reported the right of way having clear access and no driveway obstructions were detected.*

*There were eight (8) after hours parking complaints received during this period consisting of four (4) contrary to flow of traffic, three (3) verge complaints and one (1) 'No Stopping' complaint. Infringement notices were issued on all eight (8) occasions.*

*Conclusion:*

*It is considered that the conditions of the Approval to Commence Development, issued on 26 August 2009, are currently being complied with. The Town will continue to monitor the situation to ensure compliance with its requirements.*

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**PURPOSE OF REPORT:**

*The purpose of this report is to inform the Council of the results of the consultation conducted with residents and business proprietors regarding the proposed introduction of two (2) hour parking restriction considered in conjunction with the newly adopted Car Parking Strategy.*

**BACKGROUND:**

*At its Ordinary meeting held on 24 August 2010 the Council considered a report on the investigation of a possible introduction of two (2) hour parking restrictions - Chelmsford Road, Grosvenor Road, Raglan Road and Alma Road, North where the following decision was made.*

*That the Council NOTES that:*

- (i) a number of complaints have been received regarding parking congestion in Chelmsford Road, North Perth and other streets in the immediate area;*
- (ii) the parking matter requires further investigation in consultation with residents and businesses;*
- (iii) a plan showing indicative parking restrictions has been prepared, as shown in Plan No. 2730-CP-01 in Appendix 9.2.3; and*
- (iv) a further report will be submitted to the Council once the matter has been investigated and the outcome of the consultation has been assessed.*

**DETAILS:**

*On 29 September 2010, one hundred and seventy (170) consultation letters were distributed to residents and business proprietors in the affected area. The consultation resulted in thirty nine (39) responses (23% response) with twenty (20) or 51% being in favour of the restriction, sixteen (16) or 41% being against, and three (3) or 8% unsure.*

*Discussion:*

*Technical Services Officers have carried out regular inspections of parking in these streets, to gauge the severity of the parking problem. At the time the initial complaints were made (from residents of Chelmsford Road), the car park of the commercial premises on the corner of Chelmsford and Fitzgerald was not available for use by staff of the building, while work was being carried out.*

*This has now been completed, and while parking in Chelmsford between Fitzgerald and Ethel remains fairly heavy, latest inspections in the early afternoon have shown that parking spaces were still available.*

*No significant parking problems were detected in the other side streets within the survey area.*

*Complaints about parking by attendees of the Yoga Centre (primarily from Chelmsford Road residents) have been regularly received since the opening of the business. Although the centre attracts visitors throughout the entire day and evening, the majority of the complaints are about the impact during the evening period, presumably when residents are returning home, or receiving visitors. An email received from a resident who has had ongoing issues with the Yoga Centre summed up the matter by stating that:*

*'the proposed 2 hour parking restrictions will only penalise the residents while Bikram Yoga patrons continue to park for their 90 minute classes'.*

*Seventeen (17) of the thirty nine (39) respondents were Chelmsford Road residents and of these:*

- nine (9) were in favour of the restrictions*
- two (2) supported the proposal, with conditions (that cannot be met with respect to exemptions) and*
- six (6) were opposed.*

*The remainder of the responses drew only four (4) or five (5) responses each from each street evenly distributed between those who supported and those who opposed the proposal.*

*Clearly, Chelmsford Road residents perceive that there are issues with parking in their street, however the prevailing opinion seems to be that it is largely related to the Yoga Centre, and is most bothersome in the evenings and at night, due to the popularity of the classes at these times.*

*The introduction of parking restrictions in Chelmsford Road, even if extended into the evenings, will merely distribute the parking to streets further afield. Imposing time restricted parking in the closest adjacent street to combat this, when the residents have not supported the proposal, cannot be justified at this time.*

**CONSULTATION/ADVERTISING:**

*Consultation with affected residents is detailed within the report.*

**LEGAL/POLICY:**

*Implementation of parking restrictions is subject to the recommendation of the Precinct Parking Management Plan for North Perth "review the current restriction in streets more than 250m from the business area to assess whether restrictions can be reduced to accommodate employee parking".*

*Note: The business area is defined in the document, to be bounded by Menzies Street, Fitzgerald Street, Alma Road, Leake Street, View Street and Woodville Street.*

*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:*

*Nil.*

*FINANCIAL/BUDGET IMPLICATIONS:*

*Nil if restrictions are not introduced and signage is not required.*

*COMMENTS:*

*Parking congestion is predominantly in Chelmsford Road, with the greatest impact in the evenings (i.e. outside the proposed restriction period).*

*The restrictions as proposed have not been strongly supported by those who would be affected by their introduction. Therefore it is recommended that the Council not approve their implementation at this point in time and instead refresh the "No Stopping" line marking throughout the consultation area, together with line marking at crossovers to improve accessibility for residents.*

**9.2.4 Proposed 2011 Smoke Free Perth Criterium's Cycling Series  
Leederville Race – Further Report**

<b>Ward:</b>	South	<b>Date:</b>	3 November 2010
<b>Precinct:</b>	Oxford Centre P4	<b>File Ref:</b>	TES0172 & CMS0033
<b>Attachments:</b>	<a href="#">001</a> ; <a href="#">002</a>		
<b>Reporting Officer:</b>	C Wilson, Manager Asset & Design Services		
<b>Responsible Officer:</b>	R Lotznicker, Director Technical Services		

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *APPROVES the Town hosting the final event in the 2011 Perth Criterium Series, proposed to be held on Monday evening, 14 February 2011, subject to additional detailed information regarding the series being received by the Town from the organisers "Trievents";*
- (ii) *AUTHORISES the Chief Executive Officer to negotiate the terms and conditions of approval including possibly waiving event fees and making a contribution of an amount to be determined (estimated at \$6,500 to be funded from the Parades & Festivals budget allocation) for implementing traffic management;*
- (iii) *NOTES the;*
  - (a) *outcome of the further public consultation as outlined in the report where only one of the businesses in Oxford Street is still strongly against the proposal and one is against the proposal; and*
  - (b) *proposed attached draft road closure Plan No. 2602-CP-02 and Plan A.*

---

**COUNCIL DECISION ITEM 9.2.4**

**Moved Cr Topelberg, Seconded Cr Buckels**

*That the recommendation be adopted.*

**Debate ensued.**

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

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**FURTHER REPORT:**

At its Ordinary Meeting of 14 September 2010 Council considered a report (Item 9.2.6) on the proposed 2011 Smoke Free Perth Criteriums (Cycling Series) Leederville Race to be held on Monday evening, 14 February 2011 where the following decision was made.

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

In accordance with Councils decision Trievents was requested to undertake further public consultation with those businesses in the Oxford Centre Precinct that were likely to be adversely impacted upon if the race were held on St Valentines Day.

From the information provided to the Town all, except two (2) businesses either supported the event or were ambivalent about it being held on 14 February.

The strongest objection came from the florist 'Funky Bunches' located at 109 Oxford Street, mid-way between Newcastle Street and Leederville Parade.

### **Funky Bunches**

St Valentines Day is generally regarded as the biggest trading day of the year for florists. Funky Bunches hires additional causal staff and has a steady stream of couriers throughout the day to meet the demand. They also indicated that they have significant passing trade.

The original traffic management would have required Oxford Street to be closed to all traffic from 2.00pm, to enable the race circuit to be set-up, severely disrupting Funky Bunches couriers.

Trievents, having met with the Manager of Funky Bunches, were made aware of their objections and advised that they were prepared to make significant changes to the road closure sequence to both alleviate and accommodate their concerns.

### **Revised Road Closure Sequence Plan**

As a result of the changes at the intersection of Vincent and Oxford Street (Black Spot improvement project) introduced in January/February 2010, the direction of flow of the race circuit is to be reversed. As a consequence the start/finish line will now be outside Flight Centre rather than BankWest.

This has enabled the organisers (Trievents) to amend the road closure sequence whereby the north bound lane in Oxford Street, from Leederville Parade to Vincent Street, could remain open to traffic until 7.00 pm. While this would eliminate the riders warm up session it would allow couriers to continue to directly access Funky Bunches until 7.00 pm. (Refer attached Plan A). Trievents revised sequence of road closures would be:

#### Stage 1

- Oxford Street, Vincent Street to Newcastle Street, east side only, and
- Newcastle Street, Oxford Street to Carr Place, north side only, closed at 2.00pm.

#### Stage 2

- Newcastle Street, Carr Place to Oxford Street, south side, and
- Oxford Street, Newcastle Street to Frame Court car park entrance, east side only, closed at 4.00pm.

#### Stage 3

- Oxford Street, Vincent Street to Melrose Street, full closure, 6.00pm.

#### Stage 4

- Oxford Street, Leederville Parade to Vincent Street, west side and
- Vincent Street, Leederville Parade to Loftus Street, full closure 7.00pm.

The support race was originally scheduled for 6.45pm but would be shortened for the later start time, approx. 7.15pm, with the main race to start on or about 8.00pm as per the original schedule.

#### **Meeting with Funky Bunches**

The Manager Asset and Design Services, met with Funky Bunches and Siena's Restaurant on Monday 25 October 2010, to discuss Trievents revised road closure plan.

The meeting was very amicable but at the end, Funky Bunches was not convinced that their business would not suffer and therefore was not prepared to give its support.

Further, Funky Bunches provided the following written objection:

*"Thanks for meeting with me at 3pm today re cycling event being run by Tri Events on Valentine's Day. We strongly object to having the event in Oxford Street on this day because it will dramatically affect our business trading. This is the biggest trading day of the year for us and we cannot afford to allow anything that will impact negatively on its success. A lot of time and money is spent in planning and organising couriers, drivers, vehicles, extra florists etc. Please consider an alternative route or date".*

While Siena also had some reservations their concerns related to parking and passing trade but acknowledged that the event had been successful in previous years and was seen as a positive event for the Oxford Centre Precinct.

#### **Possible use of Water Corporation land as temporary courier access**

The Town also approached the Water Corporation seeking approval to use the vacant land that links Oxford Street to the Avenue car park, currently used as a pedestrian access way, as a temporary courier access if it would assist Funky Bunches.

While the Water Corporation kindly agreed to allow access for Funky Bunches it was felt that it would not make a significant difference and had to be weighed up against possible safety issues of mixing vehicular traffic with pedestrians in a narrow space.

#### **Alternate date or route**

In respect of an alternate date, as suggest by Funky Bunches, the Leederville Race, as previously reported, is the third race in a four race series and therefore is not feasible to reschedule the whole series given that significant arrangements have already been made. At best, if the Council decides to cancel the Leederville Race, Trievents will approach other Local Governments with a view to hosting the event in 2011, with no guarantee that it would return in 2012.

In regards to an alternate route if the race is to be held within Oxford Centre Precinct then by necessity Oxford Street will have to be closed to traffic at some point. The appeal of the race is the location, the café strip, so it is unlikely to generate the same interest if shifted elsewhere within Leederville.

**Comments/Conclusions:**

Funky Bunches remains opposed to the Leederville Race being held on 14 February 2011 as it conflicts with St Valentines Day, their biggest trading day of the year. Siena's of Leederville also expressed reservations but did not lodge a formal objection.

Trievents has acknowledged Funky Bunches concerns and has submitted what they believe to be a workable compromise in that Oxford Street northbound would remain open to traffic until 7.00 pm.

Funky Bunches, while acknowledging Trievents compromise proposal, believes that the incremental road closures will still have an adverse impact upon his business and has asked that the organisers consider an alternative route or date. As previously reported to Council the Leederville event is the third race in a four race series and therefore it is not merely a case of changing the date.

Similarly for the route, if shifted further north on Oxford Street (as an example) it is unlikely to have the same atmosphere or generate the same interest.

The series has been a great success in previous years and the Council has to decide if the benefits of the event outweigh the two objections received.

**Previous Report:**

The following is a verbatim copy of the previous report submitted to Council at its Ordinary Meeting held on 14 September 2010.

*OFFICER RECOMMENDATION:*

*That the Council;*

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

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**COUNCIL DECISION ITEM 9.2.6**

*Moved Cr Harvey, Seconded Cr McGrath*

*That the recommendation be adopted.*

*Debate ensued.*

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

*Mayor Catania, assumed the Chair.*

*Debate ensued.*

*PROCEDURAL MOTION*

*Moved Cr McGrath, Seconded Cr Buckels*

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

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

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*PURPOSE OF REPORT:*

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

*BACKGROUND:*

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

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

*DETAILS:*

*2011 proposal*

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

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

*The tentative criterium series calendar is as follows:*

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

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

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

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

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

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

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

**CONSULTATION/ADVERTISING:**

*The applicant would be required to:*

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

**LEGAL/POLICY:**

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

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

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

*STRATEGIC IMPLICATIONS:*

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

*SUSTAINABILITY IMPLICATIONS:*

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

*FINANCIAL/BUDGET IMPLICATIONS:*

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

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

*COMMENTS:*

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

**9.4.4 Town of Vincent Policies - Review of**

<b>Ward:</b>	-	<b>Date:</b>	3 November 2010
<b>Precinct:</b>	-	<b>File Ref:</b>	ADM0023
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer:</b>	John Giorgi, Chief Executive Officer		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

*That the Council APPROVES BY AN ABSOLUTE MAJORITY of the following;*

- (i) *Policies to be AMENDED as shown in Appendix 9.4.4:*
  - (a) *1.1.1 - Hiring of Banner Poles and Display of Banners;*
  - (b) *1.1.4 - Provision of Transport Assistance for Aged People and People with Disabilities;*
  - (c) *1.3.1 - Information and Communications Technology – Conditions of Use; and*
  - (d) *2.1.3 - Graffiti – Control and Removal;*
- (ii) *Policies to be RE-ADOPTED WITHOUT ANY CHANGES:*
  - (a) *1.2.2 - Code of Tendering;*
  - (b) *4.1.3 - Customer Service Complaints Management; and*
  - (c) *4.1.27 - Disaster Appeals – Donations and Assistance;*
- (iii) *ADOPTS the following new Policies:*
  - (a) *4.1.30 - Protocols for “Acknowledgement of Country” and “Welcome to Country” to Recognise Aboriginal Culture and History;*
  - (b) *4.1.31 - Privacy Management; and*
  - (c) *4.1.32 - Sponsorship; and*
- (iv) *AUTHORISES the Chief Executive Officer to:*
  - (a) *advertise the new policies in clause (iii) 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.*

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**COUNCIL DECISION ITEM 9.4.4**

**Moved Cr Farrell, Seconded Cr Burns**

*That the recommendation be adopted.*

**Debate ensued.**

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

**PURPOSE OF REPORT:**

To obtain the Council's approval to amend, delete and/or re-adopt Council policies which are reviewed every 5 years and adopt several new policies.

**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 Council Members to assist 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 commenced the process and has provided the comments as outlined in this report.

The following policies are recommended to be **amended**:

- (a) 1.1.1 – Hiring of Banner Poles and Display of Banners

CEO's Comment

*A minor change to the Guidelines (Section C) is proposed by inserting a new clause (v) as follows:*

*"(v) The standard banner size is 2,900mm high x 1,500mm wide (+/- 20%)."*

*This has been inserted to provide guidance for prospective users when manufacturing their banner. As this amendment is very minor, it is recommended this policy not be readvertised for community consultation.*

- (b) 1.1.4 – Provision of Transport Assistance for Aged People and People with Disabilities

CEO's Comment

*This Policy has been amended to refer to "aged pensioners or persons who have a disability". This is a minor amendment which does not change the intent of the Policy. As this amendment is very minor, it is recommended this policy not be readvertised for community consultation.*

- (c) 1.3.1 – Information and Communications Technology – Conditions of Use

CEO's Comment

*There has been no change to the Policy. Several minor changes to the Guidelines have been made:*

- o Clause 3.2 relating to information taken off the internet;*
- o Clause 4.7, new paragraph stating that data of a personal nature is not to be stored on Town network or computer drive; and*
- o Clause 6.1 relating to anti-virus scan – deletion of words.*

*As these amendments are very minor and do not affect the community, it is recommended this policy not be readvertised for community consultation.*

(d) 2.1.3 – Graffiti – Control and Removal

CEO's Comment

*Changes have been made to the Objectives by inserting two new clauses and rewording of the Policy Statement.*

*As the amendments are minor, it is recommended this policy not be readvertised for community consultation.*

The following policies are recommended to be **adopted without change**:

- (a) 1.2.2 – Code of Tendering;
- (b) 4.1.3 – Customer Service Complaints Management; and
- (c) 4.1.27 – Disaster Appeals – Donations and Assistance.

The following **new** policies are recommended for adoption:

- (a) 4.1.30 – Protocols for “Acknowledgement of Country” and “Welcome to Country” to Recognise Aboriginal Culture and History

CEO's Comment

*The Town currently carries out “Acknowledgement to Country” and “Welcome to Country” Ceremonies as deemed appropriate for significant events. However, there is no formal policy to provide guidance to the Town’s Administration in this matter. Accordingly, it is recommended that a policy be adopted that formalises the Town’s current practices and specifies where the “Acknowledgement” or “Welcome” is to be used.*

*If adopted, a major change is for an “Acknowledgement to Country” to be read out at each Council Meeting and Forum, where public are present.*

*The Town has discussed the Protocols for “Acknowledgement of Country” and “Welcome to Country” with Nyoongar Elder Doolann-Leisha Eatts.*

*Doolann identifies herself as a Nyoongar woman of the Wadjuk Tribe with family connections to the Bibbulmun tribes. She expressed appreciation with the Town’s proposed policy. She also expressed her appreciation that the Town does fly the Aboriginal flag daily and is one of the few local governments to do this.*

*The Town also sought comment from the Aboriginal South-West Land and Sea Council. One of their Senior Officer’s advised as follows:*

*“There are many ways of spelling, including Noongar, Nungar, Noongah, Nyoongah, Nyoongar and Nyungar ...Footnote might be that as there are 14 Noongar dialects in the south west of Western Australia and the English ways of spelling the sounds of our language (as it was/is not a written language) creates many ways of spelling the words. Noongar words are not always spelt the way they are pronounced.*

*I am so pleased and proud of what you have written thank you so very much - you have covered it nicely.”*

(b) 4.1.31 – Privacy Management

CEO's Comment

*The Town currently has a Privacy Statement on its website relating to personal information as follows:*

“Privacy Rights and Legislation Statement

*The Town of Vincent views privacy compliance as an integral part of its commitment to accountability and integrity in all its activities and programmes. The Town is committed to compliance with the laws that deal with personal and health information about individuals that is stored or received by it. Consequently, we will:*

- *Only use personal information provided by an individual for the purposes for which it was collected and for any other authorised use;*
- *Only disclose personal information to any third party (including other authorities) where authorised; and*
- *Take all necessary measures to prevent unauthorised access or disclosure.”*

*A review of the Town's Governance Procedures has revealed that the Town does not have a policy relating to Privacy Management which covers personal and sensitive information. The Statement on the Town's website is considered inadequate and does not fully cover the Principles prescribed in the Commonwealth legislation.*

*Western Australia currently does not have any legislation concerning the management of personal and sensitive information – however, it does have Protocols and Guidelines. These primarily rely on the Privacy Act 1988 (Cwth) and the Privacy Amendment Act 2004 (Cwth), which is Commonwealth Legislation.*

*The Town' Leederville Garden Retirement Village does have a Privacy Policy however, this is only applicable to the Retirement Village.*

*It is considered best practice for the Town to adopt a Privacy Policy, as this formalises the Town's current practice in this matter and is more comprehensive. Furthermore, it has the benefit of making the Town's practices and procedures more accountable and transparent.*

(c) 4.1.32 – Sponsorship

CEO's Comment

*The Town currently does not have a policy relating to “Sponsorship” however, as Council Members are aware, Sponsorship of Town events does occur throughout the year. Such events include:*

- *the Annual Garden Awards – sponsorship is provided by suppliers of equipment, nurseries, contractors etc; and*
- *Local History Awards – sponsorship is provided by a local real estate agent to assist in offsetting the costs for this event.*

*On occasions, adhoc sponsorship of events does occur from time to time (e.g. provision of free water bottles by the Water Corporation).*

*It is considered appropriate that the Council adopt a policy relating to Sponsorship as this will provide guidance to the Town's Administration in the future.*

**CONSULTATION/ADVERTISING:**

The Council has a policy of advertising for a period of 21 days seeking comments from the public. In this case it is recommended that the new policies only be advertised for community consultation as is the Town's practice. However, the amendments to the existing policies are very minor and/or of an administrative nature, it is recommended that this not be carried out, in this instance. This will provide costs savings to the Council.

**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.*

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

The Town's Policies are reviewed every five years. These will reflect the Council's position and also any legislative changes and community attitude changes which have occurred over the previous five years.

**9.4.5 Climate Change Risk Assessment – Proposed Partnership**

<b>Ward:</b>	Both	<b>Date:</b>	4 November 2010
<b>Precinct:</b>	All	<b>File Ref:</b>	ENS0129
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officers:</b>	A Gordon, Project Officer – Sustainability; T Woodhouse, Co-ordinator Strategic Planning		
<b>Responsible Officer:</b>	R Boardman, Director Development Services		

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the report relating to the proposed partnership between the Town of Vincent, the City of Perth (PCC) and the East Perth Redevelopment Authority (EPRA), and a copy of the letter from the East Perth Redevelopment Authority dated 3 November 2010, proposing the partnership, as shown in Attachment 001;*
- (ii) *APPROVES BY AN ABSOLUTE MAJORITY the Town entering into a proposed partnership with EPRA, PCC (and possible others) for the purposes of conducting a joint Climate Change Risk Assessment; and*
- (iii) *AUTHORISES the Chief Executive Officer:*
  - (a) *to liaise with the East Perth Redevelopment Authority and the City of Perth to finalise and sign the proposed partnership;*
  - (b) *to enter into a Memorandum of Understanding formalising the partnership; and*
  - (c) *to source the necessary funds (up to a maximum of \$30,000) in the 2010/11 mid-year budget review, on the basis that the Town will be required to contribute to the costs of the Risk Assessment, and no funds are currently allocated for this purpose.*

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**Moved Cr Farrell, Seconded Cr Maier**

*That the recommendation be adopted.*

Debate ensued.

**AMENDMENT**

**Moved Cr Topelberg, Seconded Cr Lake**

*That a new clause (iii) be inserted and the remaining clause be renumbered as follows:*

- “(iii) REQUESTS the Partnership to liaise with WALGA in relation to their Climate Change Study to ensure that EPRA/PCC/Town of Vincent joint Climate Change Risk Assessment remains focused on local issues; and”*

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

Debate ensued.

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

**COUNCIL DECISION ITEM 9.4.5**

*That the Council;*

- (i) *RECEIVES the report relating to the proposed partnership between the Town of Vincent, the City of Perth (PCC) and the East Perth Redevelopment Authority (EPRA), and a copy of the letter from the East Perth Redevelopment Authority dated 3 November 2010, proposing the partnership, as shown in Attachment 001;*
- (ii) *APPROVES BY AN ABSOLUTE MAJORITY the Town entering into a proposed partnership with EPRA, PCC (and possible others) for the purposes of conducting a joint Climate Change Risk Assessment;*
- (iii) *REQUESTS the Partnership to liaise with WALGA in relation to their Climate Change Study to ensure that EPRA/PCC/Town of Vincent joint Climate Change Risk Assessment remains focused on local issues; and*
- (iv) *AUTHORISES the Chief Executive Officer:*
  - (a) *to liaise with the East Perth Redevelopment Authority and the City of Perth to finalise and sign the proposed partnership;*
  - (b) *to enter into a Memorandum of Understanding formalising the partnership; and*
  - (c) *to source the necessary funds (up to a maximum of \$30,000) in the 2010/11 mid-year budget review, on the basis that the Town will be required to contribute to the costs of the Risk Assessment, and no funds are currently allocated for this purpose.*

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**PURPOSE OF REPORT:**

To inform the Council of the letter recently received from the East Perth Redevelopment Authority (EPRA) dated 3 November 2010, proposing a partnership between the Town of Vincent, the City of Perth and EPRA for the purposes of conducting a joint Climate Change Risk Assessment, and to obtain the Council's approval of the Town entering into the proposed partnership.

**BACKGROUND:**

The Town has received a letter from EPRA dated 3 November 2010 (Attachment 001), proposing a partnership arrangement between the Town, the City of Perth, and EPRA. The partnership arrangement suggested would be aimed at identifying, assessing and managing the risks that climate change poses to inner city development.

Attached to the letter is a Partnership Proposal developed by EPRA, which sets out the suggested approach that the partnership would take to conducting a joint climate change risk assessment.

**DETAILS:**

As set out in the letter, there are several key climate change risks to development in inner city Perth – including risks to energy and water security due to predicted increases in temperature and decreases in rainfall, as well as the potential for flooding near the river due to increases in storm surges and changes to the Swan River floodplain.

EPRA notes in the letter that a co-ordinated and regional approach to climate change risk assessment holds more legal weight than individual action, and that a co-ordinated approach also allows parties to maximise economies of scale.

Attached to the letter is a Partnership Proposal prepared by EPRA, which outlines EPRA's baseline research regarding climate change risk assessment, and sets out a proposed process for undertaking a joint risk assessment. The main points set out in the Partnership Proposal are:

- There are three key project objectives:
  - To better understand the impacts of climate change in the Perth inner city;
  - To identify and assess the risks posed by climate change to development in the inner city; and
  - To identify effective adaptation measures to mitigate these risks;
- The study area would comprise the City of Perth and Town of Vincent administrative boundaries;
- The partnership arrangement will be formalised in a Memorandum of Understanding;
- The project would be managed by a Steering Committee comprising representation from each partner organisation;
- The project would also seek the advice of an Advisory Committee, comprising scientific and government experts; and
- A qualified consultant would be engaged to facilitate the risk assessment process and manage the associated workshops.

#### **Implications for the Town of Vincent**

The receipt of this proposal is quite timely, as the Town's Officers have recently begun conducting research into developing a climate change strategy, and have identified that an essential aspect of climate change planning is to conduct a thorough risk assessment process. Conducting an effective risk assessment process may be beyond the expertise of the Town's Officers alone, and may be a task more suited to a suitably qualified external consultant.

Entering into the proposed partnership would allow for a pooling of resources, and would maximise economies of scale, including reducing the cost for the Town of engaging a consultant. Given the close geographical location and similar circumstances of the Town, the City of Perth, and the areas under the planning jurisdiction of EPRA, the impacts of climate change are likely to be very similar, and accordingly conducting a joint risk assessment appears to be the best approach.

It is also noted that the proposed Advisory Committee, with scientific and government expertise, will lend significant credence and weight to the risk assessment.

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

Nil.

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

Significant legal implications could arise if a local government fails to effectively plan for climate change.

As noted in the letter from EPRA, the failure to adequately plan for climate change may lead to significant legal liability. Legal advice to the Western Australian Local Government Association (WALGA) notes that planning authorities should take account of climate change risks in their decision-making, based on the willingness of Courts and Planning Tribunals to accept evidence of climate change risk. In addition, future litigation relating to climate change could arise with respect to both compensation claims, and negligence due to breach of duty of care in managing climate change risks.

### **STRATEGIC IMPLICATIONS:**

Effective planning to adapt to climate change will advance several of the objectives in the Town's Strategic Plan 2009-2014:

#### *"Natural and Built Environment*

- 1.1 *Improve and maintain environment and infrastructure*
  - 1.1.4 *Minimise negative impacts on the community and environment.*
  - 1.1.6 *Enhance and maintain the Town's infrastructure to provide a safe, healthy, sustainable and functional environment*

#### *Leadership, Governance and Management*

- 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.*
  - 4.1.3 *Plan effectively for the future."*

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

Entering the proposed partnership will commit the Town to contributing to the cost of the risk assessment process. The Partnership Proposal drafted by EPRA sets out three budget scenarios for the costs involved (on pages 7-8 of Attachment 001), and the associated costs are estimated to be between \$40,000 and \$90,000, to be borne between the three partner organisations. It is suggested that the costing be on an equitable basis and a maximum amount of \$30,000 be approved.

The main cost will be for engaging a consultant to prepare materials and facilitate a risk assessment workshop, and the cost will vary depending on the extent of the consultant's involvement in the rest of the risk assessment process.

There are currently no funds allocated for climate change planning in the 2010/11 Budget as this matter has only arisen.

### **SUSTAINABILITY IMPLICATIONS:**

The long-term sustainability of the Town is dependent on effective planning to adapt to climate change, and a comprehensive assessment of the risks arising from climate change is essential to plan effectively. The pooling of resources to achieve this will result in savings for the Town, and a more comprehensive risk assessment than the Town could achieve on its own.

### **COMMENTS:**

As outlined above, given the importance of effective climate change planning and the benefits that a joint approach would provide, the Town's Officers recommend that the proposed partnership with EPRA and the City of Perth should be endorsed, as it is the most effective way for the Town to conduct a thorough and reliable climate change risk assessment. This will in turn inform the development of a Climate Change Strategy, or similar document, for the Town, by providing a sound base for recommendations for actions to be taken by the Town. It is therefore recommended that the Council approval of the matter.

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

### 10.1 Notice of Motion – Cr McGrath – Request for Information About Parks and Water Use

*That:*

- (i) *the Council REQUESTS the Chief Executive Officer provide a report to the Council by 8 February 2011 identifying areas of irrigated turf on Town owned land that is potentially suitable for conversion to ‘waterwise’ native gardens to:*
  - (a) *reduce the volume of water used annually by the Town for maintenance of lawns;*
  - (b) *reduce fertiliser use; and*
  - (c) *increase natural habitat values locally for native wildlife;*
- (ii) *suitable sites would include those that are:*
  - (a) *not actively used for recreation;*
  - (b) *considered poorly utilised by the Town;*
  - (c) *situated around Council owned buildings and facilities, such as that on the corner of Loftus and Vincent Streets Leederville; and*
  - (d) *areas within public open space where conversion to native gardens would not affect current or anticipated recreational use;*
- (iii) *for each site, the report will include:*
  - (a) *a summary of the sites location, use, current watering regime;*
  - (b) *an aerial photo with boundaries for extent of areas for conversion;*
  - (c) *an estimate of the likely reduction in annual water and fertiliser and use as a result of the change in maintenance requirements;*
  - (d) *likely environmental benefits from conversion;*
  - (e) *expected capital expenditure for conversion from turf to native garden;*
  - (f) *any external funding potentially available for the Town to apply for to assist for expenditure; and*
  - (g) *identification of any other potential challenges with native garden conversion; and*
- (iv) *the report will include a recommendation for at least, but not necessarily limited to, one site to proceed with conversion in 2011-12, for which a budget item would be required in the 2011-12 budget.*

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#### **COUNCIL DECISION ITEM 10.1**

**Moved Cr McGrath, Seconded Cr Buckels**

*That the Motion be adopted.*

**Discussion ensued.**

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

**10.2 Notice of Motion – Cr Maier – Relating to Media Comments and a request for Aboriginal Cultural Awareness training for Council Members**

*That the Council:*

(i) **NOTES:**

(a) *the comments attributed to the Mayor in the 12 October 2010 edition of the Guardian Express newspaper (as shown in Attachment 10.2A) concerning delays with the development of the Hyde Park playground;*

(b) *the comments attributed to the Mayor in the 19 October 2010 edition of the Guardian Express newspaper (as shown in Attachment 10.2B) concerning “kerb crawlers”;*

(c) *that clause 8.2 of the Town's Code of Conduct states:*

*“The Mayor or Chief Executive Officer will only express the view or position of the Council, where the Council has formally determined a view or position. Where the Council has not determined the matter or has no clear view/position, the Mayor or Chief Executive Officer may express a personal view, providing they clearly preface such remarks as being their own personal views and not those of the Council.”*

(ii) *CONSIDERS that the views expressed in the articles identified in clauses (a) and (b) are the personal views of the Mayor and not those of the Council, as the Council has not determined a position on these; and*

(iii) *REQUESTS that the Chief Executive Officer to organise Aboriginal cultural awareness training for all Council Members.*

**Note:**

A copy of the newspaper articles referred to in the Notice of Motion are shown at Attachment 10.2A and 10.2B.

**Moved Cr Maier, Seconded Cr Topelberg**

*That the Motion be adopted.*

**Debate ensued.**

**The Presiding Member, Mayor Nick Catania stated that he would consider and vote on the Motion in two parts.**

**Debate ensued.**

**The Presiding Member, Mayor Nick Catania spoke for five minutes.**

**The Chief Executive Officer informed the Presiding Member, Mayor Nick Catania that he had spoken for five minutes.**

**PROCEDURAL MOTION**

**Moved Cr Farrell, Seconded Cr Topelberg**

*That the Presiding Member be permitted to speak for a further five minutes.*

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

Debate ensued.

**CLAUSES (i) and (ii) 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

**CLAUSE (iii) PUT AND CARRIED (9-0)**

**COUNCIL DECISION ITEM 10.2**

*That the Council REQUESTS that the Chief Executive Officer to organise Aboriginal cultural awareness training for all Council Members.*

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**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.

**15. CLOSURE**

**There being no further business, the Presiding Member, Mayor Nick Catania, declared the meeting closed at 9.22pm with the following persons present:**

Mayor Nick Catania, JP	Presiding Member
Cr Matt Buckels	North Ward
Cr Anka Burns	South Ward
Cr Steed Farrell	North Ward
Cr Taryn Harvey	North Ward
Cr Sally Lake ( <i>Deputy Mayor</i> )	South Ward
Cr Warren McGrath	South Ward
Cr Dudley Maier	North Ward
Cr Joshua Topelberg	South Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Development Services
Rick Lotznicker	Director Technical Services
Mike Rootsey	Director Corporate Services
Anita Radici	Executive Assistant (Minutes Secretary)

One member of the Public was present.

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 9 November 2010.

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

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