



TOWN OF VINCENT

"Enhancing and celebrating our diverse community"

MINUTES

9 OCTOBER 2007

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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 October 2007, commencing at 6.00pm.

1. DECLARATION OF OPENING

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

2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE

(a) Apologies:

Cr Torre (arriving late due to work commitments – from 7.41pm)

(b) Present:

Mayor Nick Catania, JP	Presiding Member
Cr Simon Chester	North Ward (from 6.08pm)
Cr Steed Farrell	North Ward
Cr Ian Ker	South Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Izzi Messina	South Ward
Cr Maddalena Torre	South Ward (from 7.41pm)
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Development Services
Rick Lotznicker	Director Technical Services
Mike Rootsey	Director Corporate Services
Jacqui Bahr	Journalist - <i>“The Perth Voice”</i> (until approximately 7.52pm)
Lindsay McPhee	Journalist - <i>“Guardian Express”</i> (until approximately 7.52pm)

Approximately 12 Members of the Public

(c) Members on Leave of Absence:

Cr Doran-Wu –North Ward - from 6 – 12 October – for family reasons

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

1. Karen Laddell of 35B Underwood Avenue, Wembley Downs spoke on Item 10.1.2. Specifically addressed condition 1B of the officers recommendation which states that prior to the issue of a building licence revised plans shall be submitted and approved. Requested Council support for the condition to be deleted from the Officer’s Recommendation. There were no objections received during advertising in relation to the proposed building height. The proposed development has been carefully designed through a collaborative approach with Councils planning staff, which began in September 2006. Have made every effort to meet council requirements, and prepare a concept that is appropriate for its location and provides a positive contribution to the streetscape and surrounding area. Requested that the proposed condition be deleted from the officer recommendation

2. Mr Hide Shigeyoshi representing Planning Solutions of 255 Beaufort Street Perth spoke on Item 10.1.6. Stated they are extremely disappointed that their numerous approaches during the course of application received no response, and that the planning department simply recommended refusal of an application without receiving prior feedback from the applicant. Stated that they should have received feedback, would have been happy to clarify matters with the assessing officer therefore avoiding such misinterpretation of an application. With regards for the reasons for recommending refusal, he reiterated the proposal does not change the existing signage, therefore the officers recommendations for reason one is entirely incorrect and reason two is irrelevant as it refers to signage and not the retaining wall treatment. Believes the proposed works will improve the appearance of the signage as it is actually commented by the heritage department and not modify in any way the existing signage,he requested the proposed retaining wall treatment be approved.
3. Mr David Read of 125 Waddell Road, Bicton representing TPG Town Planning Consultants spoke on 10.1.5. Spoke in support of the application for the proposed office at 29 West Parade. Stated they are seeking approval to go from one non residential land use, being the former Better Hearing WA School to another innocuous non residential land use. Urged Council to grant a permanent approval to the application to enable Better Hearing WA to sell the property and for the currently vacant premises to be used as a small office. Stated that should the application be refused or a condition imposed to limit the life of the approval, that the sale of the land will not occur.
4. Mr Gavin Hasler of Hallam Architects, Unit 239 Hood Street Subiaco spoke on Item 10.1.3. Stated that the Council deferred the proposal to give further considerations to privacy concerns which were raised on the northern aspect, and they have since addressed this concern. Mr Hasler handed out coloured elevations which demonstrated the reductions of glazing and difference in the previous application. Stated they have also been in consultation with the Councils Planning and Engineering Department to resolve any with safety issues with the ramp, which show the development now complies with Australian Standards and the Towns Policies.

There being no further questions from the public, the Presiding Member, Mayor Nick Catania, JP, closed Public Question Time at 6.17 pm.

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND MEMORIALS

Nil.

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Minutes of the Ordinary Meeting of Council held on 25 September 2007.

Moved Cr Farrell, Seconded Cr Ker

That the Minutes of the Ordinary Meeting of Council held on 25 September 2007 be confirmed as a true and correct.

CARRIED (7-0)

Cr Torre had not arrived at the meeting at this time.

Cr Doran-Wu on approved leave of absence.

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

7.1 RANGER OF THE YEAR AWARD

I am very pleased to advise that the Town of Vincent was presented with the "Ranger Team of the Year Award" for 2007 which was announced at the recent WA Rangers' Association Conference.

The award was in recognition of the very high standard of service that is provided to the Vincent community by the Town's Ranger and Community Safety Services Section.

The Award recognised the following services provided by the Town:

- Support and charitable collections for Pound WATCH;
- Responsible Dog-ownership Award Programme;
- The development of partnerships with local Veterinary Clinics, for the collection of registration fees and the issuing of registration tags;
- The Town's Dog and Cat Sterilisation Programme;
- Dog and Puppy School Training Classes;
- Primary School Presentations;
- The development of partnerships to address indigenous issues;
- The Town's Safer Vincent Partnership Committee, which is focused on crime prevention and community safety and security issues;
- The regular inter-agency committee and partnership meetings to address anti-social behaviour issues, "hooning" issues and problems resulting from patrons of licensed premises; and
- Participation in "Community Days" as a way of engaging the community and encouraging compliance with the Town's legislation.

The Town was presented with:

- A large perpetual Shield;
 - A Mallee Root clock, listing all the team members (to be retained by the Town);
 - A small trophy shield, listing all members of the team;
 - A Certificate presented to the Town of Vincent, framed in Jarrah; and
-

- Individual certificates for all members of staff, listed on the award.

Congratulations and best wishes to the winning team which consists of the following;

Manager	Jim Maclean
Co-ordinator/Prosecutions Officer	John McGee
Senior Ranger	Peter Cicanese
Rangers:	Simon Giles Dene Lawrence Tim Bryant Frank Lawrence David Boardman Alby Curtis Peter Rhodes Richard Harris Matthew Bowen
Safer Vincent Co-Ordinator:	Michael Wood
Administration Officer:	Sharnelle Beanland
Administration Staff:	Elizabeth Rutherford Maria Anfuso Angie Boyes Lisa Ryan Paul Morrice

7.2 **RANGER OF THE MONTH AWARD FOR THE TOWN OF VINCENT FOR OCTOBER 2007**

As members of the public will know, the Council recognises its employees by giving a monthly award for outstanding service to the Ratepayers and Residents of the Town. The recipients receive a \$100 voucher, kindly donated by the North Perth Community Bank, and a Certificate. Also their photograph is displayed in the Town's Administration Centre Foyer, in the Library and at Beatty Park Leisure Centre.

For October 2007, the award is presented jointly to the Town's Ranger and Community Safety Services Section in recognition for their outstanding achievement in being recognised as the Ranger Team of the Year.

CONGRATULATIONS TO ALL - AND WELL DONE!!

7.3 **PROPOSED LOCAL LAW RELATING TO FENCING**

Pursuant to Section 3.12 - 3.16 of the Local Government Act, the Town of Vincent hereby gives notice that it has carried out a review of its Local Law Relating to Fencing and proposes to adopt a new Local Law Relating to Fencing - Item 10.4.2 on tonight's Agenda.

The purpose of this Local Law is to provide for the regulation, control and management of fences and establish the standard of a "sufficient fence".

It should be noted that this matter was considered at the Ordinary Meeting of Council held on 8 May 2007 and advertised for community consultation. Whilst no public submissions were received, a number of changes have been made to the draft Local Law as recommended by the Town's Solicitors and Department of Local Government.

In accordance with the requirement of the Local Government Act, this Local Law will be re-advertised for public comment.

7.4 URGENT BUSINESS

I have approved of Urgent Business being considered on tonight's Agenda. This matter relates to Item 13.1 - which relates to approval of Deputy Mayor, Cr Steed Farrell, who will deputising me at the Mindarie Regional Council meeting to be held on Thursday, 11 October 2007, as I am unable to attend due to other prior commitments.

7.5 APPRECIATION TO COUNCILLOR TORRE

On behalf of the Council, I wish to express appreciation to Councillor Maddalena Torre for her services to the Town of Vincent as a Councillor over the last four years. Cr Torre has been active in a number of Working Groups, more recently as a member of the Art and Seniors Advisory Groups and also an active participant in the Hawthorn House Community Advisory Committee.

Cr Torre has decided not to renominate and I wish her all the very best for the future.

On behalf of the Council, he presented Cr Torre with a Certificate of Appreciation for her services. (Presented at approx 7.52pm at the conclusion of the Items).

7.6 LEEDERVILLE POLICE STATION

Mayor Catania advised that the lease of the proposed Leederville Police Station on the corner Oxford and Richmond Street would be signed this week.

7.7 Cr IZZI MESSINA - Congratulations

Mayor Catania congratulated Cr Izzi Messina for his engagement to his fiancée Melissa.

8. DECLARATIONS OF INTERESTS

8.1 Mayor Catania declared a financial interest in Item 10.3.2. The Investment report. His interest is that he is Chairman of the North Perth Community Bank, in which the town has investment shares.

8.2 Cr Izzi Messina declared a financial interested in Item 10.3.2. The Investment report. The extent of his interest is that he is a Director and shareholder of the North Perth Community Bank, which the Town has investment shares.

- 8.3 Cr Ian Ker declared a financial interest in Item 10.1.6 relating to 116 West Parade. The extent of his interest is that he is currently undertaking consulting work for the Public Transport Authority of Western Australia.
- 8.4 Cr Sally Lake declared an interest affecting impartiality in Item 10.1.3 relating to Wavertree Place, Leederville, development application. The extent of her interest is that she has an association with the person in the neighbouring property.

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

Nil.

10. REPORTS

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

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

Item 10.1.2, 10.1.6, 10.1.5 and 10.1.3

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

Item 10.4.2 and 13.1

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

10.1.6 and 10.3.2

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

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

Cr Farrell	10.2.1
Cr Chester	10.1.1, 10.1.9, 10.4.3
Cr Doran-Wu	Leave of Absence
Cr Ker	10.1.4, 10.1.10
Cr Lake	Nil
Cr Maier	Nil
Cr Messina	Nil
Cr Torre	Apology at this stage of the meeting.
Mayor Catania	Nil

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

10.5 **Unopposed items which will be moved "en bloc" and the following was advised:**

Items 10.1.7, 10.1.8, 10.1.11, 10.2.2, 10.3.1, 10.3.3, 10.3.4 and 10.4.1

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

14.1

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

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

Items 10.1.7, 10.1.8, 10.1.11, 10.2.2, 10.3.1, 10.3.3, 10.3.4 and 10.4.1

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

Items 10.1.2, 10.1.6, 10.1.5 and 10.1.3

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

Moved Cr Farrell, Seconded Cr Ker

That the following unopposed items be moved en bloc;

Items 10.1.7, 10.1.8, 10.1.11, 10.2.2, 10.3.1, 10.3.3, 10.3.4 and 10.4.1

CARRIED (7-0)

Cr Torre had not arrived at the meeting at this time.

Cr Helen Doran-Wu on approved leave of absence.

10.1.7 No. 742 (Lot 30) Newcastle Street, Leederville – Amended Application for Proposed Ongoing Extended Trading Permit for the Leederville Hotel

Ward:	South	Date:	2 October 2007
Precinct:	Oxford Centre; P4	File Ref:	ENS0053, PRO0630
Attachments:			
Reporting Officer(s):	A Giles		
Checked/Endorsed by:	R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report regarding the amended Extended Trading Permit renewal application, proposing to limit extended trading to Saturday nights from Midnight to 1:00am, at No. 742 (Lot 30) Newcastle Street (Leederville Hotel), Leederville;*
- (ii) *DOES NOT SUPPORT the amended Extended Trading Permit Application for Saturday nights from Midnight to 1:00am, based on the Council Resolution relating to Item 10.1.14 at the Ordinary Meeting of Council held on 14 August 2007, and for the following reasons:*
 - (a) *the amenity, quiet or good order of the neighbourhood of the licensed premises is frequently unduly disturbed by reason of activities occurring at the licensed premises;*
 - (b) *disorderly conduct occurs frequently in the vicinity of the licensed premises on the part of the persons who have resorted to the licensed premises, which is unduly offensive, annoying, disturbing or inconvenient to persons who reside or work in the vicinity; and*
 - (c) *the extension of trading hours is not in keeping with the proposed objectives and future direction of the Leederville Masterplan for the future re-development of the Leederville Town Centre;*
 - (d) *consideration of the objections received from ratepayers in the vicinity of the Leederville Hotel; and*
 - (e) *the formal objection lodged by the WAP – Drug and Alcohol Office;*
- (iii) *NOTES that;*
 - (a) *the Department of Racing, Gaming and Liquor, WA Police and proprietors of the Leederville Hotel, were formally advised of the Town’s objection to the renewal of On-going Extended Trading hours;*
 - (b) *following compilation of the previous report, the Western Australian Police (WAP) – Drug and Alcohol Office, have lodged a formal objection to the renewal of on-going extended trading hours with the Department of Racing, Gaming and Liquor; and*
- (iv) *ADVISES the Department of Racing, Gaming and Liquor, WA Police and the Leederville Hotel proprietor of its decision.*

COUNCIL DECISION ITEM 10.1.7

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED “EN BLOC” (7-0)

Cr Torre had not arrived at the meeting at this time.

Cr Helen Doran-Wu on approved leave of absence.

PURPOSE OF REPORT:

The purpose of this report is to advise the Council that the Leederville Hotel located at No. 742 (Lot 30) Newcastle Street, Leederville has amended its application to the Department of Racing, Gaming and Liquor (DRGL) to renew its existing Extended Trading Permit in relation to Saturday nights from Midnight to 1:00am only.

BACKGROUND:

The Leederville Hotel initially requested renewal of their full existing extended trading hours, and this was reported to the Ordinary Meeting of Council on 14 August 2007. The DRGL was advised of the Council resolution (Item 10.1.14), which is detailed as follows:

“COUNCIL DECISION ITEM 10.1.14

That the Council;

- (i) *RECEIVES the report regarding the Leederville Hotel's Extended Trading Permit Application with an extended trading period proposed for Friday and Saturday nights from Midnight to 1:00am, and Sunday nights from 10:00pm to 11:00pm at No. 742 (Lot 30) Newcastle Street (Leederville Hotel), Leederville;*
 - (ii) *STRONGLY OPPOSES the Extended Trading Permit Application for Friday and Saturday nights from Midnight to 1:00am, as well as Sunday nights between 10:00pm and 11:00pm for the following reasons;*
 - (a) *the amenity, quiet or good order of the neighbourhood of the licensed premises is frequently unduly disturbed by reason of activities occurring at the licensed premises;*
 - (b) *disorderly conduct occurs frequently in the vicinity of the licensed premises on the part of the persons who have resorted to the licensed premises, which is unduly offensive, annoying, disturbing or inconvenient to persons who reside or work in the vicinity; and*
 - (c) *the extension of trading hours is not in keeping with the proposed objectives and future direction of the Leederville Masterplan for the future re-development of the Leederville Town Centre; and*
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- (d) *consideration of the objections received from ratepayers in the vicinity of the Leederville Hotel; and*
- (iii) *ACKNOWLEDGES the Western Australian Police (WAP) objection to the approval of Extended Trading on Sundays between 10:00pm and 11:00pm, on the grounds of low patronage;*
- (iv) *ADVISES the Department of Racing, Gaming and Liquor, WA Police and the Leederville Hotel proprietor of its decision; and*
- (v) *AMENDS Policy No. 4.1.5 - Community Consultation - Guidelines and Policy Procedure:*

"2. *NON-STATUTORY AND GENERAL CONSULTATION /COMMUNICATION"*
- (Page 15 of 63) - to read as follows;

<i>Subject</i>	<i>Legislation</i>	<i>Minimum Requirement</i>	<i>Additional Consultation or Notification</i>
<i>EXTENDED TRADING PERMIT APPLICATIONS – LICENSED PREMISES</i>	<i>Policy HLTH3</i>	<p><i>New Applications: Letter to owner(s) and occupier(s) of residential properties within 200 metres or wherever applicable a specified distance (as determined by the CEO) of the premises. A detailed management plan that addresses the control of noise, traffic, car parking, litter and anti-social behaviour [to reasonable levels] associated with the premises shall be submitted to and approved by the Town).</i></p> <p><i>Renewals: At discretion of Director Development Services, in consultation with Chief Executive Officer.</i></p> <p><i>Due consideration will be given to:</i></p> <ul style="list-style-type: none"> <i>(a) the number of complaints relating to the licensed premises in the preceding twelve (12) months before the application expiry date; and</i> <i>(b) the extent of the area to be the subject of consultation to be determined taking cognisance of (a) above.</i> 	

“

DETAILS:

The owner of the Leederville Hotel (Pent Pty Ltd) submitted an application to the DRGL on 20 September 2007 to amend their previous application for renewal of their Extended Trading Permit (On-going Extension of Hours), in accordance with the *Liquor Control Act 1988*. The DRGL invited comments on 26 September 2007 requesting that any objections or interventions to the proposal be submitted by 10 October 2007; however, this was incorrectly sent to the Town of Cambridge, and subsequently received by the Town on 2 October 2007.

CONSULTATION/ADVERTISING:

The Leederville Hotel in their application to the DRGL identified the need for re-advertising, in accordance with the DRGL Policy. The Town's position has not changed following the resolution of Item 10.1.14 at the Ordinary Meeting of Council held on 14 August 2007, and due to time constraints, the Town is unable to further advertise to surrounding residents. Following advertising conducted prior to the previous report, five (5) objections were received from residents of Carr Place, and Vincent Street, in relation to antisocial behaviour, and noise.

In addition, the WAP – Drug and Alcohol Office have confirmed that subsequent to the previous item reported to the Council, a formal objection to the application for renewal of the Extended Trading Hours has been submitted to the DRGL.

STRATEGIC IMPLICATIONS:

Town of Vincent Strategic Plan 2006 – 2011:

Natural and Built Environment

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

1.1.4 Minimise negative impacts on the community and environment.

LEGAL POLICY:

- Liquor Control Act 1988; and
- Environmental Protection (Noise) Regulations 1997.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Further to the Council decision relating to Item 10.1.14, at the Ordinary Meeting of Council on 14 August 2007, and the formal objection of the WAP – Drug and Alcohol Office, it is recommended that the amended application by Leederville Hotel, for extended hours on Saturday nights between the hours of Midnight and 1.00am, should not be approved.

10.1.8 City of Stirling – Draft Local Commercial Strategy

Ward:	-	Date:	2 October 2007
Precinct:	-	File Ref:	ORG0016
Attachments:	001		
Reporting Officer(s):	B McKean, H Smith		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the letter dated 31 August 2007 and associated documentation from the City of Stirling in relation to the Draft Local Commercial Strategy as ‘Laid on the Table’; and*
- (ii) *ADVISES the City of Stirling as follows:*
 - (a) *that the Council has NO OBJECTION to the Draft Local Commercial Strategy;*
 - (b) *the Town will continue to work in collaboration with the City’s Engineering and Planning Services Sections with respect to the Mount Lawley District Centre; and*
 - (c) *the Town is not convinced that the draft Local Commercial Strategy’s reference to Mount Lawley whereby ‘There is an over provision of shops and that land uses may continue to diversify away from retail’ is appropriate. Accordingly, further discussion with the City in this respect will be carried out to ascertain whether it is purposed to re-order the intention of a District Centre.*

COUNCIL DECISION ITEM 10.1.8

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED “EN BLOC” (7-0)

Cr Torre had not arrived at the meeting at this time.

Cr Helen Doran-Wu on approved leave of absence.

PURPOSE OF REPORT:

The purpose of this report is to outline to the Council the City of Stirling’s draft Local Commercial Strategy. The City of Stirling is seeking comments from relevant stakeholders with the public comment period closing on 15 October 2007.

BACKGROUND:

No specific background relates to the subject referral.

DETAILS:

The Town has received a letter dated 31 August 2007 and associated documentation advising that the City of Stirling seeks the Town's comments on its draft Local Commercial Strategy.

The City of Stirling has prepared the draft Local Commercial Strategy in order to:

- Identify objectives for each commercial centre;
- Provide a base for the planning of these activity nodes;
- Establish policies for retailing in the City of Stirling;
- Apply the State Government's Metropolitan Centres Policy;
- Identify centres requiring specific action;
- Guide investment; and
- Provide Council with a basis of decision making for each centre, addressing matters such as development and rezoning applications and provision of services and facilities.

CONSULTATION/ADVERTISING:

Not required by the Town.

LEGAL/POLICY:

Town Planning Scheme No. 1 and associated Policies.

STRATEGIC IMPLICATIONS:

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

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

Strategic Plan 2006-2011 – Strategic Objectives: Economic Development:

"2.1 Progress economic development with adequate financial resources;

2.1.1 Promote the Town of Vincent as a place for investment appropriate to the vision for the Town;

2.1.2 Develop and promote partnerships and alliances with key stakeholders; and

2.1.3 Promote business development."

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The sections of the draft Local Commercial Strategy that directly affect the Town of Vincent relate to the Mount Lawley District Centre. The Mount Lawley District Centre is split between the City of Stirling and the Town of Vincent at Walcott Street.

The draft City of Stirling Local Commercial Strategy outlines the main issues and constraints for the Mount Lawley District Centre with respect to movement systems and car parking.

The recommended strategies for the Mount Lawley Centre Precinct are set out in the Strategy as follows:

- Co-operative effort between the Town of Vincent and City of Stirling;
 - The 'Beaufort Street Commercial Precinct Design Guidelines' be adopted to guide commercial development in a co-ordinated and consolidated manner, ensuring that problems associated with through-traffic and parking are minimised and the Centre's appearance is improved; and
-

- There is an over provision of shops and that land uses may continue to diversify away from retail.

It is noted that the Town's Technical Services Officers have, and will continue to work in collaboration with the City of Stirling in terms of the Mount Lawley District Centre's traffic congestion and parking difficulties. With respect to the draft Strategy's recommendation for planning of the Mount Lawley Centre, it is noted that no major changes are proposed and that as part of the Town's Town Planning Scheme Review, collaboration with the City's Planning Services will continue to be fostered to ensure a co-ordinated and consolidated approach is taken in the future of the Centre.

With respect to dot point 3 above however, the Town's Officers are not convinced that: *'There is an over provision of shops and that land uses may continue to diversify away from retail'* in Mount Lawley. Accordingly, further discussion with the City in this respect will be carried out to ascertain whether it is purposed to re-order the intention of a District Centre.

The draft Local Commercial Strategy has been initiated in an attempt to foster opportunities for the long term sustainability and enhancement of the existing commercial centres to meet the changing needs of Stirling's community. The draft Local Commercial Strategy is considered generally acceptable, and as such it is recommended that the Council receives the documentation relating to the strategy and advises the City of Stirling that it has no objections to the Draft Local Commercial Strategy and will continue to work in collaboration with the City's Engineering and Planning Services Sections with respect to the Mount Lawley District Centre.

10.1.11 Further Report - Review of Childhood Immunisation Clinics within the Town of Vincent

Ward:	Both	Date:	2 October 2007
Precinct:	All	File Ref:	ENS0025
Attachments:	-		
Reporting Officer:	A Giles		
Checked/Endorsed by:	R Boardman	Amended by:	-

FURTHER OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the further report relating to the review of Childhood Immunisation Services within the Town of Vincent;*
- (ii) *NOTES that;*
 - (a) *whilst the level of service and attendance at the Childhood Immunisation Clinics remain unchanged, the total annual cost of immunisation services by the Town has risen \$24,259 in the past 5 years;*
 - (b) *it is estimated during the 2007/2008 Financial Year, it will cost the Town \$256.85 per child who attends one of the Town's Childhood Immunisation Clinics;*
 - (c) *17 of the 29 (58.7%) metropolitan Local Governments no longer provide immunisation services, due to a range of issues such as: cost shifting, immunisation being the responsibility of the State Government, rising cost factors, liability issues, lack of funding, and occupational safety and health;*
 - (d) *the Department of Health (WA) Central Immunisation Clinic operates from 8.30am – 5.00pm, Monday to Friday, at No. 16 Rheola Street, West Perth, approximately 2 kilometres from the Town's Administration and Civic Centre;*
- (iii) *APPROVES the*
 - (a) *advertising of, and reduction of the Town's Immunisation Service to the two more accessible and better attended clinics, on the first Wednesday of the month effective from 1 November 2007 as follows:*
 - (a) *Mount Hawthorn Child Health Clinic from 8.30am – 10.30am; and*
 - (b) *Highgate Child Health Clinic from 10.45am - 12 noon; and*
 - (b) *prior advertising of, and cessation of the Town's Immunisation Services effective from 31 December 2007.*

COUNCIL DECISION ITEM 10.1.11

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED “EN BLOC” (7-0)

Cr Torre had not arrived at the meeting at this time.

Cr Helen Doran-Wu on approved leave of absence.

FURTHER REPORT:

The Council at its Ordinary Meeting held on 11 September 2007 considered the report relating to Childhood Immunisation, and resolved the following:

“That the item be DEFERRED for further investigation of the matter including accessibility issues identified for various clinics.”

As per the resolution from the Ordinary Meeting of Council held on 11 September 2007, the Town’s Manager Health Services met with Councillor Ker to further discuss the accessibility issues identified.

In light of the accessibility concerns relating to the Loftus Child Health Clinic, it is proposed that the Childhood Immunisation Clinics operate from the Mount Hawthorn and Highgate Clinics only, for the clinics held in November and December 2007. It is proposed, as per the initial Officer Recommendation, that the Town’s Childhood Immunisation Services cease operation effective from 31 December 2007 (due to a variety of issues detailed in the report to the Council at its Ordinary Meeting held on 11 September 2007). During this time, adequate notification will be provided to the attendees of the Clinics and the Child Health Nurses regarding alternative service providers for Immunisation.

Preliminary investigation into General Practitioners (GPs) within the Town, indicated that there are approximately 35 - 40 service providers within the area, with many specialising in languages such as Italian, Chinese, Vietnamese, etc. which are commonly spoken within the Town. The Town contacted the Australian Medical Association in an endeavour to obtain a list of GPs operating within the area, however, this was not available. Subsequently, searches of the Yellow Pages and White Pages were undertaken, and a detailed list will be compiled and made available to all clinic attendees and Child Health Nurses, and placed on the Town’s website, in the event that the ‘Further Officer Recommendation’ is approved.

Whilst many GPs charge a consultation fee for Immunisation services, some GPs do bulk bill their services, and the Central Immunisation Clinic operates free of charge Monday to Friday, 8.30am – 5.00pm. The benefits of children attending their own GP include the invaluable opportunity to obtain advice relating to other potential health issues, which the Town’s Immunisation Service cannot provide. Those children from a non-English speaking background may attend a specialist GP or attend the Central Immunisation Clinic, where there are sufficient resources to ensure that the correct vaccination is provided. The Town’s Childhood Immunisation Clinic is unable to provide for non-English speaking patients, and they are subsequently referred to the Central Immunisation Clinic operated by the Department of Health (WA).

It has been further calculated that just 16.4% of the Town's population under 5 years of age use this service, and that the total attendance figure is boosted by approximately 15% of children who do not reside within the Town's boundaries. It has been further estimated that during the 2007/2008 Financial Year, it will cost the Town \$256.85 per child's attendance at one of the Town's monthly Childhood Immunisation Clinics.

The previous Officer Recommendation has been amended to reflect the changes discussed above.

The following is a verbatim copy of the Minutes of the item placed before the Council at its Ordinary Meeting held on 11 September 2007.

“OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report relating to the review of Childhood Immunisation Services within the Town of Vincent;*
- (ii) *NOTES that;*
 - (a) *whilst the level of service and attendance at the Childhood Immunisation Clinics remain unchanged, the total annual cost of immunisation services by the Town has risen \$24,259 in the past 5 years;*
 - (b) *17 of the 29 (58.7%) metropolitan Local Governments no longer provide immunisation services, due to a range of issues such as: cost shifting, immunisation being the responsibility of the State Government, rising cost factors, liability issues, lack of funding, and occupational safety and health;*
 - (c) *the Department of Health (WA) Central Immunisation Clinic operates from 8.30am – 5.00pm, Monday to Friday, at No. 16 Rheola Street, West Perth, approximately 2 kilometres from the Town's Administration and Civic Centre; and*
- (iii) *APPROVES the;*
 - (a) *advertising of, and reduction of the Town's Immunisation Service to one centrally located clinic at the Loftus Child Health Clinic, on the first Wednesday of the month from 9am – 12 noon, effective from 1 October 2007 until 31 December 2007; and*
 - (b) *prior advertising of, and cessation of all the Town's Immunisation Services effective from 31 December 2007.*

Moved Cr Ker, Seconded Cr Torre

That the recommendation be adopted.

Debate ensued.

Moved Cr Ker, Seconded Cr Torre

That the item be DEFERRED for further investigation of the matter including accessibility issues identified for various clinics.

PROCEDURAL MOTION PUT AND CARRIED (7-1)

For
Mayor Catania
Cr Chester
Cr Doran-Wu
Cr Ker
Cr Lake
Cr Messina
Cr Torre

Against
Cr Maier

Cr Farrell on Approved Leave of Absence.

COUNCIL DECISION ITEM 10.1.13

That the item be DEFERRED for further investigation of the matter including accessibility issues identified for various clinics.

PURPOSE OF REPORT:

The purpose of the report is to provide an overview of the Town's Immunisation Service, and details the short term and long term changes proposed to more effectively and efficiently manage the Town's resources.

DETAILS:

In Western Australia, vaccines are administered by the following service providers: General Practitioners, Department of Health, Community Health, and Local Government. Statistically, General Practitioners are by far the largest provider, are able to offer facilities of a higher standard, and provide parents with the added benefit of discussing other medical issues during the immunisation process.

Currently, the Town provides Childhood Immunisation to an average of 20 - 25 children at the following centres, on the first Wednesday of every month:

- Mount Hawthorn Child Health Clinic, No. 197 Scarborough Beach Road, Mount Hawthorn (1 hour 15 minutes);
- Loftus Child Health Clinic, No. 99 Loftus Street, Leederville (45 minutes);
- Highgate Child Health Clinic, corner Harold and Curtis Streets, Highgate (45 minutes); and
- North Perth Child Health Clinic, No. 20 View Street, North Perth (45 minutes).

The following table details the combined average attendance at the Town's four (4) Child Health Clinics since 2003. The average monthly attendance has remained at similarly low levels since 2003, and it should be noted that of the four clinics attended, only two could be considered 'relatively well attended'.

YEAR	2003	2004	2005	2006	2007 (*estimate)
Average attendance/clinic	21 children	20 children	23 children	25 children	22 children*
Total annual attendance	253 children	235 children	278 children	303 children	264 children*

The resources/staff required to operate the clinics for 5 hours, once per month is detailed as follows: Immunisation Doctor; 2 Customer Service Officers; and 1 Vehicle. An additional 5 –

6 hours of time is required by the Health Services Customer Service Officer to maintain effective record keeping and to keep vaccinations stocked. This is a strain on an increasingly busy part-time position.

Financially, the annual cost of providing Immunisation Services by the Town is as follows:

Financial Year	2002/2003	2003/2004	2004/2005	2005/2006	2006/2007 (*estimate)
Total Cost	\$43,549	\$45,928	\$55,715	\$62,748	\$67,808
Cost per child	\$172.15	\$195.45	\$200.41	\$207.09	\$256.85*

As demonstrated above, whilst average attendance and level of service provision remains unchanged, increases in salaries, and other operating costs have resulted in the total annual cost of operating the service to escalate from \$43,549 to \$67,808 in 5 years. This is an increase of \$24,259 despite the Town's residents receiving no additional services for the rising cost to the Town.

CONSULTATION/ADVERTISING:

Consultation was undertaken with all metropolitan Local Governments, Department of Health, and the Town's Medical Officer of Health.

Of the 29 metropolitan Local Governments surveyed, 12 Local Governments including the Town of Vincent (41.3%) continued to provide a childhood immunisation to residents, with all but one having a larger population base, and the majority being Cities (some of which have a team solely dedicated to immunisation). 17 Local Governments (58.7%) no longer provide an immunisation service, with the majority citing the following as reasons for discontinuing the service: cost shifting/State responsibility, general practitioners are better equipped and are offered significantly greater government funding, liability and occupational health and safety issues.

The following Table details the 12 Local Governments surveyed who provide an Immunisation service at this time:

LOCAL GOVERNMENT AUTHORITY	POPULATION
City of Stirling	183,897
City of Joondalup	157,793
City of Wanneroo	115,136
City of Melville	97,597
LOCAL GOVERNMENT AUTHORITY	POPULATION
City of Gosnells	94,685
City of Bayswater	57,298
City of Armadale	52,879
City of South Perth	38,631
City of Belmont	31,823
Town of Victoria Park	29,391
Town of Vincent	27,062
Town of Mosman Park	8,595

The following 17 Local Government authorities have ceased provision of an Immunisation service: City of Rockingham, City of Cockburn, Shire of Swan, City of Canning, City of Perth, City of Fremantle, Town of Claremont, Shire of Kalamunda, Shire of Mundaring, Town of Cambridge, Town of Kwinana, City of Nedlands, City of Subiaco, Town of Bassendean, Town of Cottesloe, Town of East Fremantle, and the Shire of Peppermint Grove.

The recent survey of other Local Authorities also indicated that the number of clinics provided per capita by the Town (4 clinics, for a population of 27,062) was far in excess of the number provided by larger Cities; for example, City of Stirling operates 8 clinics for a population of 183,897, City of Melville operates two clinics for a population of 97,597, and City of Belmont operates one clinic for a population of 31,832.

The Town's Health Services consulted, and requested comment from Dr Margaret Stevens, Chief Medical Adviser, Department of Health (WA) regarding the proposed review of provision of Childhood Immunisation Services within the Town. The Town wrote to Dr Stevens as follows:

"It is advised that the Town of Vincent is currently reviewing the provision of Childhood Immunisation, with a view to ceasing Childhood Immunisation Clinics as of 31 December 2007.

Currently, the Town provides Childhood Immunisation to approximately 25 children at the following centres, on the first Wednesday of every month:

- Mount Hawthorn Child Health Clinic, No. 197 Scarborough Beach Road, Mount Hawthorn (1 hour 15 minutes);*
- Loftus Child Health Clinic, No. 99 Loftus Street, Leederville (45 minutes);*
- Highgate Child Health Clinic, Corner Harold and Curtis Streets, Highgate (45 minutes);*
- North Perth Child Health Clinic, No. 20 View Street, North Perth (45 minutes).*

With the Central Immunisation Clinic located in close proximity to the Town, and numerous General Practitioners in the area, it is proposed that the Town's resources be re-directed to other local Public Health priorities. The facilities provided are not of the standard that is provided by medical practitioners, and the Town's service does not provide the parent with the ability to discuss other medical issues during the immunisation process. The Town ceased the School Immunisation programme some years ago, again due to resourcing and cost factors.

Reasons behind the proposed cessation of services include:

- Escalating costs, and the increasing need to justify services;*
- Unnecessary duplication of state government and private sector services;*
- Ever increasing cost shifting from state to local government, resulting in the constant need to rationalise services;*
- Liability issues;*
- Occupational Safety and Health concerns;*
- Expanding vaccine schedules placing time constraints on the Immunisation Team;*
- Ageing clinics which do not provide adequate area for task separation; and*
- Close proximity to Central Immunisation Clinic (Rheola Street, West Perth).*

The Town proposes to implement a phasing-out approach to ceasing the service, to allow adequate notice to be given to service users. As of 1 October 2007, it is proposed that the service will operate solely from the Loftus Child Health Clinic, between 9am – 12.00pm on the first Wednesday of the month, until 31 December 2007 when the service will cease altogether.

The Town's Health Services invites you to comment on the matter by 14 August 2007, as the matter is due to be reported to Council for their consideration on 28 August 2007."

The response received from Dr Tania Wallace, Medical Co-ordinator, Prevention and Control Program, Department of Health, is detailed as follows:

“Thank you for your letter advising us that you will be ceasing Childhood Immunisation Clinics at the end of December 2007.

We will pass this information onto the North Metropolitan Area Health Service. We would like to thank you for your valuable contribution to the Immunisation Program for Western Australia.”

In addition, the Town’s Medical Officer of Health has been consulted regarding the proposed changes and the current challenges impacting on the Immunisation team. The Medical Officer of Health expressed concern that many of the Town’s clinics are inadequately set up to allow for adequate task separation for vaccinations. Only two of the four clinics are suitably set out to allow for adequate staff separation, these being the Loftus and Mount Hawthorn Child Health Clinics.

Concern was also raised that the “cold chain”, required to maintain vaccines at an appropriate temperature, is difficult to achieve with the frequent packing and unpacking of the vaccines, and the increase in vaccinations on the National Immunisation Schedule. This is also resulting in occupational safety and health issues, and the team are required to carry heavier, more bulky equipment from clinic to clinic. The proposed interim measure of reducing the clinic to one central location from October 2007, will effectively manage the issues raised by the Medical Officer of Health relating to maintenance of the cold chain and manual handling.

Should the Council support the Officer Recommendation, the changes will be advertised at all four of the Town’s Child Health Centres, Library, Administration and Civic Centre. In addition, the Town’s Immunisation Doctor, Department of Health, North Metropolitan Area Health Service, and all Child Health Nurses will be formally advised in writing of the changes.

LEGAL/POLICY:

In accordance with the Health Act 1911, there is no obligation for Local Government to provide immunisation services. Local Government must appoint a Medical Officer of Health, in accordance with section 27, and may choose to undertake immunisation, and to provide buildings pursuant to the provisions of sections 330a, 330b and 340 of the Health Act 1911, and the Health (Immunisation by Local Authorities) Regulations.

The Medical Officer of Health will remain employed on a contract basis, and will continue to undertake the annual staff influenza vaccinations, and any other duties required of the position. Child Health facilities are provided and maintained by the Town for the predominant use of Child Health Nurses, from the North Metropolitan Area Health Services.

The Local Government Act 1995 does not specify that a Local Government is to provide immunisation services; however, does place obligations on Local Government to ensure good local governance, integration and co-ordination with Federal and State services and facilities, and ensuring that services and facilities provided are managed efficiently and effectively.

STRATEGIC IMPLICATIONS:

Strategic Plan 2006-2011 - 'Leadership, Governance and Management':

4.1.5 Plan effectively for the future.

4.2.1 Provide quality services with the best use of resources.

FINANCIAL/BUDGET IMPLICATIONS:

As previously advised, the total increase in expenditure from 2002/2003 to 2006/2007 Financial Years has increased from \$43,549 to \$67,808. This is an increase of \$24,259 (well in excess of the Consumer Price Index), which can only be attributed to rising operating costs and salary increases, as there has been no increase in attendance, and no increase in service provision. It is recommended that the Immunisation service be scaled back initially to one central location at the beginning of October 2007, and that the clinics cease operating at the end of December 2007.

Immunisation remains the responsibility of State Government, and with increasing cost shifting to Local Government, it is deemed appropriate that the resources are directed toward other important public health initiatives which will benefit the community more widely.

In addition, it is noted that General Practitioners are eligible to collect a rebate of \$18.50 per completed vaccination schedule. In comparison, Local Governments are entitled to a rebate of \$6 per immunisation encounter, which results in an average income of just \$1,656 per financial year (that is, \$6 x 276 children who have completed their vaccination schedule per financial year).

There is a trend in Local Government to withdraw from Immunisation, as it is not a “value for money” service for residents, and the focus of the Federal Government is directed toward General Practitioners as the major service providers. In addition, it is noted that residents from the Cities of Stirling and Perth utilise the Town’s service; however, they do not make up the bulk of the attendees.

With \$62,332 budgeted for the 2007/2008 Financial Year, it is anticipated that there will be a saving of around \$35,000 should the Officer Recommendation be approved.

COMMENTS:

It is recommended that the Officer Recommendation be adopted by the Council, for the reasons outlined in the report above, which include;

- Escalating costs;*
 - Limited funding from Federal and State Government (particularly when compared to incentives offered to General Practitioners;*
 - Unnecessary duplication of State Government and private sector services;*
 - Ever increasing cost shifting from State to Local Government;*
 - The need to rationalise services;*
 - Liability issues;*
 - Occupational Safety and Health concerns;*
 - Expanding vaccine schedules placing time constraints on the Immunisation Team;*
 - Lack of opportunity for parents to discuss other child health concerns;*
 - Ageing clinics which do not provide adequate area for task separation;*
 - Close proximity to Central Immunisation Clinic (Rheola Street, West Perth); and*
 - Increased opportunity/resources for the Town to reallocate to other initiatives which will benefit the Town’s residents more effectively”.*
-

10.2.2 Proposed Return of the Perth Criterium Cycling Event to Leederville

Ward:	South	Date:	28 September 2007
Precinct:	Oxford Centre, P4	File Ref:	TES0172 & CMS0033
Attachments:	001		
Reporting Officer(s):	A Munyard, R Lotznicker		
Checked/Endorsed by:		Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the proposed return of the Perth Criterium Cycling Event to Leederville;*
- (ii) *APPROVES the Town's hosting the final event in the Perth Criteium Series, proposed to be held on Monday, 28 January 2008, subject to additional detailed information regarding the proposal being received by the Town from the organisers "Trievents";*
- (iii) *NOTES that no funds have been allocated in the 2007/2008 budget for this event;*
- (iv) *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, for implementing traffic management (refer proposed possible road closure plan A4-2210-CP-1) should the event proceed;and*
- (v) *ADVISES the organisers of the Perth Criteriums "Trievents" of its decision.*

COUNCIL DECISION ITEM 10.2.2

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED "EN BLOC" (7-0)

Cr Torre had not arrived at the meeting at this time.

Cr Helen Doran-Wu on approved leave of absence.

PURPOSE OF REPORT:

The purpose of this report is to seek the Council's approval for the Town hosting the final race of the Perth Criterium cycle racing event in Leederville on Monday, 28 January 2008.

BACKGROUND:

For the nine (9) years prior to 2005, the Town hosted a leg of the Perth Criterium Series, with the Leederville leg being the only race to be held every year in which the series was run.

In anticipation of hosting the "2005 World Criterium Championships", the smaller Criterium series was cancelled for the following year (2005). Unfortunately the larger event did not eventuate, and the series has not taken place since that time. Perth Criteriums Series Pty Ltd advised they would keep the Town informed about any proposed future events that may take place.

At the Ordinary Meeting of Council held on 14 September 2004, the Council decided the following:

"That the Council;

- (i) RECEIVES the report on the cancellation of the 2004/05 Perth Criterium Cycling Series;*
- (ii) CONSIDERS carrying forward the allocated sponsorship funding of \$9,000 to the 2005/06 financial year on the understanding the Perth Criterium Cycling Series will resume in 2005/06;*
- (iii) ADVISE the organisers that if the proposed major new tour event eventuates to complement or replace the Perth Criterium Cycling Series, that the Town requests the first right of refusal to stage an event in Leederville; and*
- (iv) RECEIVES a further report if and when the new series is announced."*

DETAILS:

Criterium racing is the most exciting version of road racing in cycling competition. It involves high speed around a tight and intimate circuit, meaning that spectators can be very close to the action and watch what is happening every time the riders pass by.

New proposal

The Town has been approached by "Trievents" who are event organisers working to bring the Perth Criteriums back onto Perth's sporting calendar. With the support of Cycling Western Australia, they wish to hold four (4) races on the Australia day long weekend:

- Race One (1) is proposed to take place on Friday 25 January 2008, and will be hosted by the City of Joondalup.
- Race two (2) on Saturday 26 January, will be hosted by the City of Perth.
- Race three (3) will be held on Sunday 27 January, hosted by the Town of Victoria Park.

Final race

Trievents propose holding the final race, and presentations and celebrations in what they refer to as "cycling Central" - Leederville.

They now seek the Council's approval for the event being held in the Oxford Centre Precinct, with the details of the final route to be finalised after negotiation with the Town. They also request that the Town provide traffic management for the event.

Should the Council approve "Trievents" request, a further report will be presented to the Council once the details have been finalised.

CONSULTATION/ADVERTISING:

Not applicable at this stage

LEGAL/POLICY:

The Town is responsible to ensure that road closures undertaken within its boundaries are in accordance with the relevant Australian Standards and Main Roads WA Code of Practice and, therefore, only suitably qualified and Main Roads WA accredited Traffic Management Contactors will be invited to tender for the road closure contract.

STRATEGIC IMPLICATIONS:

In accordance with the objective of Strategic Plan 2006-2011 – 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..*”

FINANCIAL/BUDGET IMPLICATIONS:

In previous years the Council has allocated funds for this event. There are no funds allocated on the 2007/2008 budget.

COMMENTS:

The series has been a great success in previous years. It is recommended that the Council approve the proposal, authorises the Chief Executive Officer to negotiate the Terms and Conditions for approval and receives a further report once further details have been received.

"That the Council;

- (i) *RECEIVES the report on the cancellation of the 2004/05 Perth Criterium Cycling Series;*
- (ii) *CONSIDERS carrying forward the allocated sponsorship funding of \$9,000 to the 2005/06 financial year on the understanding the Perth Criterium Cycling Series will resume in 2005/06;*
- (iii) *ADVISE the organisers that if the proposed major new tour event eventuates to complement or replace the Perth Criterium Cycling Series, that the Town requests the first right of refusal to stage an event in Leederville; and*
- (iv) *RECEIVES a further report if and when the new series is announced."*

DETAILS:

Criterium racing is the most exciting version of road racing in cycling competition. It involves high speed around a tight and intimate circuit, meaning that spectators can be very close to the action and watch what is happening every time the riders pass by.

New proposal

The Town has been approached by "Trievents" who are event organisers working to bring the Perth Criteriums back onto Perth's sporting calendar. With the support of Cycling Western Australia, they wish to hold four (4) races on the Australia day long weekend:

- Race One (1) is proposed to take place on Friday 25 January 2008, and will be hosted by the City of Joondalup.
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- Race three (3) will be held on Sunday 27 January, hosted by the Town of Victoria Park.

Final race

Trievents propose holding the final race, and presentations and celebrations in what they refer to as "cycling Central" - Leederville.

They now seek the Council's approval for the event being held in the Oxford Centre Precinct, with the details of the final route to be finalised after negotiation with the Town. They also request that the Town provide traffic management for the event.

Should the Council approve "Trievents" request, a further report will be presented to the Council once the details have been finalised.

CONSULTATION/ADVERTISING:

Not applicable at this stage

LEGAL/POLICY:

The Town is responsible to ensure that road closures undertaken within its boundaries are in accordance with the relevant Australian Standards and Main Roads WA Code of Practice and, therefore, only suitably qualified and Main Roads WA accredited Traffic Management Contactors will be invited to tender for the road closure contract.

STRATEGIC IMPLICATIONS:

In accordance with the objective of Strategic Plan 2006-2011 – 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..”*

FINANCIAL/BUDGET IMPLICATIONS:

In previous years the Council has allocated funds for this event. There are no funds allocated on the 2007/2008 budget.

COMMENTS:

The series has been a great success in previous years. It is recommended that the Council approve the proposal, authorises the Chief Executive Officer to negotiate the Terms and Conditions for approval and receives a further report once further details have been received.

10.3.1 Financial Statements as at 31 August 2007

Ward:	Both	Date:	28 September 2007
Precinct:	All	File Ref:	FIN0026
Attachments:	001		
Reporting Officer(s):	B C Tan		
Checked/Endorsed by:	M Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That the Council RECEIVES the Financial Reports for the year ended 31 August 2007 as shown in Appendix 10.3.1.

COUNCIL DECISION ITEM 10.3.1

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED “EN BLOC” (7-0)

Cr Torre had not arrived at the meeting at this time.

Cr Helen Doran-Wu on approved leave of absence.

PURPOSE OF REPORT:

The purpose of this report is to present the financial statements for the month ended 31 August 2007.

BACKGROUND:

The Local Government Act and Local Government (Financial Management) Regulations 1996 require monthly reports and quarterly financial reports to be submitted to Council. The Financial Statements attached are for the month ended 31 August 2007.

DETAILS:

The Financial Statements comprise:

- Operating Statement
 - Summary of Programmes/Activities
 - Capital Works Schedule
 - Balance Sheet (Statement of Financial position) and Statement of Changes in Equity
 - Reserve Schedule
 - Debtor Report
 - Rate Report
 - Beatty Park Report – Financial Position
 - Statement of Financial Activity
-

- Net Current Asset Position
- Variance Comment Report

Operating Statement and Detailed Summary of Programmes/Activities

The Operating Statement shows revenue and expenditure by Programme whereas the Summary of Programmes/Activities provides detail to Programme/Sub Programme level. Both reports compare actual results for the period with the Budget. The Operating Statement and the Summary of the Programmes Activities reports are in a new format providing a comparison between the year to date actual revenue and expenditure with the year to date budget.

The statements place emphasis on results from operating activity rather than construction of infrastructure or purchase of capital items and principally aim to report the change in net assets resulting from operations.

Operating Revenue

Operating revenue is currently 1% over the year to date budget for the month ending 31 August 2007.

General Purpose Funding (Page 1)

General Purpose Funding is showing 1% over the budget.

Governance (Page 2)

Governance is showing 73% over budget.

Law Order & Public Safety (Page 3)

Revenue of Law Order & Public Safety is 38 % under budget.

Health (Page 4)

Health is showing 89%, of the budget this is due to 310 Health Licences being issued for Lodging Houses, Eating Houses and Alfresco dining.

Education & Welfare (Page 5)

Education and Welfare is now showing 3% over budget.

Community Amenities (Page 6)

Community Amenities is 15 % below the year to date budget. There were 151 planning applications being processed to date.

Recreation & Culture (Page 9)

The total revenue for Recreation and Culture is currently 2% below the revenue budget. Beatty Park Leisure Centre revenue is 10 % of the total Recreation and Culture revenue budget and performing with the centre year to date revenue of 86%.

Economic Services (Page 12)

Economic Services is 96% over budget due to the increase number of building licences (153) issued compared to last year 114 licences.

Other Property & Services (Page 13)

The total revenue for Other Property & Services is 181% over the budget due to the advertising rebate received and allocated and other revenue received for the depot.

Operating Expenditure

Operating expenditure for the month is 92% of the year to date budget for the month ending August 2007.

Capital Expenditure Summary (Pages 17 to 23)

The Capital Expenditure summary details projects included in the 2007/08 budget and reports the original budget and compares actual expenditure to date against these. Capital works show total expenditure including commitment for year amount of \$3,621,563 which is 15 % of the budget of \$24,362,667.

	Budget	Actual to Date	%
Furniture & Equipment	538,150	24,645	5%
Plant & Equipment	1,487,450	102,399	7%
Land & Building	12,403,039	2,452,263	20%
Infrastructure	9,934,028	1,042,255	10%
Total	24,362,667	3,621,563	15%

**Balance Sheet (Statement of Financial Position) and
Statement of Changes in Equity (Pages 24 & 25)**

The statement shows the current assets of \$37,867,562 and non current assets of \$122,941,033 for total assets of \$160,808,594.

The current liabilities amount to \$5,117,938 and non current liabilities of \$15,705,878 for the total liabilities of \$20,823,816. The net asset of the Town or Equity is \$139,984,778.

Restricted Cash Reserves (Page 26)

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

Debtors and Rates Financial Summary**General Debtors (Page 27)**

Other Sundry Debtors are raised from time to time as services are provided or debts incurred. Late payment interest of 11% per annum may be charged on overdue accounts.

Sundry Debtors of \$462,309 is outstanding at the end of August 2007. Of the total debt \$38,381 (8%) relates to debts outstanding for over 60 days. The Debtor Report identifies significant balances that are well overdue. There were 4 debts over \$500 exceeding 60 days as at 31 August 2007.

Finance has been following up with debt recovery by issuing reminder when it is overdue.

Rate Debtors (Page 28)

The notices for rates and charges levied for 2007/08 were issued on the 6 August 2007.

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

First Instalment	10 September 2007
Second Instalment	12 November 2007
Third Instalment	14 January 2008
Fourth Instalment	17 March 2008

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

Instalment Administration Charge	\$4.00
(to apply to second, third, and fourth instalment)	
Instalment Interest Rate	5.5% per annum
Late Payment Penalty Interest	11% per annum

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

Rates outstanding are \$12,648,305 which represents 74% of the outstanding collectable income compared to last year 64%. The difference in the outstanding debt was partly due to the issue of additional boundary rates assessments in August 2007.

Beatty Park – Financial Position Report (Page 29)

As at 31 August 2007 the operating deficit for the Centre was \$162,828 in comparison to the annual deficit of \$478,265.

The cash position showed a current cash deficit of \$101,723 in comparison annual budget estimate of a cash surplus of \$26,320. The cash position is calculated by adding back depreciation to the operating position.

Statement of Financial Activity (Page 30)

The closing surplus carry forward for the year to date 31 August 2007 was \$23,024,900.

Net Current Asset Position (Page 31)

The net current asset position is \$23,024,900.

Variance comment Report (Pages 32 to 35)

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

10.3.3 Community Sporting and Recreation Facility Fund and Lease Extension – North Perth Tennis Club

Ward:	North	Date:	25 September 2007
Precinct:	North Perth	File Ref:	FIN0074 / RES0006
Attachments:			
Reporting Officer(s):	J. Bennett		
Checked/Endorsed by:	J.Anthony/ M Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *ENDORSES the following application in support of the Community Sport and Recreation Facility Fund (CSRFF), prior to lodgement with the Department of Sport and Recreation, on the condition that the Department of Sport and Recreation support this application through the CSRFF program;*

- (ii) *APPROVES the application listed in the following order of priority:*

<i>Rating</i>	<i>Rationale</i>	<i>Applicant</i>	<i>Recommended Council contribution</i>
<i>B</i>	<i>Well planned and needed by applicant</i>	<i>North Perth Tennis Club</i>	<i>\$55,434</i>

- (iii) *APPROVES a lease extension of five (5) years to 31 March 2016 to the North Perth Tennis Club for the lease of the North Perth Tennis Facilities located at Woodville Reserve on Farmer Street and comprised of a Portion of Swan Location 653 and being Lots 10, 11 and 12 on Plan 1306 and Swan Location 2545, Part of A Class Reserve 12965, subject to:*

- (a) *the North Perth Tennis Club being successful with a loan application for the construction of two (2) synthetic tennis courts from Tennis West; and*

- (iv) *NOTES that the approval of the application is subject to the following:*

- a) *the North Perth Tennis Club arranging the loan funding for their share of the project; and*
- b) *the North Perth Tennis Club entering a lease agreement with a sinking fund clause for contribution towards future court replacement.*

COUNCIL DECISION ITEM 10.3.3

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED “EN BLOC” (7-0)

Cr Torre had not arrived at the meeting at this time.

Cr Helen Doran-Wu on approved leave of absence.

PURPOSE OF REPORT:

The purpose of this report is to obtain the Council's approval to endorse the CSRFF application for the development of the North Perth Tennis Club within the Town of Vincent and approve of a lease extension by five (5) years.

BACKGROUND:

The purpose of the Community Sport and Recreation Facility Fund is to help the Western Australian Government provide assistance to community groups and local government authorities to develop well-planned facilities for sport and recreation. The types of projects that will be considered for funding include the construction of new facilities and upgrading, modification or additions to existing facilities to better suit community needs and provide greater opportunities for participation.

In July 2007 the Community Sporting and Recreation Facilities Fund (CSRFF) grant applications were advertised in the newspaper and application forms were available from local authorities and the Department of Sport and Recreation web site. CSRFF applications had to be submitted to the Town of Vincent by 5.00pm Friday 7 September 2007. At the close of submissions one (1) was received at the Town from the North Perth Tennis Club.

Applications must be lodged at the Department of Sport and Recreation no later than 4pm, Wednesday 31 October 2007.

The maximum grant funded by the Department of Sport and Recreation will be no greater than one-third of the total cost of a project. The grant must be at least matched by the applicant's own cash contribution.

The role of local government in the CSRFF Grant process has increased significantly with the level of sophistication required from the Department of Sport and Recreation in their applications. The impact of this is that for funding submissions to be successful forward recreation planning and community and stakeholder consultation needs to be conducted and underpin any application. Where there is insufficient consultation it is the preference to put in place a strategy for reviewing and upgrading facilities over a period of time to allow for the projects to be adequately planned and delivered.

DETAILS:

NORTH PERTH TENNIS CLUB

Proposed Project

Installation and lighting of two hard court tennis courts.

Total Cost

\$166,303(exclusive of GST)

Amount sought from Council

\$55,434 (exclusive of GST)

Background

North Perth Tennis Club is situated in Farmer Street, North Perth, on land adjoining Woodville Reserve. It has six grass courts and has a long history (93 years) of providing tennis facilities to the community. The Club currently has 82 members including 31 being Town residents, as well as casual users including nearby residents and the general public. The club caters for a range of players from social to competitive.

This project would involve the installation of two hard courts and eight lights for day and night time tennis. The introduction of hard courts will support the current level of tennis undertaken and will provide a high quality playing surface to attract new members and ensure that the courts are utilised by a maximum number of players. It is envisaged that this would also provide the opportunity to initiate a junior tennis program and support has been given for this from North Perth Primary School.

The Tennis Club currently has a 5 year lease until 31 March 2011, this would need to be renewed to ensure value in the project proceeding.

At the Ordinary Meeting of Council on 11 October 2005, in principle support was given for a similar project by North Perth Tennis Club, however the Club was unable to secure the loan funds needed and had to withdraw from the project. The CSRFF application was withdrawn as a result.

The Club is in the process of seeking a facility loan from Tennis Australia for the sum of \$44,000 for the balance of the Club's share of the funding. The success of this project is dependent upon these funds forthcoming. It is recommended that Council support is conditional upon these funds being secured.

The North Perth Tennis Club is planning to develop the western end of the North Perth Tennis Club grounds by constructing two (2) hard courts with eight (8) lights so that tennis can be played all year round during the evening. This project is to be funded by a CSRFF grant application from the Department of Sport and Recreation together with funds from the Club and the Town of Vincent. This matter is the subject of a separate agenda item. The tennis club has applied for an eight (8) year loan for \$44, 000 from Tennis West. A condition of the loan is that if the premises utilised by the club is leased, the lease must be for two (2) years longer than the loan period. This requires the tennis club to have a ten (10) year lease over the premises. The North Perth Tennis Club has a five (5) year lease over the tennis facilities for the period 1 April 2006 until 31 March 2011.

It should be noted that the resurfacing of tennis courts has been identified as a low priority within the Department of Sport and Recreation.

Project Rating

This project is identified as 'Well planned and needed by applicant' rating it a B.

Recommendation to Department of Sport and Recreation

The Town's contribution towards the project is supported in principle and it is recommended that the Town support this application with the provision of \$55,434 for the installation, surfacing and lighting of two hard courts. The support will be provisional upon the North Perth Tennis Club entering into a lease agreement with financial contributions in line with other Tennis Clubs within the Town of Vincent including a sinking fund for future court replacement.

CONSULTATION/ADVERTISING:

The installation of lighting and expansion to night tennis is a significant change to the operation of the North Perth Tennis Club. It is recommended that on approval of funding from the Department of Sport and Recreation that community consultation is undertaken with nearby residents and users of the Woodville recreation area.

LEGAL/POLICY:

Policy No. 1.2.1

1. *Any new lease granted by the Council shall usually be limited to a five year period, and any option to renew shall usually be limited to no more than a ten year period.*
2. *Council may consider longer periods where the Council is of the opinion that there is benefit or merit for providing a longer lease term.*

STRATEGIC IMPLICATIONS:

The support of CSRFF grants is in keeping with the Town's Strategic Plan 2006-2011:
Key Result Area 1.1.6

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

"Objective 3.1 Enhance community development and wellbeing

3.1.3 Determine the requirements of the community

- (a) *Determine the requirements of the community and ensure that the services provided meet those needs.*

FINANCIAL/BUDGET IMPLICATIONS:

Recommended funding for the projects will be listed for consideration in the 2008/2009 Draft Budget.

The Club currently pays \$695 in annual lease fees.

COMMENTS:

The Town's endorsement of the above CSRFF application is dependent on the support of this application through the CSRFF program by the Department of Sport and Recreation.

Following the Council's consideration of this project, the completed application will be forwarded to the Department of Sport and Recreation for their consideration. The Town of Vincent will be notified in February 2008 of the project's success or failure to receive State funding. Grant monies will be made available from July 2008.

10.3.4 Art Exhibition and Acquisitions 2007

Ward:	Both	Date:	2 October 2007
Precinct:	All	File Ref:	CVC0016
Attachments:			
Reporting Officer(s):	R Gunning		
Checked/Endorsed by:	J.Anthony / M Rootsey	Amended by:	John Giorgi

OFFICER RECOMMENDATION:

That the Council;

- (i) RECEIVES the report on the 2007 Art Award;*
- (ii) APPROVES the purchase of artworks as detailed in this report; and*
- (iii) AUTHORISES;*
 - (a) the commissioning of a drawing of the Town of Vincent; and*
 - (b) the Chief Executive Officer to investigate an alternative venue for the 2008 Exhibition.*

COUNCIL DECISION ITEM 10.3.4

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED “EN BLOC” (7-0)

Cr Torre had not arrived at the meeting at this time.

Cr Helen Doran-Wu on approved leave of absence.

PURPOSE OF REPORT:

The purpose of the report is to report on the 2007 Art Award and seek approval for the purchase of artworks and the commissioning of a drawing by a leading Western Australian artist of the Town of Vincent.

BACKGROUND:

The Town of Vincent Art Award is an annual art exhibition held at the Town's Administration and Civic Centre that is open to all artists and as such serves an important role in exhibiting emerging artists as well as more established practitioners. Since its inception the Award has steadily grown in reputation to be seen as one of the major art awards on Perth's Arts calendar.

The Town also purchases artwork from the exhibition for the Town's collection, for which there is a separate budget.

DETAILS:

The Town of Vincent Annual Art Exhibition 2007 was held from 4 August to 12 August 2007. A total of 275 entries were registered, of which twenty three artworks were not delivered and another three works were rejected on the grounds of being over the size limit. A total of 249 works consisting of paintings, prints, photographs, mixed media and sculptures were displayed, this was forty (40) more than last year.

A total of 800 people viewed the exhibition.

The Art Awards were presented on the Friday 3 August 2007 and the winners are listed below.

Vincent Prize (\$6,000 acquisitive prize)		
David Small	'Paddock'	Charcoal on paper

Vincent Awards (with a pool of \$3,000 to be awarded at the judges' discretion)		
Felicity Sivewright \$2000	'Ascension'	Acrylic
Annette Orr \$500	'You Are Here'	Oil
Denise Pepper and Peter Reynolds \$500	'Dasycladales'	Glass and steel

Vincent Ceramic Sculpture Award (\$ 500 non-acquisitive)		
Robin Varpins	'Tumbling'	Ceramic

Vincent Voice Recognition Award (\$ 500 non-acquisitive)		
Alaric Hayes	'Leederville Vista'	Oil

The Hon. Julie Bishop MP Member For Curtin Award of Recommendation (\$ 200 non-acquisitive)		
Allison Sylvestre	'In Each Other's Space'	Oil

John Hyde MLA Award (\$300 non-acquisitive)		
Steven Grey	'Which Sea Would That be'	Acrylic

The judging panel consisted of members of the Art Advisory Group; Cr Izzi Messina, and community representatives Anna Ciffolilli, Helen Pemberton and Vincent Sammut as well as an external judge, Jenepher Duncan, Curator of Contemporary Art, Art Gallery of Western Australia. The following purchases are recommended for the Town's Art collection:

PURCHASES BY THE TOWN OF VINCENT			
ARTIST	TITLE	MEDIUM	PRICE
John Ainsworth	'Along Old Lines'	Watercolour	\$1,375.00
Alaric Hayes	'Leederville Vista'	Oil	\$850.00
Alicia Rosam	'Dreaming Of'	Acrylic	\$600.00

Following the Awards a feedback survey was sent out to the exhibiting artists, 58 replied. To the question 'How you would rate the organisation of the event', ranging from 1 to 5, five being well organised and one being disorganised, the following results were recorded;

65.5% 5 (Well organised)

29.3% 4
5.1 3(Average)
0 % 2
0% 1(Disorganised)

In reply to what artists liked best about the Awards the response was, diverse however the most frequent replies were as follows;

Presentation of exhibition
Opening night
Efficient staff and organisation of the awards
Venue
Opportunity to exhibit and sell work.
Prizes

In response to what the artists disliked about the Awards, the answers were even more diverse however the most frequent replies were as follows;

Short time span of the exhibition
The venue too small for the amount of work.
The Judges choices
Entry fee too high

Beyond these issues no two responses were the same.

To the question of how the event can be improved, the only responses with more than one comparable reply was the suggestions of a larger venue, longer display time and the idea that part of the proceeds could go to charity.

The feedback sheet also asked if the artists had any suggestions for increasing sales during the exhibition the most frequent response was for more promotion of the exhibition, with a particular emphasis on targeting an art buying audience.

The Curators' Report

The Curator, Richie Kuhaupt stated in his report the exhibition ran smoothly with every part of the procedure running as planned. The Curator noted that the smaller size limit imposed this year proved to be successful; allowing for more work to be hung while retaining a high standard of presentation. The Curator made several suggestions related to the booking in procedure and the inclusion of a comment book for visitors.

Drawing commission

An annual budget of \$7000 is allocated by the Town for the purchase of artwork for the Town's collection. Presently this money is solely spent on the acquisition of art work from the annual art awards.

The amount of money spent from this budget has been up to the recommendation of the Art Advisory group and is dependent on the merit of the art available and the appropriateness of this work for the collection. In the past several years, a significant amount of this annual budget has not been spent. It is recommended that part of this year's unspent money be used to commission a leading Western Australian artist to execute a drawing of the Town of Vincent. The resulting drawing would then become a permanent part of the Town of Vincent's art collection.

Such a commission would be an effective way of maintaining the high artistic quality of the collection by the inclusion of a work by an artist accepted as a leading exponent in his or her field. The commission would also ensure the historic value of the collection not only by the addition of a significant artist but by virtue of the fact that the work would record an aspect of the town at a particular time and place.

The Art Advisory Group would be asked to create a list of leading Western Australian Artists based on advice from the Art Gallery of Western Australia and Artsource (a government funded organisation committed to the promotion of Western Australian Artists). From this list an artist would be recommended and referred to Council for approval. The artist would then be commissioned. The Town would frame the work in museum standard archival framing, catalogue and enter the drawing into the collection.

CONSULTATION/ADVERTISING:

Advertising consisted of two phases. First, in order to attract entries, a brochure was published and distributed to community centres, libraries, arts centres throughout the State. Display advertisements were placed in the Perth art magazine, The Artist's Chronicle, the local newspaper, The Perth Voice. Line ads, which continue to be the most effective, were placed in the Arts Directory of The West Australian. The brochure, which included the entry form was also available from the Town's website and was distributed in electronic form through Artsource (formally the Artists Foundation of WA) mailing list as well as the Department of Culture and the Arts mailing list.

The second phase consisted of advertising the exhibition to attract viewers and buyers. Display ads were placed in The Perth Voice and line ads in the West Australian's Arts Directory. Two sets of four feather banners were displayed, one on the north side of the Vincent Street, towards the corner of Loftus Street the other on the medium strip on Loftus Street towards the corner of Vincent Street. One hundred A3 posters were printed and displayed throughout the metropolitan area. A separate postcard invitation was posted to potential buyers alerting them to the exhibition and inviting them to a special viewing with a floor talk given by the Arts Officer.

LEGAL/POLICY:

Nil

STRATEGIC IMPLICATIONS:

Key Result Area 2.1 - Celebrate and acknowledge the Town's cultural diversity, of the Town's of the Town's Strategic Plan 2005-2010 is applicable to this project.

FINANCIAL/BUDGET IMPLICATIONS:

Twenty eight works (28) were sold to private buyers, this compares to twenty seven (27) sales last year.

The private sales totalled to \$16,540 (as compared to \$13,904 last year) with the Town receiving \$ 4,135 in commission.

The acquisition budget is currently \$7,000; this would not need to be altered to incorporate the proposed drawing commission.

COMMENTS:

The continued growth in sales would suggest the strategies implemented in the last two years have been effective. These included new promotional banners and posters as well as deliberately courting art buyers by holding a special viewing and floor talk.

The commissioning of a drawing of the Town of Vincent by a leading Western Australian Artists is an ideal opportunity to not only add to the high standard of the collection as well as make the collection distinctive by including works depicting land marks of the Town. Recommendations in the Curator's report will be reviewed in detail and presented to the Art Advisory Group for further consideration.

Chief Executive Officers Comments:

In view of the comments about the Administration and Civic Centre being too small, it is recommended that an alternative venue be investigated for the 2008 Exhibition. Such a venue could include the Mezz Shopping Centre. This would provide the following advantages:

- (i) large venue;
- (ii) less set up costs;
- (iii) greater exposure for the Exhibition to the community;
- (iv) less disruption to the Town's Administration;
- (v) an opportunity to partner with a major ratepayer (Hawaiian Group) in the Town.

Art Exhibitions in community shopping centres occur throughout the metropolitan area and are successful. This plan should be explored and a further report submitted to Council.

10.4.1 Use of the Council's Common Seal

Ward:	-	Date:	3 October 2007
Precinct:	-	File Ref:	ADM0042
Attachments:	-		
Reporting Officer(s):	M McKahey		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council ENDORSES the use of the Council's Common Seal on the documents listed in the report, for the month of September 2007.

COUNCIL DECISION ITEM 10.4.1

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED "EN BLOC" (7-0)

Cr Torre had not arrived at the meeting at this time.

Cr Helen Doran-Wu on approved leave of absence.

BACKGROUND:

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

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

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

Date	Document	No of copies	Details
7/09/07	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Spotless Services, Gate 7, Subiaco Oval, Subiaco Road, Subiaco re: Total Marine Event - 10-11 September 2007 (Gareth Naven Room)
7/09/07	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Spotless

Date	Document	No of copies	Details
			Services, Gate 7, Subiaco Oval, Subiaco Road, Subiaco re: Coca Cola Amatil - Business Planning Confernece - 14 September 2007 (Gareth Naven Room and Members Equity Bank Lounge)
18/09/07	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Spotless Services, Gate 7, Subiaco Oval, Subiaco Road, Subiaco re: First Rock Mortgage Centre Meeting - 7 November 2007 (Chairman's Lounge)
26/09/07	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Spotless Services, Gate 7, Subiaco Oval, Subiaco Road, Subiaco re: IEUWA Superannuation and Investment Seminar - 2 October 2007 (Gareth Naven Room)

10.1.2 No.262 (Lot 3 D/P: 1044) Oxford Street, Leederville- Proposed Mixed Use Development Comprising Two (2) Two-Storey Grouped Dwellings and Two-Storey Office Building

Ward:	North	Date:	2 October 2007
Precinct:	Leederville; P3	File Ref:	PRO2066; 5.2007.45.1
Attachments:	001		
Reporting Officer(s):	L Mach		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by K Liddell on behalf of the owner B M Meyer & S L McKay for proposed Mixed Use Development Comprising of Two (2) Two-Storey Grouped Dwellings and Two-Storey Office Building, at No.262 (Lot 3 D/P: 1044) Oxford Street, Leederville, and as shown on plans stamp-dated 20 July 2007, subject to the following conditions:

- (i) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) *access, car parking and toilet facilities for people with disabilities being provided on-site for the office building in accordance with the Building Code of Australia and AS 1428; and*
 - (b) *the overall building height being a maximum of 7.0 metres as projected from the natural ground level directly below.*

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

- (ii) *prior to the issue of a Building Licence, designs for art work(s) valued at a minimum of 1 per cent of the estimated total cost of the development (\$7,500) shall be submitted to and approved by the Town, OR alternatively, the applicant/owner shall pay a cash-in-lieu contribution of \$7,500, subject to the Town agreeing to this arrangement . The art work(s) shall be in accordance with the Town's Policy relating to Percent for Art Scheme and be developed in full consultation with the Town's Community Development and Administrative Services with reference to the Percent for Art Scheme Policy Guidelines for Developers. The art work(s) shall be installed prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (iii) *a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (iv) *first obtaining the consent of the owners of No. 256 Oxford Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 256 Oxford Street in a good and clean condition;*

- (v) *all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;*
 - (vi) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, parking of trade person vehicles, footpath access, traffic and heavy vehicle access via Oxford Street, dust and any other appropriate matters (such as notifying all affected landowners/occupiers of the commencement of construction works), shall be submitted to and approved by the Town;*
 - (vii) *prior to the first occupation of the development, one (1) class one or two bicycle parking facility, shall be provided at a location convenient to the entrance and within the development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to the installation of such facility;*
 - (viii) *the on-site car parking area for the non-residential component shall be available for the occupiers of the residential component outside normal business hours;*
 - (ix) *prior to the issue of a Building Licence, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property of the following:*
 - (a) *the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities; and*
 - (b) *the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units/or office(s). This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development.*
- This notification shall be lodged and registered in accordance with the Transfer of Land Act prior to the first occupation of the development;*
- (x) *prior to the issue of a Building Licence, an acoustic report prepared in accordance with the Town's Policy relating to Sound Attenuation shall be submitted and approved by the Town. The recommended measures of the acoustic report shall be implemented and certification from an acoustic consultant that the measures have been undertaken, prior to the first occupation of the development, and the applicant/owners shall submit a further report from an acoustic consultant 6 months from first occupation of the development certifying that the development is continuing to comply with the measures of the subject acoustic report;*
 - (xi) *doors, windows and adjacent floor areas of the non-residential component fronting Oxford Street shall maintain an active and interactive relationship with this street;*
 - (xii) *prior to the first occupation of the development, four (4) car parking spaces, provided for the residential component of the development shall be clearly marked and signposted for the exclusive use of the residents of the development and shall not be in tandem arrangement unless they service the same residential unit/dwelling;*
-

- (xiii) *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;*
 - (xiv) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
 - (xv) *the gross floor area of the office component shall be limited to 145 square metres. 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;*
 - (xvi) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
 - ~~(xvii) *the car parking area for non-residential component shall be shown as 'common property' on any strata or survey strata subdivision plan for the property; and*~~
 - (xviii) *any new street/front wall, fence and gate between the Oxford Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency;*
 - (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level; and*
 - (f) *the solid portion adjacent to the Oxford Street boundary from the above truncation(s) can increase to a maximum height of 1.8 metres, provided that the fence and gate have at least two (2) significant appropriate design features to reduce the visual impact. Examples of design features may include significant open structures, recesses and/or planters facing the street at regular intervals, and varying materials; and the incorporation of varying materials, finishes and/or colours are considered to be one (1) design feature. Details of these design features shall be submitted to and approved by the Town prior to the issue of a Building Licence.*
-

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

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Farrell, Seconded Cr Messina

That clause (i)(b) be deleted.

Debate ensued.

AMENDMENT PUT AND CARRIED (7-0)

Cr Torre had not arrived at the meeting at this time.

Cr Helen Doran-Wu on approved leave of absence.

MOTION AS AMENDED PUT AND CARRIED (7-0)

COUNCIL DECISION ITEM 10.1.2

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by K Liddell on behalf of the owner B M Meyer & S L McKay for proposed Mixed Use Development Comprising of Two (2) Two-Storey Grouped Dwellings and Two-Storey Office Building, at No.262 (Lot 3 D/P: 1044) Oxford Street, Leederville, and as shown on plans stamp-dated 20 July 2007, subject to the following conditions:

- (i) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) *access, car parking and toilet facilities for people with disabilities being provided on-site for the office building in accordance with the Building Code of Australia and AS 1428; and*

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

- (ii) *prior to the issue of a Building Licence, designs for art work(s) valued at a minimum of 1 per cent of the estimated total cost of the development (\$7,500) shall be submitted to and approved by the Town, OR alternatively, the applicant/owner shall pay a cash-in-lieu contribution of \$7,500, subject to the Town agreeing to this arrangement . The art work(s) shall be in accordance with the Town's Policy relating to Percent for Art Scheme and be developed in full consultation with the Town's Community Development and Administrative Services with reference to the*
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Percent for Art Scheme Policy Guidelines for Developers. The art work(s) shall be installed prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);

- (iii) *a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (iv) *first obtaining the consent of the owners of No. 256 Oxford Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 256 Oxford Street in a good and clean condition;*
- (v) *all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (vi) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, parking of trade person vehicles, footpath access, traffic and heavy vehicle access via Oxford Street, dust and any other appropriate matters (such as notifying all affected landowners/occupiers of the commencement of construction works), shall be submitted to and approved by the Town;*
- (vii) *prior to the first occupation of the development, one (1) class one or two bicycle parking facility, shall be provided at a location convenient to the entrance and within the development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to the installation of such facility;*
- (viii) *the on-site car parking area for the non-residential component shall be available for the occupiers of the residential component outside normal business hours;*
- (ix) *prior to the issue of a Building Licence, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property of the following:*
 - (a) *the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities; and*
 - (b) *the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units/or office(s). This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development.*

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

- (x) *prior to the issue of a Building Licence, an acoustic report prepared in accordance with the Town's Policy relating to Sound Attenuation shall be submitted and approved by the Town. The recommended measures of the acoustic report shall be implemented and certification from an acoustic consultant that the measures have been undertaken, prior to the first occupation of the development, and the applicant/owners shall submit a further report from an acoustic consultant 6*

- months from first occupation of the development certifying that the development is continuing to comply with the measures of the subject acoustic report;*
- (xi) *doors, windows and adjacent floor areas of the non-residential component fronting Oxford Street shall maintain an active and interactive relationship with this street;*
 - (xii) *prior to the first occupation of the development, four (4) car parking spaces, provided for the residential component of the development shall be clearly marked and signposted for the exclusive use of the residents of the development and shall not be in tandem arrangement unless they service the same residential unit/dwelling;*
 - (xiii) *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;*
 - (xiv) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
 - (xv) *the gross floor area of the office component shall be limited to 145 square metres. 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;*
 - (xvi) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
 - (xvii) *any new street/front wall, fence and gate between the Oxford Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency;*
 - (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level; and*
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- (f) *the solid portion adjacent to the Oxford Street boundary from the above truncation(s) can increase to a maximum height of 1.8 metres, provided that the fence and gate have at least two (2) significant appropriate design features to reduce the visual impact. Examples of design features may include significant open structures, recesses and/or planters facing the street at regular intervals, and varying materials; and the incorporation of varying materials, finishes and/or colours are considered to be one (1) design feature. Details of these design features shall be submitted to and approved by the Town prior to the issue of a Building Licence.*

ADDITIONAL INFORMATION

Condition (xvii), which requires the car parking area for non-residential component to be shown as ‘common property’ on any strata or survey strata subdivision plan for the property, is intended to ensure that the occupier and use of the non-residential unit(s) is not prejudiced, in terms of readily available car bays, in the event that the occupier or use of the unit(s) is changed for the future.

As the subject proposal only comprises one (1) office unit and two (2) car bays for the office component, it is considered that the subject condition can be deleted in this instance.

Landowner:	B M Meyer & S L McKay
Applicant:	K Liddell
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R60
Existing Land Use:	Vacant
Use Class:	Office Building, Grouped Dwelling
Use Classification:	"SA", "P"
Lot Area:	607 square metres
Access to Right of Way	N/A

BACKGROUND:

- 23 July 2002 The Council at its Ordinary Meeting resolved to refuse an application for construction of three (3) three-storey grouped dwellings at the subject site.
- 6 April 2005 The Council at its Ordinary Meeting resolved to refuse an application for three storey mixed use development comprising four offices, three multiple dwellings and associated car parking at the subject site.
- 25 May 2004 The Town under delegated authority from the Council resolved to conditionally approve an application for four (4) two-storey single bedroom grouped dwellings at the subject site.

DETAILS:

The proposal involves mixed use development comprising two (2) two-storey grouped dwellings and two-storey office building. The applicant's submission is "*Laid on the Table*".

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	3 dwellings R 60	2 dwellings R 32.94	Noted - no variation.
Plot Ratio	Unit 2 0.65- 128 square metres Unit 3 0.65- 138 square metres	Unit 2 0.72- 142 square metres Unit 3 0.68- 144 square metres	Supported- other controls of bulk and scale such as setbacks and height (as conditioned) are considered acceptable and no objections received. Furthermore, plot ratio, as per a 'typical' mixed use development is compliant; that is , for the subject proposal , the plot ratio of the residential component and the upper floor commercial across the whole site equates to 0.60 or 363 square metres.
Height	7.0 metres	Up to 7.7 metres	Not supported- undue impact on surrounding area, and vacant lot, therefore, opportunity to comply and matter has been conditioned to comply.
Buildings on Boundary	To one side boundary 3.0 metre average height with a maximum height of 3.5 metres.	Southern boundary wall is 3.1-6.8 metres high.	Supported- no undue impact on surrounding area, no objections received and abuts a two-storey commercial development.
Setbacks Ground Floor - Front	To be sympathetic to the predominate streetscape pattern.	1.020 -2.7 metres	Supported - no objections received and proposed setback considered to be appropriate in the transition from the nil setback two-storey commercial development on the south to the rest of the street.
- North (Unit 2)	1.5 metres	1.2-4.2 metres	Supported- minor variation in this instance, no undue impact and no objections received.

- South (Unit 3)	1.5 metres	Nil	Supported- refer to "Buildings on Boundary".
First Floor - Front	To be sympathetic to the predominate streetscape pattern.	0.2-1.5 metres	Supported - no objections received and proposed setback considered to be appropriate in the transition from the nil setback two-storey commercial development on the south to the rest of the street.
- North (Unit 2)	1.8 metres	1.2-3.0 metres	Supported- minor variation in this instance, no undue impact and no objections received.
- South (Unit 3)	1.5 metres	Nil	Supported- refer to "Buildings on Boundary".
Consultation Submissions			
Support	Nil		Noted.
Objection (1)	<ul style="list-style-type: none"> No objections, however, not enough car parking 		Not supported- car parking has been provided in accordance with relevant Policy.
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil
Car Parking- Commercial Component			
Car parking requirement (nearest whole number) <ul style="list-style-type: none"> Office (145 square metres) – 2.9 car bays 			3 car bays
Apply the adjustment factors. <ul style="list-style-type: none"> 0.85 (within 400 metres of a bus stop) 0.80 (contains mix of uses, with at least 45 per cent of gross floor area being residential) 			(0.68) 2.04 car bays
Minus the car parking provided on-site for commercial component			2 car bays
Minus the most recently approved on-site car parking shortfall			Not applicable as proposal is to redevelop a vacant site.
Resultant shortfall			0.4 car bay**
Bicycle Parking Facilities			
Office <ul style="list-style-type: none"> 1 per 200 square metres gross floor area for employees (class 1 or 2)- 0.75 spaces 1 space per 750 square metres over 1000 square metres for visitors (class 3)- nil 			Plans indicate bicycle parking area; matter has been further conditioned accordingly.

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

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

**If the resultant shortfall of parking is less than or equal to 0.5 car bay, no parking bays or cash-in-lieu of parking is required for shortfall.

COMMENTS:

With the above in mind, together with the following reasons, the proposal is recommended for approval, subject to standard and appropriate conditions to address the scale and nature of the proposal:

- precedence with adjoining and nearby offices and other commercial uses;
 - the proposal in this instance is considered to be compatible with the uses of the immediate surrounding area and not to unduly intrude on the amenity of the neighbouring properties;
 - the proposal is considered to display an appropriate transitional mix of use as it is situated along a district distributor road and is in area between two commercial zone areas; no objections were received during the previous consultation period in relation to the uses proposed ;
 - the residential component is the predominate use on-site, where 62 per cent of the floor space is for residential and the remaining 38 per cent for offices;
 - the Economic Development Strategy discourages commercial development outside of the established Town Centres, however, given the nature of surrounding mixed uses in this instance, it is not considered that the proposal will detrimentally alter the encouragement of uses in the Mount Hawthorn or Leederville Town Centres;
 - the proposal in this instance promotes the integration of the work place and residences and thus, diversifying the land use and providing casual surveillance through day time activity of the area;
 - the proposal to develop vacant land will enhance and improve the streetscape and surrounding area; and
 - adequate parking is provided.
-

10.1.6 No. 116 (Lot 475 Perth Town) West Parade, Corner Guildford Road, Perth - Proposed Retaining Wall and Billboard Signage

Ward:	South	Date:	2 October 2007
Precinct:	Banks; P15	File Ref:	PRO4115; 5.2007.336.1
Attachments:	001		
Reporting Officer(s):	D Pirone		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council RECOMMENDS REFUSAL to the Western Australian Planning Commission for the application submitted by Planning Solutions (Aust) Pty Ltd on behalf of the owner Public Transport Authority of WA for Proposed Retaining Wall and Billboard Signage, at No. 116 (Lot 475 Perth Town) West Parade, Corner Guildford Road, Perth, and as shown on plans stamp-dated 6 September 2007, 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 with respect to the protection and enhancement of the social, physical and cultural environment of Guildford Road, West Parade, East Parade and the Banks Precinct; and*
- (ii) the non-compliance with the Town's Policies relating to Signs and Advertising and Banks Precinct.*

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

The Presiding Member advised that Cr Ker had declared a financial interest in this item. Cr Ker did not speak or vote on the matter and departed the chamber at 6.37pm.

Debate ensued.

Cr Farrell departed the meeting at 6.39pm.

Debate ensued.

Cr Farrell returned to the chamber at 6.40pm.

PROCEDURAL MOTION

Moved Cr Messina, Seconded Cr Lake

That this Item be DEFERRED for clarification.

CARRIED (6-0)

Cr Torre had not arrived at the Meeting at this stage.

Cr Doran-Wu on approved leave of absence.

Cr Ker was absent from the Chamber as he had declared a financial interest in the matter.

Cr Ker returned to the Chamber at 6.41pm and was advised that the Item had been deferred.

COUNCIL DECISION ITEM 10.1.6

That this Item be DEFERRED for clarification.

Landowner:	Public Transport Authority of WA
Applicant:	Planning Solutions (Aust) Pty Ltd
Zoning:	Metropolitan Region Scheme (MRS): MRS Reserves – Railways Town Planning Scheme No.1 (TPS 1): MRS Reserves– Railways
Existing Land Use:	Railway
Use Class:	Railway “Unlisted Use”
Use Classification:	“Unlisted Use”
Lot Area:	12.79 hectares
Access to Right of Way	Not Applicable

BACKGROUND:

The proposed development is on land reserved under the Metropolitan Region Scheme for Railways and, in accordance with the Metropolitan Region Scheme, the subject public works application requires determination by the Western Australian Planning Commission (WAPC).

8 June 2004 The Town under delegated authority, advised the WAPC that it has no objection to proposed alterations and additions to the existing railway terminal, subject to conditions.

26 August 2004 The Western Australian Planning Commission approved alterations and additions to the terminal.

18 January 2005 The Council at its Ordinary Meeting resolved to advise the WAPC that it has no objections to a hoarding sign and landscaping to the existing railway terminal site, subject to the sign fully complying with the Town's Policy relating to Signs and Advertising and standard conditions.

13 June 2006 The Council at its Ordinary Meeting resolved to advise the WAPC that it recommends supporting the demolition of an existing footbridge and the addition of a new footbridge at the railway terminal.

DETAILS:

The proposal involves the construction of a retaining wall along the boundary of the railway and the erection of billboard signage along the proposed wall.

The subject site already contains a number of existing billboards, along the sides of the Railway Bridge. The advertising signs are currently erected on steel support frames with galvanised iron sheeting. The proposed new retaining wall and associated signage aims to improve the presentation of the existing arrangement, which is old and weathered.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	Supported – no variation
Signs and Advertising Policy	Bill posting, billboards and the like are not permitted within the Town of Vincent.	Two billboards proposed along the proposed retaining wall.	Not supported - as the signage will have an undue impact on the amenity of the area. Refer to comments section below.
Consultation Submissions			
The application was not advertised as it is being referred to the Council for determination and it is not supported by the Town's Officers.			
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

COMMENTS:

Heritage

The Mount Lawley Railway Bridge (Subway) was first entered on the Town's Municipal Heritage Inventory as a Management Category B - Conservation Recommended on 12 September 2006. The subway is considered an integral part of the Perth-Midland Railway line, which spans the main road from Perth to Guildford. First constructed in 1907 the subway demonstrates a strong engineering form featuring steel trusses spanning across Guildford Road that have held an iconic presence for almost a century.

It is considered that the proposed beautification works to the subway involving the construction of limestone walls at the base of the structure abutting Guildford Road will not detract from the cultural heritage significance of the place detailed above.

Given the above, it is considered that in accordance with the Town's Policy relating to Heritage Management - Development Guidelines the proposed beautification works to the Subway are not considered to have an undue impact on the cultural heritage significance associated with the place.

Signage

The subject signage is proposed to be utilised by the general public/businesses and is not in any way related to the use of the subject site. The sign constitutes a billboard and is considered to be a form of bill posting. The proposed signage does not comply with the Town's Policy relating to 'Signs and Advertising' as billboards/bill posting is not permitted and as stated in the Policy "*no signage is permitted on fences, walls or the like structures which do not form an integral part of the building*". It follows that signage is not permitted as the predominant use of the land, and should be associated with and be ancillary and incidental to, the predominant use of the land.

The site forms an effective 'gateway' into the Town and there is a concern that the presence of such signage within the Town and in particular, on a prominent entry point into the Town, imposes an undesirable and inaccurate image of the Town.

In addition to the above, the Banks Precinct Statement states '*public places such as parks, reserves and streets are to be further enhanced and maintained so that they contribute to the pleasant and attractive environment of this Precinct.*' It is considered that the proposed new bill board signage will further entrench an undesirable development and reduce the ability for the subject reserve to be a pleasant and attractive environment.

Summary

In light of the above, it is suggested that the Council recommend refusal to the Western Australian Planning Commission.

10.1.5 No. 29 (Lot 22 D/P: 1197) West Parade, Perth - Proposed Change of Use from Educational Establishment to Office and Associated Signage

Ward:	South	Date:	28 September 2007
Precinct:	Banks; P15	File Ref:	PRO0663; 5.2007.256.1
Attachments:	001		
Reporting Officer(s):	L Parker		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by TPG on behalf of the owner Better Hearing Australia (WA) Inc for proposed Change of Use from Educational Establishment to Office and Associated Signage, at No. 29 (Lot 22 D/P: 1197) West Parade, Perth, and as shown on plans stamp-dated 6 July 2007, 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 objectives of the Town's Economic Development Strategy and Town Planning Scheme No.1; and*
- (iii) approval of the proposed development would create an undesirable precedent for other similar commercial use developments encroaching into established residential areas.*

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND LOST (1-6)

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

Cr Torre had not arrived at the Meeting at this stage.

Cr Doran-Wu on approved leave of absence

Reasons –

1. Low intensity of the proposed use.
 2. Currently a non-residential use.
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ALTERNATIVE RECOMMENDATION

Moved Cr Ker , Seconded Cr Messina

That the proposed alternative recommendation be approved as follows:

“That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by TPG on behalf of the owner Better Hearing Australia (WA) Inc for proposed Change of Use from Educational Establishment to Office (Mortgage/Finance Processing Operations) and Associated Signage, at No. 29 (Lot 22 D/P: 1197) West Parade, Perth, and as shown on plans stamp-dated 6 July 2007, subject to the following conditions:

- (i) this approval is for Office (Mortgage/Finance Processing Operations) use only, and any change of use from Office (Mortgage/Finance Processing Operations) shall require Planning Approval to be applied for and obtained from the Town prior to commencement of such use;*
 - (ii) the hours of operation shall be limited to the following times: 8.00am to 6.00pm weekdays, and 8.00am to 1.00pm Saturdays, inclusive;*
 - (iii) all signage shall be subject to a separate Sign Licence application being submitted and approved prior to the erection of the signage;*
 - (iv) the signage shall not have flashing or intermittent lighting;*
 - (v) all signage shall be kept in a good state of repair, safe, and be non-climbable and free from graffiti for the duration of their display on-site;*
 - (vi) any new street/front wall, fence and gate between the Marlborough Street, West Parade and Windsor Street boundaries and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (e) the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level; and*
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- (vii) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive."*

Debate ensued.

MOTION PUT AND CARRIED (5-2)

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

Cr Torre had not arrived at the Meeting at this stage.

Cr Doran-Wu on approved leave of absence

COUNCIL DECISION ITEM 10.1.5

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by TPG on behalf of the owner Better Hearing Australia (WA) Inc for proposed Change of Use from Educational Establishment to Office (Mortgage/Finance Processing Operations) and Associated Signage, at No. 29 (Lot 22 D/P: 1197) West Parade, Perth, and as shown on plans stamp-dated 6 July 2007, subject to the following conditions:

- (i) *this approval is for Office (Mortgage/Finance Processing Operations) use only, and any change of use from Office (Mortgage/Finance Processing Operations) shall require Planning Approval to be applied for and obtained from the Town prior to commencement of such use;*
- (ii) *the hours of operation shall be limited to the following times: 8.00am to 6.00pm weekdays, and 8.00am to 1.00pm Saturdays, inclusive;*
- (iii) *all signage shall be subject to a separate Sign Licence application being submitted and approved prior to the erection of the signage;*
- (iv) *the signage shall not have flashing or intermittent lighting;*
- (v) *all signage shall be kept in a good state of repair, safe, and be non-climbable and free from graffiti for the duration of their display on-site;*
- (vi) *any new street/front wall, fence and gate between the Marlborough Street, West Parade and Windsor Street boundaries and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*

- (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
- (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
- (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level; and*
- (vii) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive."*

Landowner:	Better Hearing Australia (WA) Inc
Applicant:	TPG
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R60
Existing Land Use:	Educational Establishment
Use Class:	Office Building
Use Classification:	"SA"
Lot Area:	670 square metres
Access to Right of Way	Nil

BACKGROUND:

- September 1980 The Council of the City of Perth approved the use of a residential dwelling for lip reading classes - three car parking bays were provided.
- July 1983 The Council of the City of Perth refused an application for the extension and renovations of the subject site.
- 22 April 1996 The Council at its Ordinary Meeting conditionally approved an application to extend the premises - four car parking bays were provided.

DETAILS:

Approval is sought for the change of use of the building to an office and associated signage. The building was formerly used as an educational establishment to conduct lip reading classes. The applicant's submission is summarised below:

- The proposal will have no effect on the residential appearance of the existing building, with the only change visible from the street being the replacement of the existing signage with signage of similar dimensions.

- The proposed use of the office is as a mortgage/financial processing centre, which is low in intensity, staffing and visitor numbers.
- As there are no proposed variations to the structure of the building, there are no barriers precluding its ability to be converted back to a residential use in the future.
- Given the low intensity of the proposed office activities, it is considered that the proposal will not undermine the objectives of the Town's Economic Development Strategy or the viability of the Town's commercial centres.
- The proposal will contribute to the beautification of the gardens and landscaping surrounding the building, thereby positively contributing to the amenity of surrounding residents.
- The activities will provide daytime activity and passive surveillance to the potentially dormant daytime suburb.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	N/A	N/A	Noted.
Plot Ratio	N/A	N/A	Noted.
Consultation Submissions			
There were no submissions received during the consultation process.			
Other Implications			
Legal/Policy			TPS 1 and associated Policies.
Strategic Implications			Nil
Financial/Budget Implications			Nil
Car Parking			
Car Parking Requirement (nearest whole number) - Office: 1 space per 50 square metres of gross floor area (160 square metres proposed) - 3.2 car bays			3 car bays
Apply the adjustment factors			(0.68)
<ul style="list-style-type: none"> • 0.8 (within 400 metres of a rail station) • 0.85 (within 400 meters of a bus stop/station) 			2.04 car bays
Minus the car parking on-site			4 car bays
Resultant Surplus			1.96 car bays

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

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

COMMENTS:

The current approved use of the building as an educational establishment is considered to be acceptable in terms of its impact on residential amenity, as such facilities ("AA" use) can be regarded as part of the general fabric of residential areas. Due to the nature of its activities,

the proposed office use (“SA” use) is not considered a part of the general fabric of the residential area, regardless of the scale and intensity of its operations, and approval of the proposed development would create an undesirable precedent for the encroachment of commercial uses into residential areas. The proposed office 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. In light of the above, the application is recommended for refusal.

10.1.3 Further Report – Nos. 2 and 6 (Lot: 2 D/P: 17910, Lot: 1 D/P: 17910) Wavertree Place, Leederville - Proposed Nine (9) Two-Storey Multiple Dwellings

Ward:	North	Date:	2 October 2007
Precinct:	Leederville, P3	File Ref:	PRO3442; 5.2007.163.1
Attachments:	001		
Reporting Officer(s):	R Narroo		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

FURTHER CHIEF EXECUTIVE OFFICER AND DIRECTOR DEVELOPMENT SERVICES RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Hillam Architects on behalf of the owner Gilpin Park Pty Ltd for proposed Construction of Nine (9) Two-Storey Multiple Dwellings, at Nos. 2 & 6 (LOT: 2 D/P: 17910, Lot 1 D/P:17910) Wavertree Place, Leederville, and as shown on plans stamp-dated 26 September 2007, subject to:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennae, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) 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);*
- (iii) a detailed landscaping plan, including a list of plants and the landscaping of Wavertree Place verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. The landscaping of the verge shall include details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months. The Council encourages landscaping methods which do not rely on reticulation. Where reticulation is not used, the alternative method should be described. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (iv) prior to the issue of the Building Licence, revised plan shall be submitted to be approved demonstrating the following:*
 - (a) the screens proposed to balconies of units 2, 3 and 4 on the northern elevation and balcony of unit 4 on the western elevation on the first floor,*

being constructed of obscure material and 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; and

- (b) a visual truncation of 1.5 metres by 1.5 metres at the intersection of footpaths/right of way and crossovers.*

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

- (v) prior to the first occupation of the development, the full length and width of the right of way widening abutting the subject land shall be sealed, drained and paved to match existing to the specifications of and supervision under the Town, at the applicant's/owner(s)' full expense;*
- (vi) a bond and/or bank guarantee for \$2500 for the full upgrade of the right of way shall be lodged prior to the issue of a Building Licence;*
- (vii) a non refundable fee of \$500 to cover the cost of reinstatement works within the road reserve associated with the installation of underground power to the development shall be paid prior to the issue of a Building Licence;*
- (viii) a bin compound shall be constructed in accordance with the Town's Health Services specifications, sized to contain:-*
- Residential*
 - 1 x mobile garbage bin per unit; and*
 - 1 x general recycle bin per 2 units;*
- (ix) rubbish is to be collected 1 time a week with a maximum of 9 general waste bins and 9 recycle bin;*
- (x) no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s); and*
- (xi) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating any new street/front wall, fence and gate between the Wavertree boundary and the main building, including along the side boundaries within this front setback area, complying with the following:*
- (a) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) the maximum width, depth and diameter of posts and piers being 350 millimetres;*
-

- (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
- (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level.*

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

COUNCIL DECISION ITEM 10.1.3

Moved Cr Farrell , Seconded Cr Ker

That the recommendation be adopted.

Cr Messina departed the chamber at 6.48pm.

Debate ensued.

MOTION PUT AND CARRIED (6-0)

Cr Torre had not arrived at the meeting at this time.

Cr Helen Doran-Wu on approved leave of absence

Cr Messina was out of the chamber.

FURTHER REPORT:

The Council considered the application at its Ordinary Meeting held on 11 September 2007 and resolved as follows:

“That the item be DEFERRED for further consideration and investigation of items relating to safety using the ramp, the balconies and potential over-looking”.

Subsequent to the item being deferred at the above Ordinary Meeting of Council (OMC), the applicant has submitted revised plans.

In relation to safety using the ramp, assessment of safety at access and egress points is standard practice at the time of development application. This development as shown on the revised plans is in compliance with Australian Standards and the Town's visual truncations Policy. It is to be noted that the cul-de-sac bowel is not a suitable drop off point for children as it is a “No Stopping” zone.

For the balconies and potential over-looking, the applicant has submitted amended plans showing the balconies and windows to bedrooms facing the northern boundary to be screened

to 1.6 metres above the finished floor level. Therefore, there is no undue overlooking on the adjoining northern property.

The amended plans also show all the awnings attached to the first floor facing the northern property as non-accessible which will reduce any potential overlooking.

Summary

In light of the above, it is considered that the revised plans address the ramp safety and overlooking issues. The revised plans do not propose any other variation to the Residential Design Codes and the Town's Policies, and is considered not to have an undue impact on the adjoining northern neighbours and the amenity of the area, and as such there is no need to further advertise the proposal. On the above basis, it is recommended that the Council approve the application, subject to standard and appropriate conditions as outlined in the 'Further Chief Executive Officer and Director Development Services Recommendation.'

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 11 September 2007.

~~“OFFICER RECOMMENDATION:~~

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by Hiram Architects on behalf of the owner Gilpin Park Pty Ltd for proposed Nine (9) Two Storey Multiple Dwellings, at Nos.2 & 6 (Lot: 2 D/P: 17910, Lot 1 D/P: 17910) Wavertree Place, Leederville, and as shown on plans stamp dated 31 August 2007, for the following reasons:

- (i) — the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) — the non compliance with the plot ratio requirement as prescribed by the Residential Design Codes; and*
- (iii) — the plot ratio requirements proposed to be varied is as specified in the Town's Policy relating to Non Variation of Specific Development Standards and Requirements.*

CHIEF EXECUTIVE OFFICER AND DIRECTOR DEVELOPMENT SERVICES RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Hiram Architects on behalf of the owner Gilpin Park Pty Ltd for proposed Nine (9) Two-Storey Multiple Dwellings, at Nos.2 & 6 (Lot: 2 D/P: 17910, Lot 1 D/P: 17910) Wavertree Place, Leederville, and as shown on plans stamp-dated 31 August 2007, subject to the following conditions:

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

- (iii) *a detailed landscaping plan, including a list of plants and the landscaping of Wavertree Place verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. The landscaping of the verge shall include details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months. The Council encourages landscaping methods which do not rely on reticulation. Where reticulation is not used, the alternative method should be described. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (iv) *prior to the issue of the Building Licence, revised plans shall be submitted to be approved demonstrating the following:*
 - (a) *the windows to units 1, 2 and 3 on the northern elevation, the balconies to units 2, 3 and 4 on the northern elevation, and the balcony of unit 4 on the western elevation, on the first floor 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 obscured portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of No 8 Wavertree Place, respectively, stating no objections to the proposed privacy encroachment; and*
 - (b) *a visual truncation of 1.5 metres by 1.5 metres at the intersection of footpaths / right of way and crossovers.*

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

- (v) *prior to the first occupation of the development, the full length and width of the right of way widening abutting the subject land shall be sealed, drained and paved to match existing to the specifications of and supervision under the Town, at the applicant's/owner(s)' full expense;*
 - (vi) *a bond and/or bank guarantee for \$2500 for the full upgrade of the right of way shall be lodged prior to the issue of a Building Licence;*
 - (vii) *a non refundable fee of \$500 to cover the cost of reinstatement works within the road reserve associated with the installation of underground power to the development shall be paid prior to the issue of a Building Licence;*
-

- (viii) *a bin compound shall be constructed in accordance with the Town's Health Services specifications, sized to contain:-*
- *Residential*
 - 1 x mobile garbage bin per unit; and*
 - 1 x general recycle bin per 2 units;*
- (ix) *rubbish is to be collected 1 time a week with a maximum of 9 general waste bins and 9 recycle bin;*
- (x) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s); and*
- (xi) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating any new street/front wall, fence and gate between the Wavertree boundary and the main building, including along the side boundaries within this front setback area, complying with the following:*
- (a) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level.*

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

Moved Cr Maier, Seconded Cr Doran-Wu

That the recommendation be adopted.

Debate ensued.

Cr Messina departed the Chamber at 7.27pm.

Debate ensued.

Cr Messina returned to the Chamber at 7.30pm.

Moved Cr Doran-Wu, Seconded Cr Ker

That the item be DEFERRED for further consideration and investigation of items relating to safety using the ramp, the balconies and potential over-looking.

PROCEDURAL MOTION PUT AND CARRIED (5-2)

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

*Cr Farrell on Approved Leave of Absence
Cr Torre was an apology for the Meeting until 7.42pm*

COUNCIL DECISION ITEM 10.1.8

That the item be DEFERRED for further consideration and investigation of items relating to safety using the ramp, the balconies and potential over-looking.

<i>Landowner:</i>	<i>Gilpin Park Pty Ltd</i>
<i>Applicant:</i>	<i>Hillam Architects</i>
<i>Zoning:</i>	<i>Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R 60</i>
<i>Existing Land Use:</i>	<i>Vacant Land</i>
<i>Use Class:</i>	<i>Multiple Dwellings</i>
<i>Use Classification:</i>	<i>"P"</i>
<i>Lot Area:</i>	<i>1513 square metres</i>
<i>Access to Right of Way</i>	<i>Eastern side, 5 metres wide, sealed, Town owned</i>

BACKGROUND:

- 23 May 2006 The Council at its Ordinary Meeting conditionally approved the demolition of existing single house at No.2 Wavertree Place.*
- 13 June 2006 The Council at its Ordinary Meeting conditionally approved the demolition of single house at No.6 Wavertree Place.*
- 15 August 2006 The Western Australian Planning Commission approved four new green title lots for Nos. 2 and 6 Wavertree Place. However, the clearance of conditions of the subdivision approval was not proceeded by the applicant.*

DETAILS:

The proposal involves the construction of nine two-storey multiple dwellings, including an undercroft basement for parking, at Nos. 2 and 6 Wavertree Place. Four dwellings are proposed on the northern side of the property and five dwellings on the southern side. Between the two rows of the proposed dwellings there is common pedestrian access way. The proposed dwellings will consist of 3 to 4 bedrooms. The undercroft basement will accommodate parking bays, stores and rubbish bins.

The proposed development is on two lots (Lot 1 and Lot 2) at Wavertree Place. There is no approval for the amalgamation of the two lots. Therefore, if this application is supported, then as a condition of approval the two lots will require to be amalgamated.

On the northern side of the site, there is an existing grouped dwellings development and on the southern side there is parkland. The land slopes from the right of way, approximately 2.2 metres fall, towards Wavertree Place.

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

ASSESSMENT:

<i>Non-Compliant Requirements</i>			
<i>Requirements</i>	<i>Required</i>	<i>Proposed *</i>	<i>Officer Comments Pursuant to Clause 38(5) of TPS 1</i>
<i>Density</i>	<i>9 multiple dwellings R 60</i>	<i>9 multiple dwellings R 60</i>	<i>Noted-no variation</i>
<i>Plot Ratio</i>	<i>0.7 - 1052 square metres</i>	<i>0.83 - 1262 square metres</i>	<i>Not supported-refer to 'Comments' below.</i>
<i>Setbacks-First Floor- Northern and Southern Boundaries</i>	<i>7 metres</i>	<i>1.2 metres to 5.2 metres</i>	<i>Supported- the applicant has amended the plans to provide screening which will avoid unreasonable overlooking of the neighbouring northern property. Moreover, the variation will not unduly impact on the adjoining property in terms of visual impact, ventilation and sunlight.</i>
<i>Communal Open Space</i>	<i>16 square metres</i>	<i>Nil</i>	<i>Supported-each dwelling is provided with a courtyard of more than 16 square metres which is acceptable.</i>
<i>Car Parking from Rights of Way</i>	<i>Car parking to be accessible from a right of way.</i>	<i>Vehicles accessing site from primary street (Wavertree Place)</i>	<i>Supported-refer to 'Comments' below.</i>
<i>Consultation Submissions</i>			
<i>Support (2)</i>	<i>Nil</i>		<i>Noted</i>
<i>Objections (3)</i>	<ul style="list-style-type: none"> • <i>Privacy</i> 		<i>Not supported-Applicant has amended the plans to</i>

	<ul style="list-style-type: none"> • <i>Setbacks</i> • <i>Site levels-infill for the provision of visitor's car parking which may impact on privacy.</i> 	<p><i>comply with the privacy requirements of the Residential Design Codes.</i></p> <p><i>Not supported-refer to 'Comments' above.</i></p> <p><i>Not supported-the floor level of the proposed visitors parking will not be more than 0.5 metre above the natural ground level. The land will be cut to accommodate the two visitors' bays.</i></p>
<i>Other Implications</i>		
<i>Legal/Policy</i>	<i>TPS 1 and associated Policies, and Residential Design Codes (R Codes).</i>	
<i>Strategic Implications</i>	<i>Nil</i>	
<i>Financial/Budget Implications</i>	<i>Nil</i>	

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

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

COMMENTS:

Plot Ratio

The comments provided by the applicant in support for the plot ratio and right of way variations are noted.

It is recognised that the proposal complies with the density and height requirements, and also the open space and setbacks are considered acceptable. However, the variation to the plot ratio requirement will result in the bulk and scale of the proposed development having a visual impact on the surrounding neighbourhood.

Right of Way

With regard to access from right of way, it is recognised that the topography of the site (fall of 2.2 metres) restricts the development of the site with access from the right of way. In that context, it is considered that vehicular access from Wavertree Place can be supported. It is to be noted that the crossover width along Wavertree Place complies with the requirement of the Town's Policy relating to Vehicular Access.

Conclusion

In light of the proposal being non-compliant with the plot ratio requirements, the proposal is recommended for refusal.

Chief Executive Officer and Director Development Services Comment:

The Chief Executive Officer and Director Development Services have amended this report as it is considered that the proposed development and variation to the plot ratio requirement is considered acceptable for the following reasons:

1. *It is considered that the bulk and scale of the development will not unduly impact on the amenity of the surrounding neighbourhood as the proposal complies with the required density, height, open space requirements and also the setbacks are considered acceptable.*
2. *Given there is an existing aged care development facing the subject site along Wavertree Street, a two-storey grouped dwelling development on the northern side and a park on the southern side, it is considered that the proposal is consistent with the surrounding built form.*
3. *The existing pattern of high density/multi-residential development in the general locality, particularly Brentham Street, Namatjira Place and Aranda Place.”*

10.1.1 No.17 (Lot 7 D/P: 11538) Green Street, Corner London Street, Mount Hawthorn – Proposed Demolition of Existing Caretakers Residence and Shop, and Construction of a Two-Storey Mixed Use Development Comprising Five (5) Offices and Four (4) Multiple Dwellings

Ward:	North	Date:	3 October 2007
Precinct:	Mount Hawthorn; P01	File Ref:	PRO0375 ; 5.2007.170.1
Attachments:	001		
Reporting Officer(s):	S O'Loughlin		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by S Butto and Associates Architects on behalf of the owner Czernik Family Trust for proposed Demolition of Existing Caretakers Residence and Shop, and Construction of a Two -Storey Mixed Use Development Comprising Five (5) Offices and Four (4) Multiple Dwellings, at No. 17 (Lot 7 D/P: 11538) Green Street, corner London Street, Mount Hawthorn, and as shown on plans stamp-dated 19 September 2007 subject to the following conditions:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) 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;*
- (iii) the two (2) car parking bays for the office component shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;*
- (iv) a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (v) prior to the issue of a Building Licence, designs for art work(s) valued at a minimum of 1 per cent of the estimated total cost of the development (\$5,590) shall be submitted to and approved by the Town, OR alternatively, the applicant/owner shall pay a cash-in-lieu contribution of \$5,590, subject to the Town agreeing to this arrangement . The art work(s) shall be in accordance with the Town's Policy relating to Percent for Art Scheme and be developed in full consultation with the Town's Community Development Services with reference to the Percent for Art Scheme Policy Guidelines for Developers. The art work(s) shall be installed prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*

- (vi) *all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;*
 - (vii) *first obtaining the consent of the owners of No. 19 Green 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. 19 Green Street in a good and clean condition;*
 - (viii) *the gross floor area of the office component shall be limited to a maximum of 391 square metres;*
 - (ix) *prior to the issue of a Building Licence the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the multiple dwellings of the following:*
 - (a) *that 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. This notification shall be lodged and registered in accordance with the Transfer of Land Act prior to the first occupation of the development; and*
 - (b) *the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units/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 development;*
- (x) *prior to the issue of a Building Licence, an acoustic report prepared in accordance with the Town's Policy relating to Sound Attenuation shall be submitted and approved by the Town. The recommended measures of the acoustic report shall be implemented and certification from an acoustic consultant that the measures have been undertaken, prior to the first occupation of the development, and the applicant/owners shall submit a further report from an acoustic consultant 6 months from first occupation of the development certifying that the development is continuing to comply with the measures of the subject acoustic report;*
 - (xi) *prior to the first occupation of the development, four (4) car parking spaces being provided for the residential component of the development shall be clearly marked and signposted for the exclusive use of the residents of the development and shall not be in tandem arrangement unless they service the same residential unit/dwelling;*
-

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

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

Residential

*1 x mobile garbage bin per unit ; and
1 x general recycle bin per 2 units ; and*

Commercial

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

(b) *all car parking bays complying with the minimum specifications and dimensions specified in the Town's Policy relating to Parking and Access and Australian Standards AS2890.1 – "Off Street Parking", including one car parking bay for people with disabilities; and*

(c) *the pavement within the site boundary being graded down to the existing footpath level so that stormwater is directed away from the building.*

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

(xiii) *doors, windows and adjacent floor areas fronting Green and London Streets shall maintain an active and interactive relationship with these streets;*

(xiv) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, traffic and heavy vehicle access, dust and any other appropriate matters, shall be submitted to and approved by the Town;*

(xv) *the awnings shall be a minimum height of 2.75 metres from the footpath level to the underside of the awning and 600 millimetres from the kerb line of Green and London Streets;*

(xvi) *prior to the issue of a Building Licence the applicant/owner shall pay a cash-in-lieu contribution of \$8553.60 for the equivalent value of 3.168 car parking spaces, based on the cost of \$2,700 per bay as set out in the Town's 2007/2008 Budget. Alternatively, if the car parking shortfall is reduced as a result of a greater number of car bays being provided, the cash in lieu amount can be reduced to reflect the new changes in car parking requirements;*

(xvii) *prior to first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owners(s)' full expense;*

(xviii) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*

- (xix) *an archival documented record of the place (including photographs, floor plans and elevations) for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (xx) *prior to the first occupation of the development, two (2) class 1 or 2 bicycle parking facilities shall be provided at a location convenient to the entrances of the approved development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to installation of such facilities;*
- (xxi) *the on-site car parking provided for the offices shall be available for use by the multiple dwellings outside the normal business hours of the offices;*
- (xxii) *the support/approval of the Department for Planning and Infrastructure and/or Western Australian Planning Commission, and compliance with its comments and conditions at the applicant(s)/owner(s)' full expense;*
- (xxiii) *in keeping with the Town's practice for multiple dwellings, commercial, retail and similar developments the footpaths adjacent to the subject land are to 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 \$5,000 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; and*
- (xxiv) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s).*

COUNCIL DECISION ITEM 10.1.1

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

Cr Messina returned to the chamber at 6.50pm

MOTION PUT AND CARRIED (5-2)

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

Cr Torre had not arrived at the Meeting at this stage.

Cr Doran-Wu on approved leave of absence

Landowner:	Czernik Family Trust
Applicant:	S Butto and Associates Architects
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Local Centre (R60)
Existing Land Use:	Office and Caretakers Residence
Use Class:	Multiple Dwelling and Office Buildings
Use Classification:	"AA" and "P"
Lot Area:	647 square metres
Access to Right of Way	N/A (South side, 4 metres wide dedicated road)

BACKGROUND:

22 September 1997 The Council at its Ordinary Meeting resolved to conditionally approve proposed new shop building and boundary fencing to London Street.

14 April 1998 The Council at its Ordinary Meeting resolved to refuse proposed change of use from caretakers residence to consulting rooms.

12 July 1999 The Council at its Ordinary Meeting resolved to conditionally approve proposed construction of an eating house and change of use from caretakers residence to office.

13 September 2005 The Council at its Ordinary Meeting resolved to conditionally approve the demolition of existing caretakers residence and shop and the construction of a two-storey mixed use development comprising five (5) offices and four (4) multiple dwellings.

10 July 2007 The Council at its Ordinary Meeting resolved to conditionally approve the reconsideration of condition (xiii) (d) of planning approval dated 13 September 2005 for the demolition of existing caretakers residence and shop and the construction of a two-storey mixed use development comprising five (5) offices and four (4) multiple dwellings, subject to the following conditions:

- “(i) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) *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;*
- (iii) *the two (2) car parking bays for the office component shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;*

- (iv) *a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
 - (v) *prior to the issue of a Building Licence, designs for art work(s) valued at a minimum of 1 per cent of the estimated total cost of the development (\$5,590) shall be submitted to and approved by the Town, OR alternatively, the applicant/owner shall pay a cash-in-lieu contribution of \$5,590, subject to the Town agreeing to this arrangement . The art work(s) shall be in accordance with the Town's Policy relating to Percent for Art Scheme and be developed in full consultation with the Town's Community Development Section with reference to the Percent for Art Scheme Policy Guidelines for Developers. The art work(s) shall be installed prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
 - (vi) *all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
 - (vii) *subject to first obtaining the consent of the owners of No. 19 Green 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. 19 Green Street in a good and clean condition;*
 - (viii) *the gross floor area of the office component shall be limited to a maximum of 391 square metres;*
 - (ix) *prior to the first occupation of the development, the applicant/owner(s) shall, in at least 12-point size writing, advise (prospective) purchasers of the residential units/dwellings that the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units/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;*
 - (x) *prior to the issue of a Building Licence, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the multiple dwellings that 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. This notification shall be lodged and registered in accordance with the Transfer of Land Act prior to the first occupation of the development;*
-

- (ix) *prior to the issue of a Building Licence, the applicant/owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property that the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units/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.*
- (xii) *prior to the first occupation of the development, four (4) car parking spaces being provided for the residential component of the development shall be clearly marked and signposted for the exclusive use of the residents of the development and shall not be in tandem arrangement unless they service the same residential unit/dwelling;*
- (xiii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating:*
- (a) *the bin compound being constructed in accordance with the Town's Health Services Specifications, divided into commercial and residential areas and sized to contain:-*
- Residential*
1 x Mobile Garbage Bin per Unit
1 x General Recycle Bin per 2 Units Commercial
1 x Mobile Garbage Bin per Unit
1 x Paper Recycle Bin per Unit, or per 200 square metres of floor space;
- (b) *the car parking bays fronting the southern dedicated road being setback a minimum of 6 metres from the southern side of that road;*
- (c) *all car parking bays complying with the minimum specifications and dimensions specified in the Town's Policy relating to Parking and Access and Australian Standards AS2890.1 – "Off Street Parking", including one car parking bay for people with disabilities.*
- The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (xiv) *doors, windows and adjacent floor areas fronting Green and London Streets shall maintain an active and interactive relationship with these streets;*
-

- (xv) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, traffic and heavy vehicle access, dust and any other appropriate matters, shall be submitted to and approved by the Town;*
- (xvi) *the awnings shall be a minimum height of 2.75 metres from the footpath level to the underside of the awning and 600 millimetres from the kerb line of Green and London Streets;*
- (xvii) *prior to the issue of the Building Licence, the applicant/owner shall pay a cash-in-lieu contribution of \$7,920 for the equivalent value of 3.168 car parking spaces, based on the cost of \$2,500 per bay as set out in the Town's 2007/2008 Budget. Alternatively, if the car parking shortfall is reduced as a result of a greater number of car bays being provided, the cash in lieu amount can be reduced to reflect the new changes in car parking requirements;*
- (xviii) *prior to first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owners(s)' full expense;*
- (xix) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (xx) *an archival documented record of the place (including photographs, floor plans and elevations) for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (xxi) *prior to the first occupation of the development, two (2) class 1 or 2 bicycle parking facilities shall be provided at a location convenient to the entrances of the approved development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to installation of such facilities;*
- (xxii) *the on-site car parking provided for the offices shall be available for use by the multiple dwellings outside the normal business hours of the offices; and*
- (xxiii) *this approval is valid until 13 September 2007 as per the previous planning approval (Serial No. 5.2005.2915.1). If the development is not substantially commenced within the above period, a new planning approval must be obtained prior to commencing or continuing the development."*

DETAILS:

The proposal involves proposed demolition of existing caretakers residence and shop and construction of a two-storey mixed use development comprising five (5) offices and four (4) multiple dwellings. The Town's Officers note that the abovementioned approval as determined by the Council at its Ordinary Meeting held on 13 September 2007 has expired.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	4 multiple dwellings (site area 647 square metres plus 18.68 square metres for the truncation in accordance with R Codes clause 3.1.2 A2 (i)) - R 60.	4 multiple dwellings - R 60	Noted – no variation.
Plot Ratio	0.70 - 465.98 square metres	0.49 - 326.18 square metres	Noted – no variation.
Setbacks (for residential component only): Units 1, 2, 3 and 4 Upper Floor - West Bedrooms 1 and 2 and bathroom	3.3 metres	1.5 metres	Supported - no undue impact as adjacent affected lot is occupied by a commercial land use.
Mt Hawthorn Precinct Statement: Land Use	Small scale shops and similar uses are to be provided within these areas to serve the day to day convenience shopping needs of local residents.	5 offices proposed	Supported - the proposal is considered to improve the general amenity of the area and the applicant has indicated an office land use to be more viable in the area. The Town's Officers also consider the nearby Dog Swamp Shopping Centre encroaches the catchment area of the subject Local Centre area for retail convenience good land uses; and therefore support office land uses within the development.
Building Height and Scale	Should be of a low height and scale similar to existing buildings and compatible.	6.3 metres to the top of the eaves (roof above) on south elevation.	Supported - south elevation is affected by sloping nature of site, the variation is considered minor in nature and has

			no undue impact on the area in this instance.
Balconies	Balconies with minimum dimensions of 2 metres.	Balconies to Units 1,2,3 and 4 have a minimum dimension of 1.5 metres.	Supported – the variation to the balconies for Units 1,2,3 and 4 was approved by Council at its Ordinary Meeting held on 10 July 2007.
Significant Tree List	Liquid Amber tree on the Town's Trees of Significance Inventory-Database contained within the site.	Proposal includes removal of significant tree.	Liquid Amber tree is on the Town's Trees of Significance Inventory Database-Reference, but the Town's Parks Services have previously advised that the tree is not significant enough to warrant retention.
Consultation Submissions			
Support	Nil		Noted
Objection	Nil		Noted
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

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

Residential Car Parking

The car parking requirements for the residential component of the development have been calculated using the requirement for on-site parking contained in the mixed use development requirements of the Residential Design Codes (R Codes) clause 4.2.1. The residential component requires 4 car bays. A total of 4 car bays have been allocated for the residential component.

A total of 6 car bays have been provided for the entire development, 4 of these bays must be for the exclusive use of the residential component of the development and 2 bays may be provided for the proposed office component.

Commercial Car Parking

Requirements as per Parking and Access Policy	Required
Car Parking Requirement (nearest whole number) - Office (391 square metres)- 7.82 carbays	8 car bays
Apply the adjustment factors <ul style="list-style-type: none"> ▪ 0.85 (within 400 metres of a bus stop) ▪ 0.80 (mixed use development) ▪ 0.95 (within 400 metres of car park with excess of 25 car parking bays) 	(0.646) 5.168 car bays
Minus car parking on-site	2 car bays
Minus the most recently approved on-site parking shortfall	N/A
Resultant shortfall	3.168 car bays

Bicycle Parking Facilities

Requirements	Required	Provided
Office 1 per 200 (proposed 391) square metres gross area (class 1 or 2).	1.955 spaces	No class 1 or 2 facilities provided.
1 space per 750 square metres over 1000 square metres for visitors.	N/A	N/A

COMMENTS:

Demolition

In light of preliminary investigations, the Town's Officers do not consider a full heritage assessment is necessary for the proposed demolition of the subject property at No.17 Green Street.

The subject property was constructed c1955 during the Post War period of development in Perth. The place is characteristic of the Post War International Style architecture predominant in Perth at the time, with its low pitched gable roof and widely projecting eaves. The place is constructed of cement brick with large fixed panels of glazing to the front of the building.

The subject property is considered to be of little aesthetic, historic, scientific or social value and does not meet the minimum criteria for entry into the Town's Municipal Heritage Inventory.

In light of the above, it is recommended that approval be granted for the demolition of the existing dwelling, subject to standard conditions.

Cash-in-lieu of Car Parking

The Town's Officers are supportive of cash-in-lieu of car parking provision, as contained in a condition in the Officer Recommendation, on the basis of the mixed use nature of the proposal and the low occupancy rate of nearby parking facilities including the Dunedin Street Car Park.

Non Residential/Residential Development Interface

The proposed development is adjacent to the Residential zone along London Street. There are no privacy encroachments, no submissions were received during the advertising period and the proposal does not unduly affect the amenity of the Residential zone to the south of the subject site.

Summary

In light of the above, the proposal is considered supportable, subject to standard and appropriate conditions to address the above matters and the scale and nature of the development.

10.1.4 No. 325 (Lot 251 D/P: 29191) Charles Street, North Perth - Proposed Two- Storey with Loft Mixed Use Development Comprising Offices, Four (4) Multiple Dwellings and Basement Car Parking

Ward:	North	Date:	28 September 2007
Precinct:	Charles Centre; P7	File Ref:	PRO3222; 5.2007.106.1
Attachments:	001		
Reporting Officer(s):	L Mach		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by Rechichi Architects on behalf of the owner Codesign Pty Ltd for proposed Two- Storey with Loft Mixed Use Development Comprising Offices, Four (4) Multiple Dwellings and Basement Car Parking, at No.325 (Lot 251 D/P: 29191) Charles Street, North Perth, and as shown on plans stamp-dated 23 March 2007 , for the following reasons:

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality; and*
- (ii) the non-compliance with the Density, Car Parking, Plot Ratio and Setbacks requirements of the Residential Design Codes, and the Town's Policies relating to Non- Residential and Residential Development Interface and Parking and Access.*

COUNCIL DECISION ITEM 10.1.4

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

PROCEDURAL MOTION

Moved Cr Farrell, Seconded Cr Messina

That the Item be DEFERRED for further consideration by the Town's Officers, and possible intensifications of the site.

PROCEDURAL MOTION CARRIED (7-0)

Cr Torre had not arrived at the meeting at this time.

Cr Helen Doran-Wu on approved leave of absence.

Landowner:	Codesign Pty Ltd
Applicant:	Rechichi Architects
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Commercial
Existing Land Use:	Single House
Use Class:	Office Building, Multiple Dwelling
Use Classification:	"P", "AA"
Lot Area:	339 square metres
Access to Right of Way	N/A

BACKGROUND:

6 December 2005 The Council at its Ordinary Meeting resolved to conditionally approved an application for demolition of existing single house and construction of a 3-4 storeys mixed use development comprising offices and four (4) single bedroom multiple dwellings at the subject property.

18 September 2007 The subject proposal was presented at the Elected Member Forum.

DETAILS:

The proposal involves two- storey with loft mixed use development comprising offices, four (4) multiple dwellings and basement car parking. The applicant's submission is "*Laid on the Table*".

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	2.7 dwellings R 80	4 dwellings R 118 47 per cent density bonus	Not supported- overdevelopment of the site in this instance.
Plot Ratio	1.0 - 339 square metres	1.06- 359 square metres	Not supported- overdevelopment of site and opportunity to comply as site will be vacant.
Height	Two storeys, third can be considered	Two storeys plus basement and loft	Supported- not considered to have an undue impact on streetscape and area in general and no objections received.
Setbacks - west	6.0 metres	Nil (offices and terraces)- 1.5 metres (main building of dwellings), plus 1.33 metres of Lot	Not supported- undue impact on neighbours.

		254	
Landscaping	10 per cent	3.66 per cent	Supported- any further landscaping to be provided is unlikely to be seen from the street and therefore, ineffective for its main purposes. It is considered that the reduction of the landscaping requirement may be considered where the applicant installs street furniture and public art. To be conditioned accordingly in the event of approval.
Car Parking	7 car bays	4 car bays plus 2 reciprocal car bays available. Refer to Technical Services comments in relation to 'car stacker'	Not supported - inadequate car parking facilities provided for the development.
Consultation Submissions			
The proposal has been referred to the Department for Planning and Infrastructure and no comments have been received to date. The Department for Planning and Infrastructure (DPI) has indicated for a previous proposal for the subject site that there were no DPI land requirements for this site.			
Support	Nil		Noted.
Objection	Nil		Noted.
Other Implications			
Legal/Policy	TPS 1 and associated Policies, and Residential Design Codes (R Codes).		
Strategic Implications	Nil		
Financial/Budget Implications	Nil		
Car Parking- Commercial Component			
Car parking requirement (nearest whole number) Office (215 square metres) – 4.3 car bays	4 car bays		
Apply the adjustment factors. <ul style="list-style-type: none"> • 0.85 (within 400 metres of a bus stop) • 0.95 (within 400 metres of a car park with excess of 25 car parking spaces) • 0.80 (contains mix of uses, with at least 45 per cent of gross floor area being residential) • 0.90 ('end of trip' facilities) 	(0.5814) 2.32 car bays		
Minus the car parking provided on-site for commercial component	2 car bays		
Minus the most recently approved on-site car parking shortfall	Not applicable as proposal is to redevelop a vacant site.		
Resultant shortfall	0.32 car bay**		

Bicycle Parking Facilities	
<p>Office</p> <ul style="list-style-type: none"> • 1 per 200 square metres gross floor area for employees (class 1 or 2)- 1.08 spaces • 1 space per 750 square metres over 1000 square metres for visitors (class 3)- nil 	<p>Plans indicate bicycle parking area; matter should be further conditioned accordingly in the event of an approval.</p>

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

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

**If the resultant shortfall of parking is less than or equal to 0.5 car bay, no parking bays or cash-in-lieu of parking is required for shortfall.

COMMENTS

Technical Services Comments

The Town currently has no Policy/Guidelines nor is there a relevant Australian Standard that covers 'car stacker' devices. There is some mention in several standards however, they do not cover 'car stackers' in any great detail.

The applicant would be required to prepare a comprehensive risk management plan in the case of power failure (back-up generator), breakdowns, availability of spare parts, qualified repairers, etc, and identify long term local maintenance support. In addition, occupational safety and health issues would need to be identified by the applicant and they would be required to provide information on how users would be trained / inducted in the safe use/operation of the system.

It is considered however, that approval of this matter with no guidelines/policy in place would set an undesirable precedence. Also the liability aspect in terms of injury/accident would need to be fully determined in a legal agreement between the Town and the property owner/s and included as a memorial on the title of each property.

Ease of use and who would take ownership and control would need to be determined so everyone could use the system. The owner/s of the complex would need to ensure the 'car stacker' remained in place (functional) and not be removed in the future should it either become too inconvenient to use, parts were no longer available or it became too expensive to operate/repair. The operating life of the system and what measures to replace the system at the end of its useful life would need to be determined.

In relation to the current proposal, the type of 'car stacker' mentions the top bays would be used for 'long term parking' and the lower ones for 'more frequent use'. How long is long term and, as this would be for the residential parking portion of the parking space, it is likely that both vehicles using this device would use it frequently.

There could be additional pressures on street parking due to vehicles not using the system due to complexity/perception and convenience etc. It is considered the system could possibly work well in certain situations; for example, commercially operated vehicle parking station with full time operator/s, however, would have drawbacks (as mentioned above) in a private residential situation.

Queuing lengths would need to be determined as the operation of the stackers blocks access for other vehicles and noise attenuation would need to be addressed in the design.

While the concept has merit, it is considered that until policies and guidelines for the use of these types of devices, fitted to the type of development proposed, that address all the matters raised above are developed, the current proposal should not be supported.

Summary

In light of the above, the proposal is recommended for refusal.

10.1.9 Further Report - Amendment No. 46 to Planning and Building Policies – Draft Policy Relating to Single Bedroom Dwellings

Ward:	Both Wards	Date:	2 October 2007
Precinct:	All Precincts	File Ref:	PLA0185
Attachments:	001		
Reporting Officer(s):	A Fox, B McKean, V Lee		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

FURTHER OFFICER RECOMMENDATION:

That the Council;

- (ii) *RECEIVES the amended version of the Draft Policy relating to Single Bedroom Dwellings, as shown in Attachment 10.1.9;*
- (ii) *ADOPTS the amended version of the Draft Policy relating to Single Bedroom Dwellings in the interim until the formal adoption of the Draft Policy;*
- (iii) *ADVERTISES the amended version of the Draft Policy relating to Single Bedroom Dwellings for public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:*
 - (a) *advertising a summary of the subject Policy once a week for four consecutive weeks in a newspaper circulating in the locality;*
 - (b) *where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the subject Policy; and*
 - (c) *forwarding a copy of the subject Policy to the Western Australian Planning Commission; and*
- (iv) *after the expiry of the period for submissions:*
 - (a) *REVIEWS the amended version of the Draft Policy relating to Single Bedroom Dwellings, having regard to any written submissions; and*
 - (b) *DETERMINES the amended version of the Draft Policy relating to Single Bedroom Dwellings, with or without amendment, to or not to proceed with them.*

Moved Cr Farrell, Seconded Cr Chester

That the recommendation be adopted.

Debate ensued.

Cr Farrell departed the Chamber at 7.10pm.

Debate ensued.

Cr Farrell returned to the Chamber at 7.12pm.

PROCEDURAL MOTION

Moved Cr Chester, Seconded Cr Lake

That the item be DEFERRED for consideration at a Forum.

CARRIED (7-0)

Cr Torre had not arrived at the meeting at this time.

Cr Helen Doran-Wu on approved leave of absence

COUNCIL DECISION ITEM 10.1.9

That the Item be DEFERRED for consideration at a Forum.

FURTHER REPORT:

The Council at its Ordinary Meeting held on 28 August 2007 considered the subject matter and resolved the following:

“That the item be DEFERRED and all amendments voted upon and carried in tonight’s meeting be included in the draft document and this be reported to Council for further consideration.”

In accordance with the above Council resolution, the Draft Policy has been amended to incorporate those amendments carried at the Ordinary Meeting of Council held on 28 August 2007.

The Director Development Services sent an email and the amended Draft Policy to Elected Members on 13 September 2007 requesting any further comments on the Policy to be submitted by 21 September 2007. No comments were received from Elected Members.

In light of the above, the previous Officer Recommendation remains unchanged, except that reference is now made to the amended Draft Policy.

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 28 August 2007.

“OFFICER RECOMMENDATION:

That the Council;

(iii) *RECEIVES the Draft Policy relating to Single Bedroom Dwellings, as shown in Attachment 10.1.8;*

(ii) *ADOPTS the Draft Policy relating to Single Bedroom Dwellings in the interim until the formal adoption of the Draft Policy, subject to the Policy being amended as follows:*

(a) *clause 3) Floor Area be amended to read as follows:*

‘Clause 4.1.3 of the Residential Design Codes specifies that the plot ratio floor area for a single bedroom dwelling is limited for to 60 square metres....’

(iii) *ADVERTISES the Draft Policy relating to Single Bedroom Dwellings for public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:*

- (a) *advertising a summary of the subject Policy once a week for four consecutive weeks in a newspaper circulating in the locality;*
- (b) *where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the subject Policy; and*
- (c) *forwarding a copy of the subject Policy to the Western Australian Planning Commission; and*

(iv) *after the expiry of the period for submissions:*

- (a) *REVIEWS the Draft Policy relating to Single Bedroom Dwellings, having regard to any written submissions; and*
- (b) *DETERMINES the Draft Policy relating to Single Bedroom Dwellings, with or without amendment, to or not to proceed with them.*

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

Moved Cr Farrell, Seconded Cr Ker

That the corrected Officer Recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Chester, Seconded Cr Ker

That the following amendment be adopted.

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

(ii) *ADOPTS the Draft Policy relating to Single Bedroom Dwellings in the interim until the formal adoption of the Draft Policy, subject to the Policy being amended as follows:*

- (a) *clause 1) Background be amended to read as follows;*

'...

It is recognised that housing of this nature ~~generally result in~~ have less building bulk, and a lower population density per dwelling, therefore does not generate the same demands for car parking, stores and balconies, as two or more bedroom dwellings.'; and

- (b) *a new clause 6) Void be added as follows*

'6) VOID

A single bedroom dwelling is not to incorporate any void areas unless the applicant clearly demonstrates to the satisfaction of the Town of Vincent that the

void area is not capable of conversion into a bedroom, and the void does not contribute to the dwelling having an appearance of a dwelling that comprises two or more bedrooms.'

Debate ensued.

Cr Lake requested that the amendment to Clause (b) – VOID – be amended by adding the words “and the void does not add to the bulk of the building and” after the word “not” in line 4.

The Mover, Cr Chester, and Seconder, Cr Ker, agreed to this change.

The Presiding Member ruled that he would consider the amendment in two parts.

Debate ensued.

CLAUSE (ii)(a) WAS PUT AND CARRIED (5-3)

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

(Cr Torre was an apology for the meeting)

CLAUSE (ii)(b) WAS PUT AND CARRIED (7-1)

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

(Cr Torre was an apology for the meeting)

To correct grammar, the word “have” was changed to “has” in clause (ii)(a).

AMENDMENT

Moved Cr Maier, Seconded Cr Ker

That the following amendment be adopted.

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

(ii) ADOPTS the Draft Policy relating to Single Bedroom Dwellings in the interim until the formal adoption of the Draft Policy, subject to the Policy being amended as follows:

(a) clause 2) Site Area be amended to read as follows:

‘...

iii) a maximum of one (1) bedroom and two (2) adult occupiers are permitted in the dwelling at any one time; and

...

The Town of Vincent will consider a total density bonus ~~of between 50 per cent and 60 per cent~~ of up to 60 per cent in relation to the minimum site area requirements for the respective density code under the Residential Design Codes for single bedroom dwellings, provided the following criteria are met to the satisfaction of the Town of Vincent:

...

ii) prior to the consideration of a density bonus of ~~between~~ greater than 50 per cent ~~and 60 per cent~~ a Heritage Impact Statement is to be undertaken by the Town of Vincent Officers to measure the impact of the proposed development on the existing heritage listed place; and... '.

Cr Doran-Wu asked that it be voted upon separately and the Presiding Member ruled that this would occur.

Debate Ensued. CLAUSE (ii) (a) WAS PUT AND LOST

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

(Cr Torre was an apology for the meeting)

CLAUSE (ii) (a) (ii) WAS PUT AND CARRIED (7-1)

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

(Cr Torre was an apology for the meeting)

AMENDMENT

Moved Cr Chester , Seconded Cr Maier that a new clause be added as follows:

“the development display a high level of quality and design standards, such as good quality building materials, horizontal and vertical articulation of the building, articulation of the street façade and building bulk, height, setbacks and roof forms to complement existing streetscapes.”

AMENDMENT PUT AND CARRIED (7-1)

<u>For</u>	<u>Against</u>
Mayor Catania	Cr Messina
Cr Chester	
Cr Doran-Wu	
Cr Farrell	

Cr Ker
Cr Lake
Cr Maier

(Cr Torre was an apology for the meeting)

COUNCIL DECISION ITEM 10.1.8

Moved Cr Chester, Seconded Cr Farrell

That the item be DEFERRED and all amendments voted upon and carried in tonight's meeting be included in the draft document and this be reported to Council for further consideration. MOTION TO DEFER PUT AND CARRIED (5-3)

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

(Cr Torre was an apology for the meeting)

PURPOSE OF REPORT:

The purpose of this report is to present the Draft Policy relating to Single Bedroom Dwellings and to seek the Council's approval to advertise the Draft Policy.

BACKGROUND:

23 January 2007 The Council at its Ordinary Meeting considered Item 10.1.8 relating to the draft Residential Design Policy. The Council resolved to adopt the following action:

“(ii) (i) new policies relating to:

(1) Subdivisions; and

(2) Single Bedroom Dwellings;

independent but inherently linked to the draft Residential Design Elements be prepared and that a report and draft policy be referred to the Council no later than April 2007;”

DETAILS:

In light of clause (ii) (i) (2) of the above Council Resolution of the Ordinary Meeting of Council held on 23 January 2007, the Town's Officers have prepared a Draft Policy relating to Single Bedroom Dwellings.

The objectives of the Draft Policy states as follows:

“1) To provide clear policy direction on the requirements for single bedroom dwellings within the Town of Vincent.

- 2) *To ensure a high level of appearance and amenity of single bedroom dwellings.*
- 3) *To provide appropriate forms of housing for one or two person households, while still encouraging the conservation and enhancement of those places which contribute to the heritage value of the Town of Vincent.”*

The Draft Policy addresses various matters relating to Single Bedroom Dwellings, with specific attention to site area, floor area, car parking, store rooms and balconies.

CONSULTATION/ADVERTISING:

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

LEGAL/POLICY:

Town Planning Scheme No. 1 and associated Policies.

STRATEGIC IMPLICATIONS:

*Strategic Plan 2006-2011 – Strategic Objective: 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.*

FINANCIAL/BUDGET IMPLICATIONS:

The current 2007/2008 Budget allocates \$60,000 for Town Planning Scheme Amendments and Policies.

COMMENTS:

The Draft Policy relating to Single Bedroom Dwellings has been prepared to mainly provide applicants and developers with a set of concise guidelines and requirements for establishing Single Bedroom Dwellings within the Town. It is intended that this Policy will give a clear definition of a ‘Single Bedroom Dwelling’, address the requirements for Single Bedroom Dwellings under the Residential Design Codes (R Codes) and outline in what instances the Council will consider a variation to the R Codes.

In light of the above, it is recommended that the Council receives, adopts in the interim and advertises the Draft Policy in accordance with the Officer Recommendation.”

10.1.10 Town of Vincent Local History Picture Book No. 2

Ward:	Both	Date:	2 October 2007
Precinct:	All	File Ref:	PLA 0187
Attachments:			
Reporting Officer(s):	J Davidson, K Jackson		
Checked/Endorsed by:	E Scott, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report relating to the Town of Vincent Local History Book No 2;*
- (ii) *APPROVES the working title of “COMMERCIAL STREETS OF OUR TOWN” for the Local History Book No 2;*
- (iii) *ENDORSES;*
 - (a) *in principle the approach to be taken for Book No 2;*
 - (b) *the timeframe and budget for the project as detailed in this report; and*
- (iv) *NOTES that a progress report will be submitted no later than March 2008 to monitor project timeline and fund expenditure; and*

COUNCIL DECISION ITEM 10.1.10

Moved Cr Farrell , Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Ker , Seconded Cr Chester

That clause (ii) be amended by deleting the word “STREETS” and inserting the word “ACTIVITIES”.

Debate ensued

AMENDMENT PUT AND CARRIED (7-0)

Cr Messina departed the chamber at 7.17pm

Debate ensued

Cr Messina returned at 7.19pm

MOTION AS AMENDED PUT AND CARRIED (7-0)

Cr Torre had not arrived at the meeting at this time.

Cr Helen Doran-Wu on approved leave of absence

Reason for Change

It is considered that “Activities” better reflects the theme of the book. The word “streets” was considered too limited.

COUNCIL DECISION ITEM 10.1.10

That the Council;

- (i) RECEIVES the report relating to the Town of Vincent Local History Book No 2;*
 - (ii) APPROVES the working title of “COMMERCIAL ACTIVITIES OF OUR TOWN” for the Local History Book No 2;*
 - (iii) ENDORSES;*
 - (a) in principle the approach to be taken for Book No 2;*
 - (b) the timeframe and budget for the project as detailed in this report; and*
 - (iv) NOTES that a progress report will be submitted no later than March 2008 to monitor project timeline and fund expenditure; and*
-

PURPOSE OF REPORT:

To approve the cost of producing a second local history book which would be a ‘companion’ book to the original book of photographs.

BACKGROUND:

Following the success of the first local history book produced in May 2007, at the Special Meeting of Council held on 10 July 2007, \$20,000 was endorsed to undertake a second local history book to be completed as part of the 2007/2008 Annual Budget. The report noted that;

‘The Operating Budget includes money for a second Local History Book of the Town. This follows the very successful launch of the first book - “Our Town”.’

On 31 August 2007, a meeting was held with the Director Development Services, the Local History Librarian, and Senior Heritage Officer, to discuss the format the book would take. It was considered that a different emphasis would assist with the successful sale and promotion of a second book. The theme of “commercial streets” was chosen.

A further meeting on 11 September 2007 with Local History and Heritage staff identified four focus areas for the subject of the book:

- Oxford Street;
 - Scarborough Beach Road;
 - Fitzgerald and Angove Streets; and
 - Beaufort and William Streets.
-

DETAILS:

The original production of a coffee table book based on photographs in the Town of Vincent local history collection was successful. Eight hundred soft cover and two hundred hard cover books were produced, and sales so far have been consistent. The book has drawn on the interest within the local community of the history of the Town, and of documenting and preserving that history.

As a result of the success of the first book, discussions have been held about producing a companion volume based on the existing format. A theme-based approach to the compilation of the second book would distinguish it from the original, and allow the development of future books in a series. Selected themes would build upon areas of strength in the local history collection, and would also provide an opportunity to target areas in the collection for more information.

The proposed second book will have commercial streets as its focus. The four main commercial areas in the Town have been selected: Oxford Street, Scarborough Beach Road, Fitzgerald and Angove Streets, and Beaufort and William Streets. The content of the book will include historic and contemporary photographs of the same scenes, as change is always a fascinating aspect of local heritage. It will also make use of oral histories and other local history collections, such as maps and illustrations. In a marked distinction from the first book, it will also contain written histories about each of the commercial areas.

It is anticipated the book would comprise:

- Approximately 120 pages;
- In each section, a short history of the area would be followed by photographs and other visual medium;
- The photographs would feature on the right side of the page, with a brief descriptive text on the left, and relevant extracts from oral histories or other local sources. Wherever possible, a historic photograph would be contrasted with a contemporary inset photograph;
- The historic photographs would be in sepia tone, while the contemporary ones will be in full colour. The cover would be in full colour;
- The book would be in landscape format;
- The proposed print run is 1,000 copies, with 200 to be hardcover; and
- The proposed sale price is \$30 for soft cover and \$45 for hard cover.

Sources to be utilised include the Town of Vincent local history collection, as well as a broader search of collections in the Batty Library and the Royal Western Australian Historical Society. Staff will also build on contacts with local community members who may have photographs and information relating to these streets. Previous displays and competitions are also a source, as well as the MHI. The workload will be shared between the Local Studies and Heritage Services Sections.

It is considered this project will result in positive outcomes such as increased awareness about local history throughout the Town, and raised profile of the Local Studies and Heritage Services. The selection of several streets ensures the even distribution of commercial areas through the Town, making the book relevant for a broader community base, thus making it marketable to a larger audience.

Indicative Project Timeline and Budget

The following is an indicative Project Timeline and Budget.

DATE		TASK	BUDGET	
Start	Finish		2007/08	2008/09
10/2007	Ongoing	Set up – administration, working teams, consultative group, including staff costs	1,000	1,000
10/2007	10/2008	Research: photographs, maps, oral history, etc	500	1,000
10/2007	02/2008	Advertising	2,000	2,500
11/2008	12/2008	Selection of content	-	
11/2008	12/2008	Writing of history and supporting text, including proofreading	-	2,000
12/2008		Approval of text	-	-
01/2009		Desktop publishing		3,500
03/2009		Review and rewrite	-	-
04/2009		Final artwork	-	-
05/2009		Sign-off	-	
05/2009		Print run	-	17,000
06/2009		Launch and Promotion		2,000
TOTAL			\$3,500	\$26,500

Due to the limited staff resources and proposed relocation of the Library and Local History Services in late 2007/early 2008, it is recommended that the project be spread over two financial years. This will ensure a high quality book will be produced without the need for additional resources and without causing undue pressure on the staff.

CONSULTATION/ADVERTISING:

Community engagement will occur to engender interest and ownership in the project, and will incur costs relating to advertising, promotion etc.

LEGAL/POLICY:

Nil.

STRATEGIC IMPLICATIONS:

Town of Vincent Strategic Plan 2006-2011:

Strategic Objective 1.1 – Improve and maintain environment and infrastructure

Action:

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

Several places within the commercial street areas are listed on the Town's Municipal Heritage Inventory. The development of these areas is part of the Town's commercial heritage, and a book tracing this will enhance this heritage by raising awareness and interest.

Strategic Objective 3.1 – Enhance community development and wellbeing

Action:

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

3.1.1(a) Organise and promote community events and initiatives that engage the community and celebrate cultural and social diversity of the Town.

3.1.1(c) Promote an appropriate range of resources and programs, in various formats for members of the community.

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

Action:

4.1.6 – Focus on stakeholder needs, values, engagement and involvement

4.1.6(c) Increase and promote community participation in Town activities, promote business and industry associations and foster improved liaison between community groups, precinct groups, the Town and other relevant stakeholders.

The contribution from culturally diverse groups in the development of the Town's commercial sector will be acknowledged in a book such as this, which will be available for all members of the community.

The project provides an opportunity to develop networks and capitalise on existing community structures established for the business of the Town. This will lead to a greater sense of ownership within the community of their local heritage and history.

FINANCIAL/BUDGET IMPLICATIONS:

Income

Sale of 200 Hardcover books (\$45 each)	\$ 9,000
Sale of 800 Softcover books (\$30 each)	<u>\$24,000</u>
	\$33,000

Expenditure

Production/Printing of 1,000 copies (120 pages) 800 softcover, 200 hardcover	\$17,000
Artwork	\$ 4,000
Photographs (research)	\$ 1,500
Advertising and promotion costs	\$ 4,500
Proof reading	\$ 2,000
Administration costs (part salaries, phone, stationery)	\$ 2,000
Book launch	<u>\$ 2,000</u>
	<u>\$33,000</u>
Total budget allocation:	\$30,000

COMMENTS:

The publication of a local history book of photographs has been an effective means of engaging the community in relation to its cultural heritage, and has found an interested and ready audience. A second theme-based book will build upon this interest.

In light of the above, it is recommended that the Council supports the Officer Recommendation.

**10.2.1 Further Report No 4 - Proposed Traffic and Parking Improvements -
Lawler Street, North Perth, Outside Kyilla Primary School**

Ward:	North	Date:	3 October 2007
Precinct:	North Perth P8	File Ref:	TES0158
Attachments:	001		
Reporting Officer(s):	R Lotznicker		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES progress report No. 4 on the Proposed Traffic and Parking Improvements in Lawler Street adjacent to the northern boundary of the school;*
- (ii) *NOTES that the residents in Lawler Street are in favour of the revised proposal as outlined on attached Plan No. 2478-CP-05A;*
- (iii) *APPROVES the implementation of the proposal, as outlined on attached Plan No. 2478-CP-05A, at an estimated cost of \$100,000;*
- (iv) *WRITES to the Commissioner of Main Roads WA and the Minister for Transport requesting that a 10kph shared zone be trialled in Lawler Street during school pickup and drop off times once the works have been implemented; and*
- (v) *ADVISES all respondents of its decision.*

COUNCIL DECISION ITEM 10.2.1.

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued

MOTION PUT AND CARRIED (7-0)

Cr Torre had not arrived at the meeting at this time.

Cr Helen Doran-Wu on approved leave of absence

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of progress with regard to traffic and Parking Improvements in Lawler Street adjacent to the northern boundary of the Kyilla Primary School.

BACKGROUND:

Following a request from the Kyilla Primary School for Traffic and Parking Improvements in Lawler Street, the matter was considered by the Council in November 2006 and referred to

the Town's Local Area Traffic Management (LATM) Advisory Group. Following consideration by the LATM advisory group, the Council considered a further report on the matter on 13 March 2007, where it was decided to consult with residents.

The results of the community consultation were reported the Ordinary Meeting of Council held on 8 May 2007, where the Council was advised that the consultation revealed the majority of respondents were against the proposal and where the following decision was made.

"That the Council;

- (i) RECEIVES progress report No. 3 on the Proposed Traffic and Parking Improvements in Lawler Street adjacent to the northern boundary of the school;*
- (ii) NOTES that the majority of respondents, and in particular those in Lawler Street, are opposed the proposal as outlined on attached Plan No. 2478-CP-04;*
- (iii) CONDUCTS a workshop to further develop the proposal/s for traffic and parking improvements in Lawler Street, in the vicinity of the Kyilla Primary School, and invites residents from Lawler Street, representatives from the Kyilla Primary School, and the Town's Local Area Traffic Management Advisory Group to attend; and*
- (iv) RECEIVES a further progress report once the matter/s has been further determined."*

DETAILS:

In accordance with clause (iii) of the Council's decision on 9 August 2007, the Town's LATM Advisory Group, in conjunction the Kyilla Primary School P & C, held a public workshop in the school library to discuss traffic and parking improvements in Lawler street. Despite the inclement weather, the meeting, chaired by the Deputy Mayor, was well attended and included residents of Lawler Street, the Mayor, five other Elected Members, members of the LATM Advisory Group and representatives of the P & C.

The general consensus of the meeting was that 45° angled parking was supported but that the street was to remain two-way with speed humps. Further, it was generally agreed that parking restrictions should be installed on the residential side of Lawler Street during school drop off and pick-up times, to match those currently installed in Bedford Street.

For its part, the P & C agreed to develop and implement a traffic and parking management plan to encourage parents and guardians to enter Lawler Street from Hunter Street and to exit via Bedford Street, once the proposal had been implemented.

The Elected Members present at the meeting indicated that if the proposed changes were endorsed by the residents, the school P & C, and approved by Council, that the Town would also instigate discussions with Main Roads WA to have Lawler Street, between Hunter and Bedford Streets, designated a 10 kph zone which, if successful, would be a first for the Town.

Drawing No. 2478-CP-05 was subsequently developed, based upon the outcomes of the meeting and, as agreed, residents were again invited to forward written comments on the revised agreed proposal.

Community Consultation

The further consultation revealed that all respondents were either in favour or partially in favour of the revised proposal and some of the comments received are outlined below:

- I concur as long as the speed humps are not too high! Also, quite happy for it to remain a 40 kph zone during school times.
- I agree with the resolution passed on 9 August. If other items arise, please advise!
- We note that there is no mention of the proposed 10 kph zone being only in effect at school drop off and pick up times. We only support this speed change on the condition it is restricted to these times. Any planned deviation from the current proposal is to be done by community consultation (school and residents).
- We are very happy with the proposed plan.
- I concur with the overall proposal except for the removal of the jacaranda tree. It would be a pity to lose this tree which will develop to a nice feature of the streetscape. Could the footpath on the residents' side be upgraded from slabs to a concrete path, or even better, brick paving?
- I concur with the overall proposal subject to:
 - Residents being consulted on removal of any trees
 - Should the existing road width be reduced, then an expert opinion be given to residents that such shortening will not be a traffic hazard to road users.

Officers Comments:

Speed humps will be lower profile. The 10 kph speed zone, as suggested, needs to be formally discussed with MRWA. Only informal discussions have occurred to date. The plan has been amended to retain the tree. This will result in the loss of one car bay. The footpath upgrade on the north side of the street will be listed for consideration in the 2008/2009 draft budget, however an assessment will be made as part of the Footpath Upgrade Program. Estimated cost is approximately \$12,000.

CONSULTATION/ADVERTISING:

Residents will be advised of the Council decision.

LEGAL/POLICY:

N/A

STRATEGIC IMPLICATIONS:

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

FINANCIAL/BUDGET IMPLICATIONS:

The 2007/2008 includes funds of \$100,000 for the proposal.

COMMENTS:

The Town was requested to investigate parking and traffic improvements along Lawler Street outside the Kyilla Primary School. The Town's officers developed five (5) possible options which were subsequently discussed by the LATM advisory group and a preferred option determined. The community was not happy with the proposal and a public meeting was held where an agreed proposal was developed. Residents were canvassed on the new proposal and advised that they are in favour of the new proposal as outlined on amended plan No. 2478-CP-05A.

10.3.2 Investment Report as at 30 September 2007

Ward:	Both	Date:	2 October 2007
Precinct:	All	File Ref:	FIN0008
Attachments:	001		
Reporting Officer(s):	B Wong		
Checked/Endorsed by:	Bee Choo Tan	Amended by:	

The Presiding Member advised that he and Cr Messina had declared a financial interest in this Item, they departed the chamber at 7.25pm, and did not speak or vote on the Item. Cr Farrell assumed the chair.

OFFICER RECOMMENDATION:

That the Council RECEIVES the Investment Report for the month ended 30 September 2007 as detailed in Appendix 10.3.1.

COUNCIL DECISION ITEM 10.3.2

Moved Cr Ker , Seconded Cr Maier

That the recommendation be adopted.

MOTION PUT AND CARRIED (5-0)

Cr Torre had not arrived at the meeting at this time.

Cr Helen Doran-Wu on approved leave of absence

Mayor Catania and Cr Messina were out of the Chamber as they declared a financial interest in the Item.

Mayor Catania and Cr Messina returned to the Chamber at 7.26pm and were advised that the Item had been carried.

PURPOSE OF REPORT:

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

BACKGROUND:

Interest from investments is a significant source of funds for the Town, where surplus funds are deposited in the short term money market for various terms. Details are attached in Appendix 10.3.1.

Council's Investment Portfolio is spread across several Financial Institutions in accordance with Policy Number 1.3.8.

DETAILS:

Total Investments for the period ended 30 September 2007 were \$20,913,406 compared with \$16,938,406 at 31 August 2007. At 30 September 2006, \$18,244,659 was invested.

Total accrued interest earned on Investments as at 30 September 2007:

	Budget	Actual	%
	\$	\$	
Municipal	535,000	128,258	23.97
Reserve	547,600	162,238	29.63

COMMENT:

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

The significant increase in investment funds from August this year in comparison to last year is due to receipt of loan funds in July and August for Loftus Recreation Centre Redevelopment, which will be utilised over the forthcoming months.

10.4.2 Statutory Review of Local Laws - Proposed New Fencing Local Law

Ward:	-	Date:	4 October 2007
Precinct:	-	File Ref:	
Attachments:	001		
Reporting Officer(s):	D Abel, John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *DOES NOT PROCEED with the adoption of its Local Law Relating to Fencing considered at the Ordinary Meeting of Council held on 8 May 2007 and RECOMMENCES the process to advertise the revised Local Law for public comment;*
- (ii) *pursuant to Section 3.16 of the Local Government Act 1995 has advised of its intention to review its local laws and NOTES that no submissions were received at the close of the statutory six (6) week public consultation period of the proposed review of the Town's Local Laws;*
- (iii) *pursuant to Section 3.12 of the Local Government Act 1995 advertises on a Statewide basis:*
 - (a) *its intention to repeal its Local Law Relating to Fences, Floodlights and Other External Lights published in the Government Gazette on 11 February 2000 and amended from time to time;*
 - (b) *its intention to ADOPT a new Fencing Local Law as shown in Appendix 10.4.2 to provide for the regulation, management and control of fences and prescribe the standard of a "sufficient fence";*
 - (c) *advising that a copy of the proposed local law may be inspected or obtained from the Town's Administration & Civic Centre, 244 Vincent Street, Leederville and Town Library, 99 Loftus Street, Leederville; and*
 - (d) *seeking submissions on the proposed local law for a period of not less than six (6) weeks; and*
- (iv) *NOTES that a further report will be submitted to the Council at the conclusion of the statutory consultation period.*

COUNCIL DECISION ITEM 10.4.2

Moved Cr Farrell , Seconded Cr Ker

That the recommendation be adopted.

MOTION PUT AND CARRIED(7-0)

Cr Torre had not arrived at the meeting at this time.

Cr Helen Doran-Wu on approved leave of absence

PURPOSE OF REPORT:

The purpose of the report is to advise the Council that no submissions were received at the conclusion of the six (6) week statutory public consultation period of the proposed review of the Town's Local Law and for the Council to note the changes recommended by the Town's Solicitors, prior to its intention to adopt the revised Fencing Local Law for public consultation.

BACKGROUND:

At the Ordinary Meeting of Council held on 8 May 2007, the Council considered the matter and resolved to approve of a new Local Law and advertise this for public consultation.

As part of the consultation process comments were received from the Department of Local Government as follows:

1. Title

"The title should be amended to read "Fences Local Law 2007" where it appears on the cover page, heading and citation."

2. Clause 1.6 – Interpretation

The definition of "*Dangerous*" has been amended to exclude reference to electrified fences, which have been approved by the Town.

3. Clauses 2.7 – Fences and Sightlines

The Joint Standing Committee on Delegated Legislation does not approve reference to Policies and requires dimensions to be inserted. Therefore, the dimensions adopted in the Town's Policy have been inserted.

The Town's Solicitors provided the following comments:

1. Some changes relate to a tightening of the wording, internal consistency, consistency with defined terms, and consistency with the Local Government Act and the Dividing Fences Act.
 2. Some of the definitions such as '*development*' and '*existing fence*' have been deleted as they were not or are no longer used in the local law.
 3. A principal change is the deletion of the building licence provisions contained in the former Division 1 of Part 2. The building licence process is wholly regulated by the Local Government (Miscellaneous Provisions) Act and the Building Regulations. While there is a power to make building local laws in s433 of the Local Government (Miscellaneous Provisions) Act, the provisions in the previous local law went beyond that and were ultra vires. Also some of the provisions amounted to an interpretation of the Local Government (Miscellaneous Provisions) Act and the Building Regulations and are not were not appropriately included in the local law. These interpretation provisions however, may usefully be included in a guidance note in relation to the local law.
-

4. The building licence process is a separate statutory regime. It is recommended not to involve it in the Fencing Local Law at all. Where a building licence is required for a fence that will be dealt with as a separate matter under the Local Government (Miscellaneous Provisions) Act and Building Regulations.
5. Former subclauses 2.7(7) and (8) have been moved into new clauses 2.3 and 2.4 – as they didn't related to "sufficient fences".
6. In relation to the former 2.8 (now 2.2), the reference to town planning requirements adopted by the town have been deleted.
7. In the renumbered part 5 dealing with notices of breach, provision has been made for expenses to be a charge against the land which will enable the Town to lodge a caveat.

In the renumbered PART 6 dealing with offences, changes have been made to be consistent with other local laws.

DETAILS:

A review of all the local laws has been carried out by the Town's officers. The Town has used the Western Australian Local Government Association's (WALGA's) Model Local Laws and modified them to suit the Town's requirements. The Model Local Laws have been approved by the Parliamentary Joint Standing Committee on Delegated Legislation and therefore have been previously checked for legal compliance. The Town has also reviewed a number of other local government's local laws.

The process has taken longer than anticipated due to the review being carried out "*in-house*" by the Town's officers.

FENCING LOCAL LAW

The main changes in the reviewed local law are:

1. The clauses relating to flood lights and other external lights have been deleted. The control of floodlights and light "*spill*" is now included in the Local Government Act 1995, Sections 3.24 to 3.30 and Schedule 3.1.

PART 1 - Preliminary

This part includes all the statutory requirements of citation, objective, commencement, repeal and application of the local law. The interpretation clause is expanded to include a more comprehensive list of definitions. The fees and charges clause prescribes the current process.

PART 2 - Fences

- 2.1 *Sufficient fence* – this clause is similar to the current local law and requires compliance with a "*sufficient fence*". It has been expanded to refer to fences on residential, commercial or industrial lots.
 - 2.2 *Fences within setback areas* – this new clause refers to front setbacks and formalises the Town's current practice.
 - 2.3 *Gates in Fences* – specifies requirements for gates.
-

- 2.4 *Depositing fencing material on public place* – requires approval of the Town.
- 2.5 *Alteration of ground levels* – this new clause refers to the level of fill against free standing fences
- 2.6 *Maintenance of fences* – this clause reflects the Town’s current local law, but has been expanded to be more prescriptive. The requirements of a “*dangerous fence*” are included.
- 2.7 *Fences and sight lines* – this clause requires compliance with sightlines, truncations and formalises the Town’s current practice. It is similar to the current local law.
- 2.8 *Fences across right of way, public accessways, thoroughfares or road reserves* – this clause reflects a clause in the current local law.
- 2.9 *General discretion of the local government* – this new clause gives the Town the authority to approve a non-complying fence where both adjoining land owners agree.
- 2.10 *Pre-used fencing materials* – this clause reflects a clause in the current local law.
- 2.11 *Barbed wire fences and spiked or jagged materials* – this clause reflects a clause in the current local law but has been expanded to be more prescriptive.
- 2.12 *Electrified and razor wire fences* – this new clause specifies the requirements where electrified fences may be used. The requirements of razor wire fences are similar to the current local law.
- 2.13 *Prohibited fencing materials* – this clause is similar to the current local law.
- 2.14 *Tennis court fencing* – this new clause prescribes the requirements for tennis court fences.

PART 3 – Approvals

These clauses specify the approval process.

PART 4 - Miscellaneous

This Part specifies that a person shall not make a false statement in any application.

PART 5 - Notices of Breaches

This Part is similar to the current local law. A new clause limits the ability of a person to take action against the Town or its employees/agents, where the Town carries out works.

PART 6 - Offences

This Part introduces the power to issue modified penalties for non-compliance. This is new and the Local Government Act 1995 allows it for all local laws.

PART 7 - Objections and Appeals

This Part prescribes the procedure for persons lodging an appeal.

FENCE COMPARISONS

The new Fencing Local Law takes cognisance and complements the Towns' Planning Policy No. 3.2.5 - Street Walls and Fences, mainly under clause 2.8 *Fences within front setback area*, and *Schedule 2 Specifications for a Sufficient Fence on a Residential Lot*, sub-clause A., B.(d) and C.(d) and D. where it states 'height ... except with respect to the front street setback area for which there is no minimum height but which is subject to clause 2.8'.

The specifications for a "sufficient fence" are detailed in *Schedule 2 Specifications for a Sufficient Fence on a Residential Lot* and *Schedule 3 Specifications for a Sufficient Fence on a Commercial or Industrial Lot*.

The specifications in the new Fencing Local Law differ from the previous local law in the following key provisions:

Schedule 2 Specifications for a Sufficient Fence on a Residential Lot

- The maximum fence height reduced from 2400 millimetres to 1800 millimetres.
- More comprehensive construction specifications for the different type of fence materials.
- Deletion of reference to comply with the Town's Town Planning Scheme and Policies as this matter is now addressed in clause 2.8.
- It is considered that 1800 millimetres is a more acceptable height. It is also a more common height prescribed in other local governments (eg Cities of Joondalup, Perth, and Stirling, Town of Cambridge and City of Wanneroo (1750-1850mm)).

Schedule 3 Specifications for a Sufficient Fence on a Commercial or Industrial Lot

- The maximum fence height increased from 2100 millimetres to 2400 millimetres. This increased height is considered to be more appropriate in the contextual scale of commercial development in the Town.
- More comprehensive construction specifications for the different type of fence materials.

CONSULTATION/ADVERTISING:

The Town's intention to review its local laws was advertised on 10 August 2005 in The West Australian Newspaper in June 2007, in a local newspaper and on the Town's website. Copies were also sent to Precinct Groups and a local public notice was displayed on the official Notice Board.

At the close of the six (6) week public consultation period, no submissions were received.

LEGAL/POLICY:

Section 3.16 of the Local Government Act 1995 requires that all of the local laws of local governments must be reviewed within an eight (8) year period after their commencement to determine if they should remain unchanged, be repealed or amended.

The eight year period is taken to be from either when the local law commenced or when the last review of the local law was completed.

Procedure for Reviewing and Adopting a Local Law

- (1) The local government is to –
 - (a) give Statewide public notice that –
-

- (i) the local government proposes to make a local law the purpose and effect.
 - (ii) a copy of the proposed local law may be inspected or obtained;
 - (iii) submissions about the proposed local law may be made to the local government before a day to be specified in the notice (not less than 6 weeks).
- (b) as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister; and
- (c) provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.
- (2) A notice is also to be published and exhibited as if it were a local public notice.
- (3) After the last day for submissions, the local government is to consider any submissions made and may make the local law * as proposed or make a local law * that is not significantly different from what was proposed.
- * *Absolute majority required.*
- (4) After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister.
- (5) After the local law has been published in the Gazette the local government is to give local public notice –
- (a) stating the title of the local law;
 - (b) summarizing the purpose and effect of the local law (specifying the day on which it comes into operation); and
 - (c) advising that copies of the local law may be inspected or obtained from the local government’s office.

Policies

The Local Government Act does not allow local laws to make reference to local government policies. Policies have no validity for the purposes of the local law. Any policies can only be used as a guide or assistance to applicants and the local government.

NCP Public Benefit Test

The provisions relating to the administration of fences are contained in the model “*Fencing*” local law produced by WALGA. This has been assessed for any public benefit test ramifications.

STRATEGIC IMPLICATIONS:

The matter is in keeping with the Town’s Strategic Plan 2006-2011 - Objective 4.12 “*Manage the organisation in a responsible, efficient and accountable manner*”.

FINANCIAL/BUDGET IMPLICATIONS:

An amount of \$5,000 has been included in the Budget for this project.

The purchase of the WALGA Model Local Laws cost \$1,500.

The cost of advertisements to date was approximately \$1,000. Advertising will be approximately \$500. The new local laws are required to be printed in the Government Gazette by the State Law Publisher which will cost approximately \$1,500. All other copying will be carried out in-house and will cost approximately \$500. (Employee costs have not been included.)

COMMENTS:

The statutory review has been completed, however a number of significant changes to the original Draft Local Law have been made. Therefore, as this proposed local law is significantly different to the previous advertised local law, it is a requirement of the Local Government Act that the advertising process be recommenced. It is recommended that the reviewed and revised Fencing Local Law be advertised for public comment.

10.4.3 Information Bulletin

Ward:	-	Date:	4 October 2007
Precinct:	-	File Ref:	-
Attachments:	001		
Reporting Officer(s):	G van den Bok		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Information Bulletin dated 9 October 2007, as distributed with the Agenda, be received.

COUNCIL DECISION ITEM 10.4.3

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued

Cr Messina departed the Chamber at 7.38pm

Debate ensued

Cr Messina returned 7.40pm

Debate ensued

AMENDMENT

Moved Cr Chester, Seconded Cr Farrell

That in regards to IB03, a further report be provided to the Council describing how the streetscape assessment outlined in the report includes the assessment method of the Hockings MHI Study and how it considers the streetscapes building stocks historic character.

Debate ensued

AMENDMENT PUT AND CARRIED (7-0)

Cr Torre had not arrived at the meeting at this time.

Cr Helen Doran-Wu on approved leave of absence

Moved Cr Maier, Seconded Cr Ker

That in regards to IB05, clause (iii) of the recommendation be amended to delete the words "or during" in line 2.

Debate ensued

AMENDMENT PUT AND LOST (2-5)

For

Cr Lake
Cr Maier

Against

Mayor Catania
Cr Chester
Cr Farrell
Cr Messina
Cr Ker

Cr Torre had not arrived at the meeting at this time.

Cr Helen Doran-Wu on approved leave of absence

Debate ensued

Cr Torre entered the meeting at 7.41pm.

COUNCIL DECISION ITEM 10.4.3

That;

- (i) *the Information Bulletin dated 9 October 2007, as distributed with the Agenda, be received; and*
- (ii) *in regards to IB03, a further report be provided to the Council describing how the streetscape assessment outlined in the report includes the assessment method of the Hockings MHI Study and how it considers the streetscapes building stocks historic character.*

MOTION AS AMENDED PUT AND CARRIED (8-0)

Cr Helen Doran-Wu on approved leave of absence

DETAILS:

The items included in the Information Bulletin dated 9 October 2007 are as follows:

ITEM	DESCRIPTION
IB01	SAT; Copy of reasons for decision and orders; Lease Equity v Town DR/74 of 2007
IB02	Letter from Department of Local Government regarding Local Government (Rules of Conduct) Regulations 2007
IB03	Progress Report No. 1 – Amendment No. 43 to Planning and Building Policies –

ITEM	DESCRIPTION
	Draft Policy Relating to Residential Streetscapes
IB04	East Parade Regeneration Project - Progress Report No.1 (PRO2962)
IB05	Review of Town of Vincent Town Planning Scheme No. 1 – Progress Report No. 6 (PLA0140)
IB06	Structural Reform of the Public Library Services of State Library of Western Australia (CMS0002)
IB07	Synergy – Proposed 2007/08 Faulty Streetlight Reporting Communication Pack (TES0175) All Precincts
IB08	Loftus Centre Redevelopment, 99 Loftus Street, Leederville – Progress Report No. 20 (RES0061)
IB09	Letter from Department for Communities regarding Review into the Department for Community Development
IB10	Letter from Swan River Trust regarding the Swan and Canning Rivers Management Act 2006
IB11	Letter from Sacred Heart Parish thanking the Town for contribution towards restoration of windows at Sacred Heart Church.
IB12	Letter to Mr J Little, 711 Newcastle Street, Leederville – Response to Questions taken on Notice at the Council Meeting held on 25 September 2007
IB13	Register of Petitions - Progress Report - October 2007
IB14	Register of Notices of Motion - Progress Report - October 2007
IB15	Register of Reports to be Actioned - Progress Report - October 2007
IB16	Register of Legal Action
IB17	Register of State Administrative Tribunal Appeals
IB18	Forum Notes - 18 September 2007
IB19	Notice of Forum - 16 October 2007

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

12. REPRESENTATION ON STATUTORY AUTHORITIES AND PUBLIC BODIES

Nil.

13. URGENT BUSINESS

13.1 URGENT BUSINESS: Acting Member Mindarie Regional Council

Ward:	-	Date:	9 October 2007
Precinct:	-	File Ref:	ORG0054
Attachments:	-		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council APPROVES BY AN ABSOLUTE MAJORITY the appointment of Councillor Steed Farrell to be its Member for the Mindarie Regional Council Ordinary Meeting of Council to be held on 11 October 2007, due to the unavailability of the Mayor Nick Catania.

PURPOSE OF REPORT:

For the Council to appoint an Acting Member to the Mindarie Regional Council, due to the unavailability of its normal Member, Mayor Nick Catania, who is unable to attend the Ordinary Meeting of the Mindarie Regional Council to be held on 11 October 2007.

COUNCIL DECISION ITEM 13.1

Moved Cr Farrell, Seconded Cr Torre

That the recommendation be adopted

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

Cr Helen Doran-Wu on approved leave of absence

BACKGROUND:

The Town has previously received advice that the Local Government Act 1995 does not contain any provision to appoint a Deputy Member to be its Member on a Regional Council. However, it may appoint an alternative Member if the regular Member is unable to attend the meeting. Mayor Catania is unable to attend due to an important previous commitment.

A Meeting of the Mindarie Regional Council has been called for 11 October 2007 to consider important decisions relating to the Town's exemption from disposing of its waste at the Mindarie Regional Council (as approved in Confidential Reports submitted to the Ordinary Meeting of Council held on 25 September 2007) and it is important for the Town be represented at the Meeting.

CONSULTATION/ADVERTISING:

N/A.

LEGAL/POLICY:

Section 52(1) and (2) of the Interpretation Act confers power to appoint a person to a position including an Acting Appointment. The Local Government Act is deficient as it does not allow the appointment of a Deputy Member and an urgent amendment is currently being considered.

STRATEGIC IMPLICATIONS:

This is in keeping with the Town's Strategic Plan 2006-2011, Key Objective 4.1 - *"Provide good strategic decision making, leadership and professional management."*

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

As Council has been previously advised, the Mindarie Regional Council has been considering its RRF Project for some considerable period of time and is now at a critical stage of making important decisions, which involve its Member Councils and the Town's requested exemption.

It is therefore important that the Town be represented at this Meeting.

Cr Maier departed the Chamber at 7.51pm.

The Presiding Member Mayor Catania presented Cr Torre with her Certificate of Appreciation and thanked her for her services to the Council over the previous four years.

Received with acclamation.

Cr Torre responded by thanking the Council for the Certificate of Appreciation.

PROCEDURAL MOTION

At 7.52pm Moved Cr Ker, Seconded Cr Farrell

That the meeting proceed "behind closed doors" to consider Confidential Items 14.1.

Journalists Jacqui Bahr and Lindsay McPhee departed the Chamber at 7.53pm, no members of the public were present.

PROCEDURAL MOTION CARRIED (7-0)

Cr Doran-Wu on approved leave of absence.

Cr Maier was absent from the Chamber and did not vote.

14. CONFIDENTIAL REPORTS (Behind Closed Doors)

14.1 CONFIDENTIAL REPORT - No. 441 (Lot 11 D/P: 1114) William Street, Perth - Proposed Demolition of Existing Commercial Building - State Administrative Tribunal - Review Matter No. DR 303 of 2007

Ward:	South	Date:	2 October 2007
Precinct:	Beaufort; P13	File Ref:	PRO0058; 5.2007.222.1
Attachments:	-		
Reporting Officer(s):	S Kendall		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the Confidential Report on the Proposed Demolition of Existing Commercial Building at No. 441 (Lot 11 D/P: 114) William Street, Perth - State Administrative Tribunal Review Matter No. DR 303 of 2007; and*
- (ii) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council SUPPORTS as part of the State Administrative Tribunal Review Matter No. DR 303 of 2007 for Proposed Demolition of Existing Commercial Building at No. 441 (Lot 11 D/P: 1114) William Street, Perth, the following amendments to condition (vii), which was imposed on the conditional approval granted by the Council at its Ordinary Meeting held on 24 July 2007 for the demolition of existing commercial building at No.441 William Street, Perth:*
 - (vii) *the owner entering into a Legal Agreement with the Town (prepared by the Town at the owners expense), prior to the issue of a demolition licence to;*
 - (a) *provide a detailed Landscaping and Lighting Plan, prepared in consultation with the Town's Parks Services and Technical Services Section for the site at No. 441 (Lot 11 D/P: 1114) William Street, Perth. The Plan shall be submitted and approved prior to the issue of a Demolition Licence. The approved landscaping and lighting plan works shall be undertaken and completed within three 3 months from the issue of the Demolition Licence and maintained thereafter by the owner(s)/occupier(s);*
 - (b) *a bond of \$8,500 being paid by the owners, prior to a demolition licence being issued, to ensure the landscape plan is implemented within the time period and thereafter maintained to the satisfaction of the Chief Executive Officer. In the event that the bond is drawn upon, such bond shall be maintained at a level of \$8,500 dollars until the redevelopment works are commenced; provide a bond of an amount up to \$10, 000 by way of bank guarantee, prior to a Demolition Licence being issued, to ensure the landscaping and lighting plan is implemented within the time period and thereafter maintained to the satisfaction of the Chief Executive Officer;*

- ~~(c) a bond of up to \$10,000 being negotiated and paid by the owners, prior to a demolition licence being issued, to ensure the lighting plan is implemented within the time period and thereafter maintained to the satisfaction of the Chief Executive Officer;~~
- ~~(d) (c) the Town being able to carry out the Landscape Plan landscaping and lighting plan works and thereafter maintain it to an appropriate appearance and standard, and draw on the bond as required in the absolute discretion of the Town's Chief Executive Officer, in the event of non-compliance by the owners;~~
- (d) the owner undertakes to lodge an application for redevelopment at the property within six months;
- (e) such Legal Agreement to remain in effect until redevelopment works commence; and
- (f) indemnify the Town of Vincent against any claims ~~whatsoever that may arise as a result of this matter;~~
- (1) which are in any way connected with the carrying out of the demolition of the building at the property at 441 (Lot 11) William Street, Perth ("the Property") pursuant to the Demolition Licence granted by the Town of Vincent to the owners in respect of the property; and
- (2) which arise during the period from the date of issue of the said Demolition Licence until the date that approved redevelopment works are commenced at the property.

Moved Cr Farrell , Seconded Cr Torre

That the recommendation be adopted.

Debate ensued.

Cr Maier returned to the Chamber at 7.53pm.

MOTION PUT AND CARRIED (8-0)

Cr Doran-Wu on approved leave of absence

COUNCIL DECISION ITEM 14.1

That the Council;

- (i) **RECEIVES** the Confidential Report on the Proposed Demolition of Existing Commercial Building at No. 441 (Lot 11 D/P: 114) William Street, Perth - State Administrative Tribunal Review Matter No. DR 303 of 2007; and
- (ii) in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council SUPPORTS as part of the State Administrative Tribunal Review Matter No. DR 303 of 2007 for Proposed Demolition of Existing Commercial Building at No. 441 (Lot 11 D/P: 1114) William Street, Perth, the following amendments to condition (vii), which was imposed on the conditional approval granted by the Council at its Ordinary Meeting held on 24 July 2007 for the demolition of existing commercial building at No.441 William Street, Perth:

- (vii) *the owner entering into a Legal Agreement with the Town (prepared by the Town at the owners expense), prior to the issue of a demolition licence to;*
- (a) *provide a detailed Landscaping and Lighting Plan, prepared in consultation with the Town's Parks Services and Technical Services Section for the site at No. 441 (Lot 11 D/P: 1114) William Street, Perth. The Plan shall be submitted and approved prior to the issue of a Demolition Licence. The approved landscaping and lighting plan works shall be undertaken and completed within three 3 months from the issue of the Demolition Licence and maintained thereafter by the owner(s)/occupier(s);*
 - (b) *provide a bond of an amount up to \$10, 000 by way of bank guarantee, prior to a Demolition Licence being issued, to ensure the landscaping and lighting plan is implemented within the time period and thereafter maintained to the satisfaction of the Chief Executive Officer;*
 - (c) *the Town being able to carry out the landscaping and lighting plan works and thereafter maintain it to an appropriate appearance and standard, and draw on the bond as required in the absolute discretion of the Town's Chief Executive Officer, in the event of non-compliance by the owners;*
 - (d) *the owner undertakes to lodge an application for redevelopment at the property within six months;*
 - (e) *such Legal Agreement to remain in effect until redevelopment works commence; and*
 - (f) *indemnify the Town of Vincent against any claims:*
 - (1) *which are in any way connected with the carrying out of the demolition of the building at the property at 441 (Lot 11) William Street, Perth ("the Property") pursuant to the Demolition Licence granted by the Town of Vincent to the owners in respect of the property; and*
 - (2) *which arise during the period from the date of issue of the said Demolition Licence until the date that approved redevelopment works are commenced at the property.*

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

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of the above review application and for the Council to review its decision and/or provide the Town's Officers with further direction, prior to the commencement of full proceedings in SAT, with respect to condition (vii), (as detailed below) which was placed on the conditional approval granted by the Council at its Ordinary Meeting held on 24 July 2007 for the demolition of the two-storey rendered brick and iron building at No.441 William Street, Perth:

"(vii) the owner entering into a Legal Agreement with the Town (prepared by the Town at the owners expense), prior to the issue of a demolition licence to;

- (a) *provide a detailed Landscaping and Lighting Plan, prepared in consultation with the Town's Parks Services and Technical Services Section for the site at No. 441 (Lot 11 D/P: 1114) William Street, Perth. The Plan shall be submitted and approved prior to the issue of a Demolition Licence. The approved landscaping and lighting plan works shall be undertaken and completed within three 3 months from the issue of the Demolition Licence and maintained thereafter by the owner(s)/occupier(s);*
- (b) *a bond of \$8,500 being paid by the owners, prior to a demolition licence being issued, to ensure the landscape plan is implemented within the time period and thereafter maintained to the satisfaction of the Chief Executive Officer. In the event that the bond is drawn upon, such bond shall be maintained at a level of \$8,500 dollars until the redevelopment works are commenced;*
- (c) *a bond of up to \$10,000 being negotiated and paid by the owners, prior to a demolition licence being issued, to ensure the lighting plan is implemented within the time period and thereafter maintained to the satisfaction of the Chief Executive Officer;*
- (d) *the Town being able to carry out the Landscape Plan works and thereafter maintain it to an appropriate appearance and standard, and draw on the bond as required in the absolute discretion of the Town's Chief Executive Officer, in the event of non-compliance by the owners; and*
- (e) *such Legal Agreement to remain in effect until redevelopment works commence;*
- (f) *indemnify the Town against any claims whatsoever that may arise as a result of this matter."*

Landowner:	C S & J S Lau & M K De Almeida
Applicant:	C S Lau
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Commercial
Existing Land Use:	Vacant Commercial Building
Use Class:	Office Building
Use Classification:	"P"
Lot Area:	255 square metres
Access to Right of Way	N/A

BACKGROUND:

13 March 2007

The Council at its Ordinary Meeting refused an application for the proposed demolition of the subject place at No. 441 William Street, Perth. Due to concerns regarding vagrant activity at the site, the applicant requested the non-application of the Town's standard condition requiring a development proposal for the redevelopment of the subject property being approved by the Town prior to the issue of a Demolition Licence. The matter was refused by the Council for the following reasons:

- 1. *It is a commercial site and the property development on it is currently built boundary to boundary, therefore is an appropriate building form for the area.*
- 2. *An undesirable precedent will be created."*

24 July 2007

The Council at its Ordinary Meeting considered a new application for the demolition of the two-storey rendered brick and iron building at No.441 William Street, Perth. To address safety concerns and issues with vagrant activity the applicant requested the non-application of the Town's standard condition requiring a development proposal for the redevelopment of the subject property being approved by the Town prior to the issue of a Demolition Licence. The application was approved subject to the following conditions:

- “(i) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
- (ii) *an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (iii) *support of the demolition application is not to be construed as support of any Planning Approval/Building Licence application for the redevelopment proposal for the subject property;*
- (iv) *demolition of the existing commercial building may make the property ineligible for any development bonuses under the provisions of the Town of Vincent Town Planning Scheme No. 1 and associated Policies for the retention of existing buildings valued by the community;*
- (v) *any redevelopment on the site shall be sympathetic to the scale and rhythm of the streetscape in line with the provisions of the Town of Vincent Town Planning Scheme No.1 and associated Policies;*
- (vi) *the owner being required to undertake approved low height visually permeable landscaping plan works, including the provision of lighting for the site and this shall be completed within three (3) months from the issue of the demolition licence and maintained in accordance with the Landscape Plan thereafter until redevelopment works are carried out;*
- (vii) *the owner entering into a Legal Agreement with the Town (prepared by the Town at the owners expense), prior to the issue of a demolition licence to;*
 - (a) *provide a detailed Landscaping and Lighting Plan, prepared in consultation with the Town's Parks Services and Technical Services Section for the site at No. 441 (Lot 11 D/P: 1114) William Street, Perth. The Plan shall be submitted and approved prior to the issue of a Demolition Licence. The approved landscaping and lighting plan works shall be undertaken and completed within three 3 months from the issue of the Demolition Licence and maintained thereafter by the owner(s)/occupier(s);*

- (b) *a bond of \$8,500 being paid by the owners, prior to a demolition licence being issued, to ensure the landscape plan is implemented within the time period and thereafter maintained to the satisfaction of the Chief Executive Officer. In the event that the bond is drawn upon, such bond shall be maintained at a level of \$8,500 dollars until the redevelopment works are commenced;*
 - (c) *a bond of up to \$10,000 being negotiated and paid by the owners, prior to a demolition licence being issued, to ensure the lighting plan is implemented within the time period and thereafter maintained to the satisfaction of the Chief Executive Officer;*
 - (d) *the Town being able to carry out the Landscape Plan works and thereafter maintain it to an appropriate appearance and standard, and draw on the bond as required in the absolute discretion of the Town's Chief Executive Officer, in the event of non-compliance by the owners; and*
 - (e) *such Legal Agreement to remain in effect until redevelopment works commence;*
 - (f) *indemnify the Town against any claims whatsoever that may arise as a result of this matter; and*
 - (viii) *plans shall be submitted and approved demonstrating any new street/front wall and fence including along the side boundaries within the front setback area, complying with the following:*
 - (a) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level."*
-

- 6 August 2007 The Town's Health Services issued a 'Notice' pursuant to Sections 135, 137 and 138 of the Health Act 1911 (as amended) for the subject building, declaring it '*Unfit for Human Habitation*' and in such a state of disrepair and dilapidation that the building is '*Condemned Requiring Demolition and Clean-up of the Land*', due to considerable structural damage and the absence of essential sanitary services.
- 12 September 2007 Tait and Co Lawyers, on behalf of the owners, lodged a review application with the State Administrative Tribunal (SAT) in relation to condition (vii) above.
- 19 September 2007 The Town's Officers attended a Directions Hearing at the SAT.
- 26 September 2007 The applicant lodged with SAT and provided the Town with revised documents/statements regarding the review application.

DETAILS:

The review application seeks an order to amend condition (vii), which was placed on the conditional approval granted by the Council at its Ordinary Meeting held on 24 July 2007 for the demolition of the two-storey rendered brick and iron building at No.441 William Street, Perth. The amendments proposed by the applicant in relation to condition (vii) and the grounds for these changes are provided as follows, with the full submission included as a Confidential Attachment to this report:

1. The first sentence of condition (vii), states

"(vii) the owner entering into a Legal Agreement with the Town (prepared by the Town at the owners expense), prior to the issue of a demolition licence to:"

The applicant considers it unreasonable for the applicant/owner to pay the costs of the Town to prepare a legal agreement, where such costs are not expressed to be limited in any way. The following amendment is proposed:

"(vii) the owner entering into a Legal Agreement with the Town (~~prepared by the Town at the owners expense~~ with the owner to pay the Town's reasonable legal costs for the preparation of such agreement), prior to the issue of a demolition licence to;"

Officer Comment:

It is standard practice for the Town to require the owner to pay for all the costs associated with the preparation of a legal agreement, as the legal agreement is a condition of Planning Approval that is required to be satisfied by the applicant. It is considered that the applicant should pay the full costs associated with the preparation of the legal agreement, in lieu of the owner not complying with the Town requirement to submit a development proposal for the site.

2. The applicant does not request that condition (vii) (a) be modified. However, the applicant seeks to amend conditions (vii) (b) through to (vii) (d), retain condition (vii) (e) and add an additional clause in the following manner:

(a) provide a detailed Landscaping and Lighting Plan, prepared in consultation with the Town's Parks Services and Technical Services Section for the site at No. 441 (Lot 11 D/P: 1114) William Street, Perth. The Plan shall be submitted and approved prior to the issue of a Demolition Licence. The approved landscaping and lighting plan works shall be undertaken and completed within three 3 months from the issue of the Demolition Licence and maintained thereafter by the owner(s)/occupier(s);

- (b) ~~a bond of \$8,500 being paid by the owners, prior to a demolition licence being issued, to ensure the landscape plan is implemented within the time period and thereafter maintained to the satisfaction of the Chief Executive Officer. In the event that the bond is drawn upon, such bond shall be maintained at a level of \$8,500 dollars until the redevelopment works are commenced; provide a bond of an amount up to \$10, 000 by way of bank guarantee, prior to a Demolition Licence being issued, to ensure the landscaping and lighting plan is implemented within the time period and thereafter maintained to the satisfaction of the Chief Executive Officer;~~
- (c) ~~a bond of up to \$10,000 being negotiated and paid by the owners, prior to a demolition licence being issued, to ensure the lighting plan is implemented within the time period and thereafter maintained to the satisfaction of the Chief Executive Officer;~~
- ~~(d)~~ (c) the Town being able to carry out the ~~Landscape Plan~~ landscaping and lighting plan works and thereafter maintain it to an appropriate appearance and standard, and draw on the bond as required in the absolute discretion of the Town's Chief Executive Officer, in the event of non-compliance by the owners;
~~and~~
- (d) the owner undertakes to lodge an application for redevelopment at the property within six months;
- (e) *such Legal Agreement to remain in effect until redevelopment works commence;"*

With respect to the above amendments, the applicants have provided the following justification for consideration:

- On 27 February 2007, the Town granted conditional approval, including the following condition, for the demolition of No. 6 (Lot 10) Brisbane Place:
 - “(vi) *a detailed landscaping plan, prepared in consultation with the Town's Parks Services Section for the site at No. 6 (Lot 10) Brisbane Place, Perth, shall be submitted and approved prior to the issue of a Demolition Licence. Where the redevelopment of the property has not been substantially commenced within 12 months of the issue date of the Demolition Licence, the approved landscaping plan works shall be undertaken and completed within a further three 3 months from the issue of the Demolition Licence and maintained thereafter by the owner(s)/occupier(s)*”.
- It is unreasonable for the Town to impose the William Street conditions in light of the following:
 - The subject property and Brisbane Place property are adjacent;
 - The subject property and Brisbane Place property are in a similar condition;
 - The subject property and Brisbane Place property are owned by related parties;
 - The owners of subject property and Brisbane Place property intend to amalgamate the two properties;

- Notices pursuant to Sections 135, 137 and 138 of the Health Act 1911 (as amended) have been issued for both the subject property and Brisbane Place property;
 - The owners intend to demolish the subject property and Brisbane Place property at the same time; and
 - The owners intend to submit a redevelopment proposal for the subject property and Brisbane Place property at the same time.
- The imposition of condition (vii) is ultra vires the power of the Town, alternatively, an unreasonable exercise of its power pursuant to s.(41)(b)(iii) of the Town of Vincent Town Planning Scheme No.1.
 - Pursuant to the above proposed amendments, the applicants are prepared to provide a bank guarantee to the Town in respect to the landscaping and lighting works. The amount sought by the Town, that is \$8,500 for the landscaping plan and the amount of up to \$10,000 for the lighting is considered excessive given the nature and extent of the work required.

Officer Comment:

The requirements for the above bonds are to ensure that there are sufficient funds for the area to be maintained and kept at an acceptable standard if not complied with by the owners. It is understood that the required bonds were specified to reflect the perceived costs of the installation of the landscaping and lighting works. Parks Services have advised that the implementation of a landscaping plan will be in the vicinity of \$8,500. Depending on the type of lighting required, the costs will vary. The Town's Technical Services have advised that a Thorn urbi light, as used in many of the Town's Parks, may cost up to \$10,000 depending on the available power supply.

An alternative lighting solution is Western Power's Power Watch light, which is affixed to an existing power pole. The Power Watch security light has the following benefits:

- Dusk to dawn operation;
- Installation and maintenance of lighting – existing power poles can be used to anchor the security lighting;
- Bundled billing with the regular Synergy account;
- The potential to deter vandals, burglars and other criminals; and
- Assurance that lights cannot be turned off accidentally or intentionally.

The cost of installation of a Power Watch light is approximately \$1,200 and annual operating/light is about \$300. The lights are 400watt (Normal District Distributor Light is 240watt). The light fitting can be tilted and directed to where the light needs to shine. It is recommended that for the purposes of providing a sufficient level of visual surveillance, the provision of a Power Watch light will be adequate and that the accumulated bond of \$10, 000 is acceptable.

The Town's Officers have no objection to the clause, which requires the owner to lodge an application for redevelopment at the property within six months. This clause illustrates the owner's intentions to comply with the Town's requirements and to remediate the site.

3. The applicant seeks to amend condition (vii) (f) in the following manner:
- (f) *indemnify the Town of Vincent against any claims ~~whatsoever that may arise as a result of this matter:~~*
 - (a) *which are in any way connected with the carrying out of the demolition of the building at the property at 441 (Lot 11) William Street, Perth ("the Property") pursuant to the Demolition Licence granted by the Town of Vincent to the owners in respect of the property; and*
 - (b) *which arise during the period from the date of issue of the said Demolition Licence until the date that approved redevelopment works are commenced at the property.*

The applicant considers that the grounds that the Town seeks indemnity is unreasonably open-ended and should be limited. The proposed amendment seeks to address this.

Officer Comment:

The proposed amendment to condition (vii) (f) provides certainty and clear parameters for the scope of indemnification, which has been sought by the Town.

CONSULTATION/ADVERTISING:

Not required.

LEGAL/POLICY:

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.

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The intent of condition (vii) to enter into a Legal Agreement and pay a bond for the landscape and lighting works was to ensure the amenity of the area is improved and maintained until such a time that approved redevelopment works commence. The legal agreement also was to ensure that the Town will be able to act in the case of default by the owners in relation to the landscape and lighting works and to indemnify the Town against any public use of the property up until redevelopment works commence.

As seen from the Officer Comments contained within the 'Details' section of this report, it is considered that the proposed amendments do not undermine the above intent of condition (vii) as imposed by the Council at its Ordinary Meeting held on 24 July 2007. Therefore, it is recommended that the applicant's SAT application to amend condition (vii) of the Council's resolution at its Ordinary Meeting held on 24 July 2007 should be supported as per the 'Officer Recommendation', with the exception of the first proposed amendment regarding the owner's responsibility to pay the full costs associated with the preparation of the Legal Agreement.

Further to the above, it is anticipated that the endorsement of the proposed amendments will assist in the resolution of the matter and enable the demolition of the subject building. As outlined in previous Agenda Reports in relation to this matter, the demolition of the subject place is strongly supported by the Town's Officers for the following reasons:

- The building is considered structurally unsound and the internal staircase in danger of collapse, as indicated by a consulting engineer.
- The derelict appearance of the building is a blight on the area and is the subject of frequent negative public opinion.
- The Town's Officers are spending considerable time dealing with complaints and trying to secure the derelict building. These resources can be better utilised.
- A petition (of approximately 34 petitioners in the area, including the Local Member of Parliament, John Hyde) in support of the demolition of the derelict building, has been received.
- There is the potential for a death or serious injury being caused to a person entering the building (for example, homeless person). The Council has a "duty of care" to take appropriate action to prevent a death or serious injury, as it is now aware of the risk. Despite the best actions of the owner and the Town's Health Services Officers to secure the building from unauthorised entry, it is evident that these actions are ineffective and persons are continually entering the building (at great risk to themselves).

At 7.54pm **Moved Cr Ker, Seconded Cr Torre**

That the Council resume an open meeting.

PROCEDURAL MOTION PUT AND CARRIED (8-0)

Cr Doran-Wu on approved leave of absence

15. CLOSURE

The Presiding Member, Mayor Nick Catania JP, declared the meeting closed at 7.55 pm with the following persons present:

Mayor Nick Catania, JP	Presiding Member
Cr Simon Chester	North Ward
Cr Steed Farrell	North Ward
Cr Ian Ker	South Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Izzi Messina	South Ward
Cr Maddalena Torre	South Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Development Services
Rick Lotchnicker	Director Technical Services
Mike Rootsey	Director Corporate Services

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 9 October 2007.

Signed:Presiding Member
Mayor Nick Catania, JP

Dated this day of 2007
