



TOWN OF VINCENT

"Enhancing and celebrating our diverse community"

MINUTES

10 FEBRUARY 2009

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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 10 February 2009, commencing at 6.00pm.

1. DECLARATION OF OPENING

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

The Presiding Member, Mayor Nick Catania advised that before the Order of Business he had a special announcement, as follows;

Victorian Bushfire – Expression of Condolences

It is with utter shock and distress that we have witnessed the devastation and turmoil which has unfolded in Victoria as a result of the vicious and unrelenting bushfires that are ravaging towns, annihilating homes and businesses, and worst of all claiming lives and destroying families and communities in their wake.

With over 181 lives lost (and the horrible prospect of this number escalating), 750 homes and public infrastructure destroyed, the disaster is considered to be one of Australia's worst.

On behalf of the Town of Vincent, I wish to extend our condolences and deepest sympathy to those families who have lost loved ones and those affected by the bushfire. It is a disaster and tragedy that no community should have to endure and we are very sincere in our grief, and proud of those brave men and women on the ground helping to fight the fires and those providing much needed back-up support.

The Town of Vincent wishes to provide assistance and I have therefore approved of a matter under Urgent Business on tonight's Council Agenda concerning a Council donation and offer of staff assistance, if required.

As a mark of respect, the Town's flags are flown at half mast and I now ask that we stand and observe a minute's silence.

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

2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE

(a) Apologies:

Cr Izzi Messina – apologies – arriving late due to work commitments.

(b) Present:

Mayor Nick Catania, JP	Presiding Member
Cr Helen Doran-Wu	North Ward
Cr Steed Farrell (<i>Deputy Mayor</i>)	North Ward
Cr Ian Ker	South Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Izzi Messina	South Ward (from 6.12pm)
Cr Noel Youngman	North Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Development Services
Mike Rootsey	Director Corporate Services
Anita Radici	Executive Assistant (Minutes Secretary)
Andrei Buters	Journalist – “ <i>The Perth Voice</i> ” (until approximately 9.30pm)

Approximately 32 Members of the Public

(c) Members on Approved Leave of Absence:

Cr Burns due to personal commitments.

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

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

1. Paul Kotsoglo of 95 Glendower Street, Perth – Item 9.2.3. Asked Council to consider that stakeholders consultation also include residents and owners. Understands there will be community consultation, however believes it would be courteous and appropriate, given the detail and antisocial behaviour experienced from time to time that people living immediately adjoining the park are also consulted. Stated on 20 January 2009 he wrote to Council about camping and antisocial behaviour occurring – hasn't received a reply and doesn't necessarily expect to receive one. Stated Police have been active however believes the issue is one of a health matter with people urinating, defecating and conducting themselves at all times (day and night) and hopes Council pays some attention and consideration to that this evening.

The Presiding Member, Mayor Nick Catania advised the letter has been addressed and he would get a reply. Stated there are certain actions being put into progress to address comments in the letter and stakeholders will be advised.

Cr Messina entered the Chamber at 6.12pm.

2. Claire Richards of Greg Rowe & Associates, 3/369 Newcastle Street Northbridge – Item 9.1.8 representing landowner. Stated the application was previously refused on 2 December 2008 against the Officer's recommendation. Advised the applicants subsequently lodged an application for review with SAT and at the direction of the Tribunal, the matter has been referred back for Council's re-consideration. Stated Council's previous decision to refuse the application was based on four reasons which they have reviewed as follows:
 - (i) impact of boundary walls on joining neighbour – application proposes two boundary walls, one on the northern boundary and the other on the southern boundary which comply with the acceptable development provisions of the R Codes as they do not exceed 3.5m in height, located behind the primary street setback line and do not occupy more than 2/3 of the length of boundary. Stated the proposed boundary walls are deemed to be satisfactory and acceptable in spaces given they comply with R Codes;
 - (ii) impact on streetscape – stated unfortunately Council has not included how it believes the proposed development will impact on streetscape and therefore it has been difficult for them to respond to this. Observes that the proposed dwellings comply with the relevant provisions of R Codes and specific Council Policies in respect to front, upper front and boundary setbacks, height, garage doors and driveways. Notes the facades are well articulated and incorporate suitable design features. Believes given high quality and compliant build form proposed the dwellings are considered to be an appropriate addition to the streetscape;
 - (iii) bulk and scale – believes they comply with the acceptable development provisions of the R Codes in respect to both building height and boundary setbacks, accordingly bulk and scale is considered appropriate and acceptable;
 - (iv) impact of garage doors on the streetscape – believes they comply with Council's Residential Design Elements Policy and therefore they must be considered to be acceptable.Stated that given the proposal complies with the acceptable development standards contained within both R Codes and specific Council Policies and will not have an adverse impact on the adjoining neighbours or streetscape, they believe the development is suitable and acceptable. Requested approval.

3. Brian Bedwell of 12/45 Stuart Street, Perth – Item 9.1.3. Stated it appears that the Department of Housing is a law unto itself. Advised when they purchased their unit in late 2007 they approached Council and did their “homework” to see what the future plans were for the land behind them and they were given plans showing a two storey and underground car park however, now they are faced with an eight storey building at the back of them. Stated they are very disturbed and frustrated. Advised that everyone in the complex feels the Department of Housing is “out of control”. Believes the nine reasons they have come up with excuses i.e. “they will look into it”, “that will happen in time” etc. is not acceptable. Requested Council not support the proposal.
4. Mrs Vucic of 17/45 Stuart Street, Perth – Item 9.1.3. Advised they are very disturbed about everything but she is not sure who is to blame. Stated at the last meeting they blamed the Department of Housing, Government however, believes it was started by Council changing the Guidelines and rules. Believes they are playing by the Council’s rules. Requested Council change it back to how it was. Believes Council is here because of them and should represent them which at this stage does not feel is happening. Asked that the proposal be refused.
5. Lesley Fleay of 59 View Street, North Perth – Item 9.1.6. Opposed the proposal on the grounds that the style does not fit the surrounding houses. Presented photos of her property. Stated the property to the west of them will have their solar input greatly reduced. It will also adversely affect a 20 year old vegetable garden. Believes the only place it is possible to install a solar hot water system close to bathroom, kitchen and laundry will be in permanent shade every morning. Stated their view from the kitchen window will be a wall of bricks. Photographs were submitted and circulated to Council Members.
6. Ron Whitelaw of 33 Joe Terrace, East Perth – Item 9.2.1. Stated he presented a petition on behalf of 17 residents of Joel Terrace requesting the area between Bramall and Westralia Streets been changed to 2 hour parking in December 2008. Advised since, Council has gone out for another plebiscite extending the inquiry zone down to Summer Street as a result, moving into the industrial area of Joel Terrace however, he was looking at the residential area. Believes 2 legitimate rejections of 2 hour parking were received – Western Power and Newexco, an exploration company. Stated residents are disappointed that Technical Services have seen to recommend against this. Submitted notes. Referred to Item 9.2.1 Diagram where Technical Services have separated residential part of Joel Terrace from the industrial part (Bramell to Summer Streets) and Western Power virtually represent the whole northern side of that corner. Stated Western Power currently have 70 cars parked in the area around their establishment, however within Joel Terrace, Summer Street along the Swan River more than 70 cars can be parked. Believes with more organisation Western Power could overcome any parking problems in the residential area. Stated there is a large block of land close to the River, 5 acres (approx. 100 car bays) which may be used as temporary parking by Western Power. Suggested Technical Services and Western Power get together to see if there is some way of resolving the problem of all day parking in front of residences.
7. Ian Bradley of 14/45 Stuart Street, Perth – Item 9.1.3. Believes the proposal violates the R Codes as it is well below the standard for a majority of living they are proposing it doesn’t provide anywhere near the number of car parks required, and doesn’t provide air conditioning and provides balcony clotheslines. Urged Council to oppose the WA Planning Commission. Stated these people need to be helped by having substandard accommodation. Believes reducing their privacy and forcing them to live in substandard living areas is not going to help them become better members of society.

8. Teresa Ong of Maltings Complex – Item 9.1.3. Urged Council to seriously look at this proposal. Stated in the beginning, they were not notified. Advised she works and wasn't able to know and didn't hear about it until 2 or 3 meetings had been held and then became involved. Believes it will be a "ghetto" with an eight storey rental units. Believes using "mixed use units" was misleading the general public as on the web that terminology was used for Subi Centro which is truly mixed socioeconomic use. Believes it is being very unfair to the people that are going to live there as they are being put in the vicinity of an "awful nightclub" and a couple of backpackers, who regularly on Saturday nights fight and the Police are regularly attend. Believes putting aged/disabled people in a situation where they are going to be stigmatised as they are in a ghetto and people around them who don't want them to be there are they have purchased their homes. Believes more thought should be put into the planning of true mixed socioeconomic use and it should be looked at sensibly. Urged Council to do "their homework" and not bow down to developers who are only in it to make funds.

The Presiding Member, Mayor Nick Catania advised that it is not the Town of Vincent proposing this, it is a proposal by the Department of Housing who are trying the squeeze every dollar from their property. The Town of Vincent would like to see something different.

9. Brian Fleay of 59 View Street, North Perth – Item 9.1.6. Stated his majority concern is the 18m long boundary wall between the two properties and the top is just below the gutters on his house and about 5 brick courses above the top of the kitchen window (referred to photos submitted earlier). Advised the proposal overshadows their garden, particularly a window where it will hardly get any sunshine at all expect for a few hours and it prevents them from putting a solar hot water system on top of their shed as until noon, it will almost totally be in the shade. Concerned the southern boundary on the right of way is setback more than is allowed for a BBQ and officer's state this has led to concessions on the Vine Street boundary however, believes this completely ignores the major impact on their boundary and Council should reject the proposal on this ground. Stated 169 and 190 Alma Street are similar blocks with 2 storey developments and 144 View Street – none of which have a wall on the boundary nor does a 4 unit development at 121 Alma Street. Feels this contradicts the amenity provisions that are constantly referred to in the Town Planning Scheme and related documents. Also objects to the character of the building – square structure flat roof. Believes this is completely out of character with the district and whilst it is not a heritage street, they want to support innovation. Urged Council to object this as setting an unwanted precedent. Stated this development will have a very big impact on their property and if Council agrees it should be with the concession of the ground floor being lowered 25cm bringing the top of the boundary wall only 2 brick rows above their kitchen window.
10. Richard Palmer of 7 Vine Street, North Perth – Item 9.1.6. Stated his property is on a 960m² lot. His wife and family are owner occupiers and they have lived there a very long time. Advised he sent letters to all Councillors. Stated the revised proposal is 2 two storey residence on 450m². Believes the first proposal was "laughably ridiculous" and the second with its contrived sort after concessions is no less so. It is much more alarming this time as it may gain approval. Stated the overshadowing on their neighbours will be devastating allowing no direct sunlight until after midday and this will lead to the destruction of a wonderful vegetable gardening that provides fresh organic produce for family, friends and neighbours. Believes the visual impact is no less disliking as the façade is completely out of character with the ambiance and history of Vine Street and its surrounding area. Stated there is no hint of enhancement in the revised project for this part of North Perth although it may be beautiful elsewhere but the style and glass facades are totally unsuited to a tiny block in a quite, traditional and serene part of the North

- Perth. Believes squashing housing into quite areas with narrow streets which were never meant to safely handle such volumes of traffic and developers commit the offence of cluttering and increasing the danger of too much traffic. Stated there are many young primary school children and growing teenagers still at high school. Believes for them it is clearly a health and safety issue. Confident Councillors do not have to be reminded of their duty of care. Believes if this is approved, it creates a precedent for opportunistic and tunnel vision developers. Asked why the developers are asking for so many and such extreme concessions? Believes it is because the proposed building is too long, too wide and too height for such a small block.
11. Kim MacCormack of Carlton Street, West Leederville – Item 9.1.6. Believes the proposed development satisfies everything that staff requires of the development. Aware that there is a neighbour on the west who is concerned about the height of the wall, believes the height will be handled by a condition on the approval to the effect that it will be no higher than 3m above natural ground level which he believes is RL27.3.
 12. Jan McKay of 22/65 Palmerston Street – Item 9.1.3. Believes the developers and Homes West are intent on pushing this through regardless of opinions of the surrounding public. Believes they should want to have a reasonable integration of people into this unit, therefore taking care about the concerns would make it a much more equitable exercise. Concerned about potential overuse of Pandal Lane and understands access is not possible from Fitzgerald Street therefore it will be “stuffed” into a narrow lane where cars cannot pass. Believes 8 storey’s is going to impose on exercising residences behind on Stuart Street and to the side on Pandal Lane and then expect to integrate residents into this building. Doesn’t believe anyone is suggesting there should not be affordable housing in the area, they would like their concerns heard and try to make some degree of remedy, not just totally ignore it. Asked who was responsible for changing the regulations that allowed issues to happen? Stated when the building is up and problems do arise because of congestion on Pandal Lane and other associated items, it will be Councils’ responsibility as the developers won’t be there.
 13. John Wheatley of 20 Pandal Lane, Perth – Item 9.1.3. Thanked the Mayor and Councillors for the support in opposing the size and design of the proposed “monstrosity”. Stated the Department of Housing Office on Wellington Street is only a 2 storey building with a spare block of land along side used as a car park. Suggested they extend the height on the building to what they need to house the homeless people.
 14. Anthony Rechichi of 218 William Street, Northbridge – Item 9.1.1. Stated this is a revised application as a result it is recommended for approval. Asked Council to also support it. Believes one reason it was deferred was to consider the possible intensification of the site and investigate that and, in the process, realised they cannot get any greater yield or more intense development on this site as they can’t get any more cars on the property – 6 bays is the best they can do. Stated they had 8 bays with the advent of a car stacking system but, for technical reasons that was considered inappropriate or not able to work on this site so have had to default back to the current application. Believes this precinct can support a more intense development and a better outcome is possible, perhaps with the Town’s Planning Department they are happy to engage and be part of a process that looks at possible master planning this precinct in a far more appropriate manner. Advised they are happy with the recommendation and would like to get moving however, if there are greater opportunities and better outcomes to be gained by this then they would like to entertain a more consultive approach and perhaps review it in an amended application in future.

15. Wendy Wheatley of 20 Pandal Lane, Perth – Item 9.1.3. Stated this “disgusting” development should never take place at the proposed height and would be concerned if it gets built. Reiterated her comments from the last meeting and she is very much against this. Currently the traffic in Pandal Lane is very busy, garbage and removal trucks stop her from getting to work as she can wait in her driveway for 5 minutes before she can get out. Believes this development will add enormous pressure to the whole laneway. Concerned about the antisocial attitude and undesirable element. Thanked the Mayor and Councillors who opposed it last time to oppose it again this time as it is not right.

16. Bill Amann of 15 Joel Terrace, East Perth – Item 9.1.5. Advised he has made several objections, one that it was out of line with the current zoning of the area which he notes is historically used for power generation but believes the currents that are going to be used in the building are more along the lines of heavy industrial. Objects because of the electro magnetic radiation that his employees would be exposed to and notes in the Agenda that Western Power over ruled this by suggesting they build in compliance with Australian Standards. Stated his profession is geophysics and he would like to see those calculations before the building is approved and have opportunity to demonstrate that there are heavy currents and heavy power requirements. Believes it is not an upgrade as there is an old building on the lot, they are putting up a new building. Therefore it is not an upgrade to a public utility it is a new public utility. Stated it is not historically a power generation, historically the house was used as residence and then a small business. Urged Council to reject the building.

17. Ian Hart of Jones Counter Young Architects, 321 Murray Street, Perth – Item 9.1.3 representing the Department of Housing and Works (DHW). Speaking to correct a couple of points. Advised it has been stated DHW is bypassing the Council and this is not true. Under the WA Public Works Act 1902 Section 114, it is stated that buildings on Crown Land are exempt from Local Building Regulations. Stated the Metropolitan Regional Scheme requires DHW secures approval from the WAPC for public works which include housings. Stated the Planning and Development Act requires that the Local Government be consulted to ensure the purpose and intent of the Planning Scheme is met. In relation to due process, notes the application was submitted to the Town for its review and comment on 16 June 2008 and the Town forwarded a copy of the application to the WAPC and the Town is required to provide its comment to the WAPC within 42 days from the lodgement of the application. Believes they have worked steadfastly with the Town’s Planning and Technical Services departments over the last 6 months to reach consensus on design and attain a recommendation for approval for the proposed development, which they did on the meeting of 2 December 2008 and the recommendation was changed to one of refusal. Advised it has continuously been stated publically that the proposed development breaches the Council’s building height policy. Believes it is noted in tonight’s Agenda, that the proposed development is in accordance with the Council’s building height requirements of Appendix 16 Design Guidelines for the locality which were in place when the application was designed, submitted and assessed. Stated the Agenda recommends refusal of the application for a number of reasons however he does not have the time to address each in detail. Stated the key issues of refusal are:
 - (i) massing – believes the proposed development meets the requirements of the massing as defined by the Design Guidelines;
 - (ii) design of the Fitzgerald Street façade – believes the proposed development provides all of the elements as required in the Design Guidelines;
 - (iii) car parking shortfall – agrees they are short by 0.58 of a car bay;
 - (iv) insufficient personal outdoor space – agrees it is less than required under the Design Guidelines but it is compliant with R Codes and this is based on DHW design brief which is greater than the requirement of the R Codes;

- (v) non compliance with privacy – they have worked on amended drawings to comply with all privacy screening required to comply with R Codes and amended drawings have been submitted to Council.
18. Sheila Cleave of 1/427 Riverton Drive, East Shelley – Item 9.1.3. Advised she and her husband own 22/20 Pental Lane. Stated it was initially brought for their daughter as a convenience to her work however, after residing there for about 3 years she felt obliged to move due to the antisocial behaviour that is conducted on Pental Lane and the constant breaches of security and break-ins mostly of a weekly occurrence. Stated the 8 storey development proposed with mixed use dwellings and minimum parking is only going to exacerbate this problem. Stated the proposal is “out of keeping” with other surrounding properties being excessively high, probably another “Brownley Towers” in the making and visually “ugly”. Believes Council opposes the development as it is a wish of the residents affected by this, which should be a binding decision and in a democratic society in which we live not be subject to overruling by a Government Department that has a vested interest and rides rough shot over the wishes of the residents.
19. David McCann of 16 Stuart Street, Perth – Item 9.1.3. Stated when they speak to the DHW they seem to want to listen to them and the Council want to help them. Believes the problem is that the R Code as Mrs Vucic pointed out was rushed through in a way that he found very disconcerting and regardless of what the previous speaker said he is not going to be living near the “monstrosity”. Stated the R Codes were draft and to be resolved by Council, which happened on 2 December 2008, way after the proposal was lodged and talked about in the forum. Believes a six storey was passed on the corner of Fitzgerald and Stuart however, there wasn’t a lot of opposition as that is part of the problem, access/privacy and moves it away close to the road where it doesn’t affect them so much. Hopes Council, Architects and project managers for DHW use that precedent to come to a suitable compromise and help them.
20. Yvonne Webster of 6/201 Scarborough Beach Road, Mt Hawthorn – Item 9.1.8. Stated she was relieved to receive Council’s letter dated 16 December 2008 explaining it was not going ahead although now it is possible it may. Explained on Christmas Eve she saw a beautiful sunset which she often sees – where now it may be bricks. Advised she wasn’t able to come to 2 December 2008 meeting however it was a coincidence the Friday night prior to that they interviewed the Minister of Tourism who said that everyone that comes to Perth love our open skies. Asked Council not to approve the development.

There being no further speakers, public question time was closed at approx. 6.56pm.

(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 16 December 2008.

Moved Cr Farrell, Seconded Cr Messina

That the Minutes of the Ordinary Meeting of Council held 16 December 2008 be confirmed as a true and correct record.

CARRIED (8-0)

(Cr Burns on approved leave of absence.)

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

Cr Farrell departed the Chamber at approximately 7.00pm.

7.1 Employee of the Mont Award for the Town of Vincent for January 2009

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

For JANUARY 2009, the award is presented to Jill Symons, Community Development Officer in the Town's Community Development Section. Jill was nominated by the Manager Community Development, Jacinta Anthony, for the following reasons.

Jill organised the highly successful Angove Street festival on Sunday 30 November 2008. She researched similar events and attended a number of these events in her own time to establish networks and contacts. Around 60 stall holders were featured at the Festival. Jill's particular strength was her ability to communicate with businesses and get their cooperation, engendering excitement for the event.

The event was highly organised and all the activities, performances and stall holders were suitably located and chosen.

Jill worked hard for 12 hours straight on the day troubleshooting the various problems for the event. The event was featured in "The West Magazine" and on a couple of radio stations. Along with this, Jill worked hard to secure in-kind sponsorship from the Rosemount Hotel and Barista Academy and worked on a grant application to secure \$20,000 from the Lotteries Commission to assist with the costs of the event. Her excellent contacts also secured gardening celebrity Sabrina Hahn and food celebrity, Jude Blereau.

Jill's energy and enthusiasm for the Festival was evident with the final result where the day was a good reflection of what a well organised community celebration should aspire to. The event drew a crowd of over 5000 people which delighted all the businesses that were involved.

Congratulations Jill and well done!!

Received with Acclamation!

Cr Farrell returned to the Chamber at approximately 7.02pm.

7.2 Employee of the Mont Award for the Town of Vincent for February 2009

For FEBRUARY 2009, the award is presented to Jovan Velkovski, Leading Hand - Construction in the Town's Engineering Operations Section. Jovan was nominated by the Manager Engineering Operations, Con Economo, for the following reasons:

"I was highly impressed with Jovan Velkovski's work ethic [recently].

Whilst working in Oxford Street with the skid steer loader, Jovan was boxing out kerbing when his leg got caught between the kerb and the bitumen and the bobcat was pushing up against his foot.

His Supervisor took him to the doctor and had his leg X-rayed. Luckily there were no breaks, only severe bruising and swelling.

Jovan fronted to work the next day and "pumped out" a heap of works. He saw-cut all the trees in Oxford Street and boxed out the two crossovers at Smiths Lake.

When I checked his foot the next day the whole foot was swollen and completely black and blue.

The following day after that he poured 5 cubic metres of concrete and came to work Sunday morning to supervise the crews.

I feel compelled to nominate Jovan because his actions went beyond the call of duty."

Jovan's nomination was fully endorsed by the Director Technical Services, Rick Lotznicker.

Congratulations Jovan and well done!!

Received with Acclamation!

7.3 Minister for Local Government Announcement Concerning Amalgamations and Reduction of Election Members

As you may be aware, the Minister for Local Government, the Hon. John Castrilli MLA has announced in the media that he has asked local councils to voluntarily amalgamate and also to reduce the number of Council Members from between 6 - 9. As yet, the Town has not received any formal notification from the Department that we need to address this matter.

It is anticipated that guidelines will be released by the Department of Local Government in 3 to 4 weeks. At which time the Town will peruse the request and prepare a response.

It should also be noted that the Minister's media statement did not name Vincent as one of the councils needing to consider amalgamation. In fact no local government was named and the bandying about of various council names as targets for amalgamation has been very presumptuous of some.

The CEO has advised our employees of the matter and I assure our residents and ratepayers that it is business as usual at the Town today, tomorrow and well into the future.

7.4 Town of Vincent Local Government Trading in Public Places Local Law – Adoption of Amendment (2009)

Pursuant to Section 3.12 of the Local Government Act, the Town of Vincent hereby gives notice that it proposes to adopt the amendment to its Local Law Relating to Local Government Trading in Public Places.

The purpose of this Amendment is to:

- (i) insert provisions relating to display of goods on a footpath; and
- (ii) delete Division 4, relating to the display of advertising signs on a footpath. (Note: this will be transferred to the Local Government Property Local Law.)

This matter has been advertised for six (6) weeks on a state-wide basis for public comment and no submissions have been received.

7.4 Town of Vincent Local Government Property Local Law – Adoption of Amendment (2009)

Pursuant to Section 3.12 of the Local Government Act, the Town of Vincent hereby gives notice that it proposes to adopt the amendment to its Local Law Relating to Local Government Property.

The purpose of this Amendment is to;

- (i) introduce new Clauses relating to permit applications, cancellation of permits and temporary suspension of permits;
- (ii) amend Part 6 concerning advertising signs on thoroughfares to allow for the display of advertising signs on a footpath; and
- (iii) amend Schedule 1 to include the provision for infringement notices for non-compliance with requirements for the display of signs on a footpath.

This matter has been advertised for six (6) weeks on a state-wide basis for public comment and no submissions have been received.

7.4 Town of Vincent Parking and Parking Facilities Local Law 2007 – Adoption of Amendment (2009)

Pursuant to Section 3.12 of the Local Government Act, the Town of Vincent hereby gives notice that it proposes to adopt the amendment to its Local Law Relating to Local Government Property.

The purpose of this Amendment is to;

- (i) delete Clause 5.1 and insert a new Clause to create an offence for "no stopping on a carriageway"; and
- (ii) delete Schedule 2 and insert a new Schedule with a specific penalty of \$125 for stopping contrary to a "No Stopping" sign.

This matter has been advertised for six (6) weeks on a state-wide basis for public comment and no submissions have been received.

As no submissions have been received and there are no changes proposed, I have agreed that these items can be considered as Late Reports - to enable the matter to be progressed and to reduce the workload for the next meeting.

8. DECLARATIONS OF INTERESTS

- 8.1 Mayor Catania declared a Financial interest in Item 9.3.3 – Investment Report. The extent of his interest being that he is the chairperson of the North Perth Community Bank in which the Town has shares.
- 8.2 Cr Messina declared a Financial interest in Item 9.3.3 – Investment Report. The extent of his interest being that he is a director and shareholder of the North Perth Community Bendigo Bank in which the Town has shares.

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

Nil.

10. REPORTS

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

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

Items 9.2.3, 9.1.8, 9.1.3, 9.1.6, 9.2.1, 9.1.1 and 9.1.5.

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

Items 9.4.4, 9.4.6, 9.4.7 and 9.4.8.

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

Item 9.3.3.

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

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

Cr Farrell	Nil.
Cr Messina	Item 9.1.7.
Cr Youngman	Items 9.1.4, 9.1.10, 9.1.11 and 9.2.2.
Cr Ker	Item 9.4.5.
Cr Doran-Wu	Nil.
Cr Lake	Nil.
Cr Maier	Item 9.3.2.
Mayor Catania	Nil

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

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

Items 9.1.2, 9.1.9, 9.1.12, 9.3.1, 9.3.4, 9.3.5, 9.4.1, 9.4.2 and 9.4.3.

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

Items 14.1.

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

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

Items 9.1.2, 9.1.9, 9.1.12, 9.3.1, 9.3.4, 9.3.5, 9.4.1, 9.4.2 and 9.4.3.

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

Items 9.2.3, 9.1.8, 9.1.3, 9.1.6, 9.2.1, 9.1.1 and 9.1.5.

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

Moved Cr Farrell, Seconded Cr Youngman

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

Items 9.1.2, 9.1.9, 9.1.12, 9.3.1, 9.3.4, 9.3.5, 9.4.1, 9.4.2 and 9.4.3.

CARRIED (8-0)

(Cr Burns on approved leave of absence.

9.1.2 Further Report - Nos. 427- 429 (Lots 16 and 17 D/P: 1114 and Lots 90-93 D/P: 28614) and Nos. 433 - 437 (Lots 12 and 15 D/P: 1114) William Street, Perth and Nos. 4 and 4A (Lots 13 and 14 D/P: 1114) Brisbane Place, Perth - Proposed Amalgamation

Ward:	South	Date:	2 February 2009
Precinct:	Beaufort; P13 Hyde Park; P12	File Ref:	138998; PRO0795; PRO0495 7.2008.81.1
Attachments:	001		
Reporting Officer(s):	S Kendall		
Checked/Endorsed by:	H Smith, R Boardman	Amended by:	-

FURTHER 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 APPROVAL to the Western Australian Planning Commission for the application submitted by Cardno Spectrum Survey on behalf of the owner Perth Mosque Inc for proposed Amalgamation at Nos. 427- 429 (Lots 16 and 17 D/P: 1114 and Lots 90-93 D/P: 28614) and Nos. 433 - 437 (Lots 12 and 15 D/P: 1114) William Street, Perth and Nos. 4 and 4A (Lots 13 and 14 D/P: 1114) Brisbane Place, Perth, and as shown on plans stamp-dated 25 November 2008, subject to the following conditions:

- (i) the land being filled and/or drained at the subdivider's cost to the satisfaction of the Town and any easements and/or reserves necessary for the implementation thereof, being provided free of cost. The maximum permitted amount of fill and height of associated retaining walls is 500 millimetres above the existing pre-subdivision ground level, and any greater amount of fill or higher retaining wall requires a separate Planning Approval to be applied to and obtained from the Town of Vincent;*
- (ii) the south west corner of the site at the intersection of Robinson Avenue and Brisbane Place being truncated to the existing building line (approximately 1.8 by 1.8 metres) and shall be ceded at the subdivider's and/or owners cost. The truncation shall be sealed and drained at the full expense of the applicant prior to the clearance of the diagram of survey;*
- (iii) a 3.0 metre by 3.0 metre truncation being provided at the intersection of Robinson Avenue and William Street and shall be ceded at the subdivider's and/or owners cost. The truncation shall be sealed and drained at the full expense of the applicant prior to the clearance of the diagram of survey;*
- (iv) the street verge tree(s) on William Street and Robinson Avenue adjacent to the subject land being retained and measures being taken to ensure their identification and protection to the satisfaction of the Town prior to commencement of site works;*
- (v) support of the amalgamation is not to be construed as support of the demolition of the existing building(s) and/or any development on the proposed lots; and*
- (vi) if any portion of the existing building(s) is to be demolished to facilitate the proposed subdivision, a Planning Approval and/or Demolition Licence is to be obtained from the Town for the demolition of the existing building(s) prior to the clearance of the Diagram or Plan of Survey by the Town.*

COUNCIL DECISION ITEM 9.1.2

Moved Cr Farrell, Seconded Cr Youngman

That the recommendation be adopted.

CARRIED "EN BLOC" (8-0)

(Cr Burns on approved leave of absence.)

FURTHER REPORT:

The Council initially considered the application through the Delegated Authority process, during the Christmas/New Year recess period; from 17 December 2008 to 9 January 2009 however, concerns and questions were raised by Council Members in relation to the proposal. Accordingly, the application was not approved through this Delegated Authority process. The following questions were raised by the Council Members:

"Given that the amalgamation of the lots was a requirement of Council on 27 May 2008 there is little option but to support the amalgamation".

Officer Comment:

As outlined in the background to this report the Council conditionally approved an application for a proposed two-storey mixed use development comprising showrooms, administration, library and office associated with adjacent place of public worship, one (1) multiple dwelling, three (3) two-storey grouped dwellings and associated car parking at Nos. 433 - 437 (Lots 15 and 12) William Street and Nos. 4 and 4A (Lots 13 and 14) Brisbane Place at its Ordinary Meeting held on 27 May 2008. A condition of this approval required the amalgamation of Nos. 433 - 437 (Lots 15 and 12) William Street and Nos. 4 and 4A (Lots 13 and 14) Brisbane Place, Perth. It is to be noted that there was no requirement for these lots to be amalgamated with Nos. 427 - 429 (Lots 16 - 17 and 90-93) William Street, Perth, which contains the Perth Mosque buildings.

"The amalgamated lot would have an existing place of worship as the main development on it - would this then become the designated 'existing use' of the whole amalgamated lot? If so, what are the implications of this for future development?"

In assessing this application, it is appropriate for consideration to be given to the application in the context of the likely future use of the vacant land. To date, the Town has not received a Building Licence for the development approved by the Council at its Ordinary Meeting held on 27 May 2008. The Form 1A application for amalgamation identifies the current use of the land as "Mosque" and the proposed use of the land also as "Mosque" and specifies that existing buildings are to be retained. Should the amalgamation be approved by the Western Australian Planning Commission (WAPC), the existing land use of the buildings will be 'Place of Public Worship', which is as it exists now.

Irrespective of this application for amalgamation, a planning application will be required to be submitted for any extension or intensification of the existing 'Place of Public Worship'. Such an application would be assessed and determined under the requirements and provisions of the Town's Town Planning Scheme and associated policies, in which a 'Place of Public Worship' is an "AA" use in both Residential and Commercial zones.

In light of the above, the previous Officer Recommendation remains unchanged.

The following is a verbatim copy of the Agenda Item placed before the Council through the Delegated Authority process, during the Christmas/New Year recess period:

"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 APPROVAL to the Western Australian Planning Commission for the application submitted by Cardno Spectrum Survey on behalf of the owner Perth Mosque Inc for proposed Amalgamation, at Nos. 427- 429 (Lots 16 and 17 D/P: 1114 and Lots 90-93 D/P: 28614) and Nos. 433 - 437 (Lots 12 and 15 D/P: 1114) William Street, Perth and Nos. 4 and 4A (Lots 13 and 14 D/P: 1114) Brisbane Place, Perth, and as shown on plans stamp-dated 25 November 2008, subject to the following conditions:

- (i) the land being filled and/or drained at the subdivider's cost to the satisfaction of the Town and any easements and/or reserves necessary for the implementation thereof, being provided free of cost. The maximum permitted amount of fill and height of associated retaining walls is 500 millimetres above the existing pre-subdivision ground level, and any greater amount of fill or higher retaining wall requires a separate Planning Approval to be applied to and obtained from the Town of Vincent;*
- (ii) the south west corner of the site at the intersection of Robinson Avenue and Brisbane Place being truncated to the existing building line (approximately 1.8 by 1.8 metres) and shall be ceded at the subdivider's and/or owners cost. The truncation shall be sealed and drained at the full expense of the applicant prior to the clearance of the diagram of survey;*
- (iii) a 3.0 metres by 3.0 metres truncation being provided at the intersection of Robinson Avenue and William Street and shall be ceded at the subdivider's and/or owners cost. The truncation shall be sealed and drained at the full expense of the applicant prior to the clearance of the diagram of survey;*
- (iv) the street verge tree(s) on William Street and Robinson Avenue adjacent to the subject land being retained and measures being taken to ensure their identification and protection to the satisfaction of the Town prior to commencement of site works;*
- (v) support of the amalgamation is not to be construed as support of the demolition of the existing building(s) and/or any development on the proposed lots; and*
- (vi) if any portion of the existing building(s) is to be demolished to facilitate the proposed subdivision, a Planning Approval and/or Demolition Licence is to be obtained from the Town for the demolition of the existing building(s) prior to the clearance of the Diagram or Plan of Survey by the Town.*

<i>Landowner:</i>	<i>Perth Mosque Inc</i>
<i>Applicant:</i>	<i>Cardno Spectrum Survey</i>
<i>Zoning:</i>	<i>Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Lots 12, 15, 16, 91 and 93 (fronting William Street): Commercial Lots 13, 14, 17, 90 and 92 (fronting Brisbane Place): Residential R80</i>
<i>Existing Land Use:</i>	<i>Lots 12 - 15 Vacant Lots 16-17 and 90-93 Place of Public Worship</i>
<i>Use Class:</i>	<i>Lots 16-17 and 90-93 Place of Public Worship</i>

<i>Use Classification:</i>	<i>Lots 16-17 and 90-93 Place of Public Worship - AA</i>
<i>Lot Area:</i>	<i>Lot 12 - 253 square metres</i> <i>Lot 13 - 253 square metres</i> <i>Lot 14 - 254 square metres</i> <i>Lot 15 - 254 square metres</i> <i>Lot 16 - 254 square metres</i> <i>Lot 17 - 254 square metres</i> <i>Lot 90 - 245 square metres</i> <i>Lot 91 - 238 square metres</i> <i>Lot 92 - 8 square metres</i> <i>Lot 93 -15 square metres</i> <i>Total Lot Area = 2,028 square metres</i>
<i>Access to Right of Way</i>	<i>N/A</i>

BACKGROUND:

- 5 November 2002 *The Council at its Ordinary Meeting conditionally approved an application for a three storey lodging house at Nos. 433 - 437 (Lots 15 and 12) William Street and Nos. 4 and 4A (Lots 13 and 14) Brisbane Place.*
- 27 May 2003 *The Council at its Ordinary Meeting conditionally approved an application for a three storey lodging house at Nos. 433 - 437 (Lots 15 and 12) William Street and Nos. 4 and 4A (Lots 13 and 14) Brisbane Place.*
- 13 February 2007 *The Council at its Ordinary Meeting refused an application for construction of four (4), single storey showrooms fronting William Street and 22 car parking bays with vehicle access from Brisbane Place at Nos. 433 - 437 (Lots 15 and 12) William Street and Nos. 4 and 4A (Lots 13 and 14) Brisbane Place. The proposed car park was to be for use by the congregation of the Perth Mosque located on an adjoining property.*
- 27 May 2008 *The Council at its Ordinary Meeting approved an application for a proposed two-storey mixed use development comprising showrooms; administration, library and office associated with adjacent place of public worship, one (1) multiple dwelling, three (3) two-storey grouped dwellings and associated car parking at Nos. 433 - 437 (Lots 15 and 12) William Street and Nos. 4 and 4A (Lots 13 and 14) Brisbane Place.*

DETAILS:

The proposal involves the amalgamation of Nos. 427 - 429 (Lots 16 -17 and 90-93) William Street, Nos. 433-437 (Lots 12 and 15) William Street and Nos. 4 - 4A (Lots 13 and 14) Brisbane Place, Perth.

The subject land comprises eight lots, which are located on the north-west corner of William Street and Robinson Avenue, extending through to Brisbane Place. The "Perth Mosque", which was originally constructed in 1904 with subsequent additions, is located on the four southern lots at Nos. 427 - 429 (Lots 16 - 17 and 90-93) William Street, Perth. The lots at Nos. 433-437 (Lots 12 and 15) William Street and Nos. 4 - 4A (Lots 13 and 14) Brisbane Place, Perth are currently vacant.

It is important to highlight that the subject lots with a frontage to Brisbane Place are zoned Residential R80 and are located within the Hyde Park Precinct and that the lots with a frontage to William Street are zoned Commercial and are located within the Beaufort Precinct.

COMMENTS:

Heritage

The "Perth Mosque" at Nos. 427 - 429 (Lots 16 - 17 and 90-93) William Street, Perth is listed on the Town's Municipal Heritage Inventory and is currently on the Heritage Council of Western Australia's (HCWA) Assessment Program.

The Perth Mosque is recognised as a notable and unique landmark within Perth in the Federation and Late 20th Century Immigrant Nostalgic styles of architecture. It has close associations with the earliest Afghans in Western Australia, the cameleers, who facilitated much of the State's exploration. It is highly valued by the growing and diverse Muslim community and is a highly tangible demonstration of multi-culturalism.

Further to discussions with the Western Australian Planning Commission (WAPC), it is understood that the WAPC will be referring the subject proposal for amalgamation directly to the HCWA for comment. Notwithstanding this, it is considered that the proposed amalgamation of the eight lots will not have undue impact on the above identified cultural heritage values of the Perth Mosque. It is to be noted that the existing Mosque building is already truncated at the intersection of Robinson Avenue and Brisbane Place. Furthermore, it is considered that the 3 metre truncation required at the intersection of Robinson Avenue and William Street whilst requiring the modification of the front wall will not have a detrimental impact on the place's presentation to William Street nor will it impinge on the Mosque's prominent columned entrance way.

Residential Subdivision Policy

The application in part has been assessed against the Residential Subdivision Policy as the lots with a frontage to Brisbane Place are zoned Residential R80. The amalgamation of the lots to form one super lot is inconsistent with ADC 3.- Lot Configuration and Subdivision Pattern, which requires as follows:

"(a) The lot configuration and subdivision pattern are to reflect the existing predominant subdivision pattern of the immediate street block the subject property is located, in terms of layout and orientation."

The existing streetscape comprises a total of eight (8) lots, seven (7) of which have an approximate Brisbane Place lot frontage of 10.1 metres. The eighth lot, which is located at the corner of Brisbane Place and Brisbane Street, is unlike the other 7 lots as it is commercially zoned and comprises a 30.7 metre frontage to Brisbane Place.

Whilst the predominate lot width is 10.1 metres, it is important to note that the Brisbane Place streetscape has recently undergone significant change by virtue of the demolition of three of the four single dwellings that once stood. In addition to this, the western Brisbane Place streetscape comprises three lots with an average 23 metre lot frontage. As a result, it is considered that the proposal conforms to the Performance Criteria associated with ADC 3.- Lot Configuration and Subdivision Pattern, as the proposed configuration and subdivision pattern will not have an undue impact on the streetscape and surrounding amenity as there is no established streetscape characterised by a consistent built form.

In light of the above, it is considered that the subject amalgamation is consistent with the objectives of the Residential Subdivision Policy, which are essentially aimed to protect and enhance those residential streets with consistency in size, pattern and built form.

Summary

The application is considered acceptable and is therefore supported, subject to standard and appropriate conditions to address the above matters."

9.1.9 Adding/Deleting/Amending Places Listed on the Municipal Heritage Inventory (MHI)

Ward:	South	Date:	2 February 2009
Precinct:	Cleaver; P05 Oxford Centre; P04	File Ref:	PLA 0098; PLA 0147
Attachments:	001 , 002 , 003		
Reporting Officer(s):	H Au		
Checked/Endorsed by:	H Smith, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report relating to Adding/Deleting/Amending Places Listed on the Town's Municipal Heritage Inventory (MHI);*
- (ii) *INCLUDES:*
 - (a) *the former maternity hospital at No. 590 (Lots 12 and 18) Newcastle Street, West Perth onto the MHI as a Management Category B - Conservation Recommended, as shown in attachment 001; and*
 - (B) *the pair of Olive Trees at the southwest corner of No. 1 (Lot 34) The Avenue, Leederville onto the MHI as a Management Category B - Conservation Recommended, as attached at Appendix 9.1.9.*

COUNCIL DECISION ITEM 9.1.9

Moved Cr Farrell, Seconded Cr Youngman

That the recommendation be adopted.

CARRIED "EN BLOC" (8-0)

(Cr Burns on approved leave of absence.)

PURPOSE OF REPORT:

The Town has received two nominations in relation to adding, deleting or amending entries on the Town's Municipal Heritage Inventory (MHI). The two nominations relate to the following places:

- No. 590 (Lots 12 and 18) Newcastle Street, West Perth – a community member nominated the place to be added on the Town's MHI; and
- The pair of Olive Trees at the southwest corner of No. 1 (Lot 34) The Avenue, Leederville – a community member nominated the place to be added on the Town's MHI.

The purpose of this report is to consider adopting the two above places onto the Town's Municipal Heritage Inventory in accordance with the Town's Policy No. 3.6.5 relating to *Heritage Management - Adding/Deleting/Amending Places Listed on the Town's Municipal Heritage Inventory (MHI)*.

BACKGROUND:

Following the review of the Town's Municipal Heritage Inventory undertaken in 2006, all further proposed amendments to the Town's Municipal Heritage Inventory are to be considered in accordance with the procedures set out in the Town's Policy No. 3.6.5 relating to *Heritage Management - Adding/Deleting/Amending Places Listed on the Town's Municipal Heritage Inventory (MHI)*.

DETAILS:

The key objectives of the Town's Policy relating to *Heritage Management - Adding/Deleting/Amending Places Listed on the Town's Municipal Heritage Inventory (MHI)* are to:

- 1) Provide a procedure for adding, deleting or amending entries on the Town of Vincent's Municipal Heritage Inventory.
- 2) Ensure places are added, deleted or amended from the Town of Vincent Municipal Heritage Inventory following due process.
- 3) Ensure that decisions for adding, deleting or amending places on the Town of Vincent's Municipal Heritage Inventory are based on consideration of the cultural heritage significance of the place.

In accordance with the Town's Policy No. 3.6.5 relating to Heritage Management – Assessment, a full Heritage Assessment has been undertaken on each of the properties. A copy of each of the assessments forms an attachment to this report.

A summary of the Heritage Assessments and the Town's Officer's actions and recommendations are detailed below:

No. 590 (Lots 12 and 18) Newcastle Street, West Perth

The subject property at No. 590 Newcastle Street comprises a single storey brick and tile dwelling constructed circa 1913. Mr Rodney Smoker, a member of the public whose family held an association with the subject place, submitted a Municipal Heritage Inventory Nomination Form on 23 April 2008.

The Town's Heritage Officers undertook a full Heritage Assessment on the place on 15 October 2008 which revealed that the place has *some cultural heritage value*, as outlined below, to warrant entry onto the Town of Vincent's Municipal Heritage Inventory:

- The place has *considerable historic value* as it played an essential role in the development of maternity and obstetrics health services and the provision of specialised maternity care in the area north of Perth during the first half of the 20th Century.
- The place has *some social value* as it was once a highly valued part of the health services available in the area, providing privately operated maternity and obstetrics services to the community.

On 31 October 2008, the Draft Heritage Assessment was referred to the Department of Health, Government of Western Australia, who is the current owner of the subject place; the nominator; the Heritage Council of WA; the Town of Vincent Precinct Groups; and the Western Australian Planning Commission for comment. In addition to this, the nomination was advertised for public comment for a period of 28 days in a local newspaper from 4 November 2008 to 2 December 2008.

Two submissions were received during the advertising period, including one letter of support from the Cleaver Precinct Action Group and one letter of acknowledgement from the Heritage Council of WA. A copy of the submission from the Cleaver Precinct Action Group forms an attachment to this report.

Officer Recommendation:

Include the place on the Town's Municipal Heritage Inventory as a Management Category B - Conservation Recommended.

The pair of Olive Trees at the southwest corner of No. 1 (Lot 34) The Avenue, Leederville

The subject Olive Trees, located at the southwest corner of No. 1 (Lot 34) The Avenue, Leederville are believed to have been planted circa 1927 for a domestic garden. Mrs Elizabeth Backhouse (nee Panegyres), a member of the public whose family held a long association with the Olive Trees, submitted a Municipal Heritage Inventory Nomination Form on 24 June 2008.

The Town's Heritage Officers undertook a full Heritage Assessment on the place on 15 October 2008, which revealed that the place has *some cultural heritage value*, as outlined below, to warrant entry onto the Town of Vincent's Municipal Heritage Inventory:

- The Olive Trees have *some historic significance* being planted by the Panegyres family circa 1927, a Greek family who first migrated to Perth in 1914 and have made a significant contribution to the development of the Town of Vincent community.
- The Olive Trees have *some social significance* being valued by the community through its historic and social associations with the Panegyres family and the Greek community in Leederville more generally.
- The Olive Trees have *some aesthetic value* as it forms a significant element in the historic streetscape of Leederville.

On 11 November 2008, the Draft Heritage Assessment was sent to the nominator, the Heritage Council of WA, the Town of Vincent Precinct Groups and the Western Australian Planning Commission for comment. In addition to this the nomination was advertised for public comment for a period of 28 days in a local newspaper from 18 November 2008 to 16 December 2008.

During the advertising period, a letter from the Heritage Council of WA was received acknowledging the proposed amendment to the Town's MHI.

Officer Recommendation:

Include the place on the Town's Municipal Heritage Inventory as a Management Category B - Conservation Recommended.

CONSULTATION/ADVERTISING:

The proposed amendments to the Town's Municipal Heritage Inventory were advertised in accordance with Clause 3 of the Town's Policy No. 3.6.5 relating to *Heritage Management - Adding/Deleting/Amending Places Listed on the Town's Municipal Heritage Inventory*.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Strategic Plan 2006-2011: Strategic Objectives - 1. Natural and Built Environment "... 1.1.3 (b) *Implement and promote the Municipal Heritage Inventory and Heritage Management Policies*".

Heritage Strategic Plan 2007-2012: Key Result Area 2 - Statutory Provisions and Policies "*Objective: Ensure that legislative obligations are met by the Town in clear and effective ways, using documented policies and procedures.*"

FINANCIAL/BUDGET IMPLICATIONS:

The current 2008/2009 Budget allocates \$62,000 for Town Planning Scheme Amendments and Policies.

COMMENTS:

In light of the above, it is recommended that the Council receives and supports the proposed amendments to the Town's Municipal Heritage Inventory, in line with the Officer Recommendation.

9.1.12 Introduction of Two Five Minute (5 Min) Parking Bays and Paid Parking in Raglan Road and Chelmsford Road Car Parks, including Two-Hour (2P) Time Restrictions in Raglan, Grosvenor and Chelmsford Roads, Mount Lawley

Ward:	South	Date:	4 February 2009
Precinct:	Mount Lawley Centre; P13	File Ref:	PKG0013, PKG0024, PKG0034, PKG0066
Attachments:	001		
Reporting Officer(s):	J MacLean,		
Checked/Endorsed by:	R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *APPROVES the change to the current time restriction, in two parking bays, within the area of Raglan Road Car Park, owned by Silverleaf Investments Pty Ltd and controlled by the Town of Vincent, from the existing fifteen minutes (1/4P), between 8:00am and 8:00pm, Monday to Sunday, to five minutes (5 min) At All Times;*
- (ii) *APPROVES IN PRINCIPLE the introduction of:*
 - (a) *paid parking, operating at all times, to the whole of Raglan Road Car Park, with a "Free Parking Period" of one (1) hour, as shown in Drawing No. 2635-PP-01 attached at Appendix 9.1.12;*
 - (b) *paid parking, operating at all times, to the whole of Chelmsford Road Car Park, with a "Free Parking Period" of one (1) hour, as shown in Drawing No. 2635-PP-01 attached at Appendix 9.1.12; and*
 - (c) *a two hours (2P) parking time restriction, operating at all times, to both sides of Raglan Road, Grosvenor Road and Chelmsford Road, between Beaufort Street and Hutt Street, Mount Lawley, as shown in Drawing No. 2635-PP-01 attached at Appendix 9.1.12;*
- (iii) *AUTHORISES the Chief Executive Officer to advertise the above proposals to introduce paid parking restrictions in Raglan Road and Chelmsford Road Car Parks, as outlined in (ii) and (iii) above, and parking time restrictions, in Raglan Road, Grosvenor Road and Chelmsford Road, Mount Lawley, as indicated in (iv) above, for a period of twenty one (21) days; and*
- (iv) *NOTES that:*
 - (a) *a further report will be submitted to the Council at the conclusion of the public consultation process; and*
 - (b) *Residential Parking Permits will be available to eligible residents in Raglan Road, Grosvenor Road and Chelmsford Road, Mount Lawley.*

COUNCIL DECISION ITEM 9.1.12

Moved Cr Farrell, Seconded Cr Youngman

That the recommendation be adopted.

CARRIED "EN BLOC" (8-0)

(Cr Burns on approved leave of absence.)

PURPOSE OF REPORT:

To create two short-term parking bays, to enable patrons of the Beaufort Street, 24-hour Chemist to access the pharmacy; to introduce paid parking fees, to regulate the parking in the Raglan Road and Chelmsford Road Car Parks and to address any consequential shift in parking practices into surrounding residential streets.

BACKGROUND:

The area designated as Raglan Road Car Park and enforced by the Town's Rangers, is partly owned by the Town of Vincent and partly by Silverleaf Investments Pty Ltd. The Town entered into a formal agreement with Silverleaf Investments Pty Ltd, on 10 December 1996, for the Town to enforce parking restrictions in the whole area, as if it was a Town of Vincent Car Park. In return for this agreement, the Town provides eighteen (18) annual parking permits to Silverleaf Investments Pty Ltd, for them to distribute to the proprietors of the individual shops, within *The Alexander Building*.

DETAILS:

The Beaufort Street, 24-hour Chemist is situated in *The Alexander Building*, Nos. 645 - 647 Beaufort Street, Mount Lawley and is one of very few pharmacies, in the Perth Metropolitan area, that operate 24 hours per day. The proprietors have complained to their landlords, Silverleaf Investments Pty Ltd, that because of the current congestion in Raglan Road Car Park, their customers are unable to find a parking place close to their business. It has been suggested that, if two bays were set aside, immediately outside the chemist's premises, with a five minute (5 Min) restriction operating at all times, vehicles would be less likely to park for long periods of time. This appears to be a valid argument and it is therefore supported.

For some time, Raglan Road Car Park and Chelmsford Road Car Park have experienced high usage rates during the day and have been completely full, almost every evening, after 8:00pm. The Town was recently approached by the Directors of Silverleaf Investments Pty Ltd, the owners of *The Alexander Buildings*, at the corner of Walcott Street and Beaufort Street, seeking the introduction of paid parking restrictions into Raglan Road Car Park, operating at all times. However, unless the whole of both Raglan Road and Chelmsford Road Car Parks are similarly restricted, there will simply be a shift in congestion, from one to the other.

Raglan Road Car Park, in the form shown in the agreement, caters for a total of ninety eight (98) vehicles, including three (3) ACROD Bays, sixty four (64) two hour (2P) restricted bays, sixteen (16) fifteen minutes (1/4P) restricted bays and fifteen (15) paid parking bays. Chelmsford Road Car Park caters for a total of fifty six (56) vehicles, including two (2) ACROD Bays, thirty one (31) two hour (2P) restricted bays, and twenty three (23) paid parking bays. These Car Parks are adjacent to each other, with Raglan Road Car Park situated between Raglan Road and Grosvenor Road and Chelmsford Road Car Park situated between Grosvenor Road and Chelmsford Road, Mount Lawley.

When the Town first considered the introduction of paid parking restrictions in these car parks, the local businesses mounted a sustained campaign through the media to prevent this going ahead. In fact, the local traders published two issues of a newspaper, called "*The Beaucott News*", with the express purpose of preventing paid parking in these Car Parks. As a result, it was decided that the proposal should be modified, to introduce only a proportion of each Car Park as a paid parking facility. The issue of paid parking in these locations has therefore not been resurrected by the Town.

However, the Directors of Silverleaf Investments Pty Ltd have approached the Town, suggesting that, without more appropriate parking restrictions in both Car Parks, the businesses are likely to fail. Their suggestion is for paid parking to be introduced, operating at all times, but with a "Two Hours Free Parking" period being introduced, to enable customers to park for up to two hours, to purchase their groceries, etc, but to charge all drivers who stay there for more than this two-hour period. Barlee Street Car Park, which is in close proximity to both Raglan Road and Chelmsford Road Car Parks, currently has a "One-Hour Free Parking" period, before payment is required.

Currently both Car Parks are restricted to a maximum of two hours parking, so drivers are required to remove their vehicles from the car park after this two-hour period. In reality, many of the vehicles that use the Car Parks are owned by local staff and they simply move their vehicle from place to place to avoid detection and, with the introduction of a "Two-Hours Free Parking" period, it is unlikely that there will be any change in this behaviour. As a result, while a "Two-Hours Free Parking" period may provide an excellent facility for patrons of the shopping centre, it is probable that little will change, from a staff parking perspective and the same staff will continue to move their vehicles after a two-hour period, to avoid having to pay.

With a "Two-Hours Free Parking" period, there is also unlikely to be any tangible time-saving benefit to the Rangers, since they will still need to chalk the tyres of every parked vehicle and return after a two-hour period to ensure that people do not overstay the limits. If the requested "Two-Hours Free Parking" period was reduced to a One-Hour Free Parking" period, it would be less likely that the businesses would release their staff every hour to move their vehicles and so enforcement would be easier.

If the Council approves the above, it is very likely that, unless the local streets are also restricted, drivers will simply move from the Car Parks to the surrounding unrestricted streets, thereby causing a flow-on effect in these areas. As a result, it is also recommended that residents in Raglan, Grosvenor and Chelmsford Roads be asked for comments in relation to both paid parking in the Car Parks and time restrictions in their streets.

CONSULTATION/ADVERTISING:

It is suggested that, if the Council approves the above recommendations, it would be appropriate to seek comment from proprietors of all of the businesses in *The Alexander Building* and other adjacent premises, about the proposal to introduce paid parking in these Car Parks. It will also be necessary to canvas opinions from residents in the adjacent streets, which will bear the brunt of any resultant parking location shift.

This will have an added effect of promoting the fact that the car parking facilities are for use by patrons of local businesses, because local staff are likely to seek alternative parking facilities, thereby reducing the current congestion. It will also have the effect of making the residents, in close-by streets, aware of the proposal and allows them to put forward their comments. Residential parking permits will be available to the eligible residents in the area in accordance with Council Policy No. 3.9.8.

LEGAL/POLICY:

There is no legal impediment to the introduction of paid parking restrictions in Raglan Road Car Park and Chelmsford Road Car Park, as well as parking time restrictions to Raglan, Grosvenor and Chelmsford Roads, Mount Lawley.

Rangers would undertake enforcement action as part of their normal duties.

STRATEGIC IMPLICATIONS:

The above report is in keeping with the Town's Strategic Plan 2006-2011 at:

- Objective 2.1.4 - *"Identify the needs and expectations of the business community and facilitate outcomes in the Town".*
- Part 2.1.4(b) - *"Implement parking management strategies that provide assistance to businesses, while maintaining the Town's commitment to the whole community".*
- Objective 4.1.2 - *"Manage the Organisation in a responsible, efficient and accountable manner".*

SUSTAINABILITY IMPLICATIONS:

Not Applicable.

FINANCIAL/BUDGET IMPLICATIONS:

If the proposal is adopted, there will be a cost associated with the installation of parking ticket machines, as well as restriction signage. It is estimated that the Town would need to purchase, install and commission four (4) ticket issuing machines in Raglan Road and Chelmsford Road Car Parks. Currently, the ticket issuing machines owned by the Town only have a facility to accept coins, but it has been suggested that the possibility of alternative payment means, such as Credit Card payments, should be explored. Technology has reached a level where Credit Card Payments are fairly commonplace, but it is estimated that this enhancement will increase the cost of each machine to around \$11,000. Signage is also likely to cost in the region of \$3,000. As a result, the estimated total cost is likely to be around \$47,000, which can be met from the current Budget amount. It should also be noted that the expenditure will be partly offset by revenue received both from paid parking and from infringement notices.

COMMENTS:

An approach has been made by the owners of *The Alexander Building*, at the corner of Walcott Street and Beaufort Street, Mount Lawley, for paid parking to be introduced to Raglan Road and Chelmsford Road Car Parks, with a two-hour "Free Parking Period", to allow customers to purchase goods and then leave the area. While the concept is supported, it is suggested that the "Free Period" would be more appropriate if restricted to one-hour free parking.

Because of the potential impact on both sectors, it is suggested that a public consultation process needs to be undertaken, to gauge whether this would be acceptable to local businesses and to local residents. Once the public consultation process has been concluded, a further report will be provided to the Council, outlining the feedback that has been obtained.

The above is recommended for approval.

9.3.1 Financial Statements as at 30 November 2008

Ward:	Both	Date:	15 December 2008
Precinct:	All	File Ref:	FIN0026
Attachments:	001, 002		
Reporting Officer(s):	B Wong		
Checked/Endorsed by:	M Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That the Council RECEIVES the Financial Statements for the month ended 30 November 2008 as shown in Appendix 9.3.1.

COUNCIL DECISION ITEM 9.3.1

Moved Cr Farrell, Seconded Cr Youngman

That the recommendation be adopted.

CARRIED “EN BLOC” (8-0)

(Cr Burns on approved leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to present the financial statements for the month ended 30 November 2008.

BACKGROUND:

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

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

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

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

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

DETAILS:

The following documents represent the Statement of Financial Activity for the period ending 30 November 2008:

- Income Statement;
- Summary of Programmes/Activities (pages 1-17);
- Capital Works Schedule (pages 18-24);
- Balance Sheet and Statement of Changes in Equity (pages 25-26);
- Reserve Schedule (page 27);
- Debtor Report (page 28);
- Rate Report (page29);
- Statement of Financial Activity (page 30);
- Net Current Asset Position (page 31);
- Beatty Park Report – Financial Position (page 32); and
- Variance Comment Report (page 33-36).

Comments on the financial performance are set out below.

Operating Statement and Detailed Summary of Programmes/Activities

Operating Result

The operating result is Operating Revenue – Operating Expenses

YTD Actual	-	-\$12.3 million
YTD Budget	-	-\$10.8 million
Variance	-	-\$1.5 million
Full Year Budget	-	-\$4.9 million

Summary Comments:

The current favourable variance is due to increase revenue received as outlined below.

Operating Revenue

YTD Actual	-	\$25.4 million
YTD Budget	-	\$24.8 million
YTD Variance	-	\$0.6 million
Full Year Budget	-	\$32.8 million

Summary Comments:

The total operating revenue is currently 2% over the year to date budget.

Major variances are to be found in the following programmes.

Governance - 25% over budget

Law Order & Public Safety – 13% over budget

Education and Welfare - 40% under budget

Transport - 20% over budget

Other Property & Services - 13% over budget

More details variance comments are included on the page 33 – 36 of this report.

Operating Expenditure

YTD Actual	-	\$13.7 million
YTD Budget	-	\$14.5 million
YTD Variance	-	-\$0.8 million
Full Year Budget	-	\$33.7 million

Summary Comments:

The operating expenditure is currently operating at 6% under the first quarter year to date budget.

The major under expenditure is located in the following programmes:

Education & Welfare – 27% below budget
Community Amenities – 15% below budget
Economic Services – 10% below budget

Detailed variance comments are included on the page 33 – 36 of this report.

Capital Expenditure Summary

The Capital Expenditure summary details projects included in the 2008/09 budget and reports the original budget and compares actual expenditure to date against these.

Capital Works shows total expenditure including commitment for year to date at the 30 November 2008 of \$2,992,174 which represents 21 % of the revised budget of \$14,099,686.

	Budget	Revised Budget	Actual to Date	%
Furniture & Equipment	163,850	198,207	81,309	41%
Plant & Equipment	1,520,700	1,232,450	105,363	9%
Land & Building	3,952,834	4,435,917	742,111	17%
Infrastructure	8,502,612	8,233,112	2,063,391	25%
Total	14,139,996	14,099,686	2,992,174	21%

Summary Comments:

There was only small account activity in the first quarter of the financial year however the Capital Works activity has increased during November with the receipt of the Rates in September.

Balance Sheet and Statement of Changes in Equity

The statement shows the current assets of \$27,755,484 and non current assets of \$141,251,852 for total assets of \$169,007,336.

The current liabilities amount to \$9,071,057 and non current liabilities of \$13,939,165 for the total liabilities of \$23,010,222. The net asset of the Town or Equity is \$145,997,114.

Restricted Cash Reserves

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

The balance as at 30 November 2008 is \$7.6m. The balance as at 30 June 2008 was \$6.8m.

General Debtors

Other Sundry Debtors are raised from time to time as services are provided or debts incurred. Late payment interest of 11% per annum may be charged on overdue accounts. Sundry Debtors of \$459,325 is outstanding at the end of November 2008.

Of the total debt \$121,337 (8.9%) relates to debts outstanding for over 60 days, of which \$108,756 is related to Cash in lieu Parking.

The Debtor Report identifies significant balances that are well overdue.

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

Rate Debtors

The notices for rates and charges levied for 2008/09 were issued on the 6 August 2008.

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

First Instalment	25 August 2008
Second Instalment	27 October 2008
Third Instalment	5 January 2009
Fourth Instalment	3 March 2009

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

Instalment Administration Charge (to apply to second, third, and fourth instalment)	\$5.00
Instalment Interest Rate	5.5% per annum
Late Payment Penalty Interest	11% per annum

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

Rates outstanding as at 30 November 2008 was \$4,510,836 which represents 24% of the outstanding collectable income compared to 26% at the same time last year.

Summary Comments:

The reduced percentage amount of outstanding rates in comparison to last year is due to the fact that the Rates Notices were distributed approximately one (1) month earlier than last year and a more efficient debt collection process.

The minimum rates are under budget due to increased valuations following the revaluation which has reduced the number of minimum rates assessments and resulted in the increased number of general rates.

The Interim rates are under budget due to significant refunds of contested valuation with the Valuer General Office.

Statement of Financial Activity

The closing surplus carry forward for the year to date 30 November 2008 was \$12,031,063.

Net Current Asset Position

The net current asset position \$12,031,063.

Beatty Park – Financial Position Report

As at 30 November 2008 the operating deficit for the Centre was \$170,542 in comparison to the annual deficit of \$532,109.

The cash position showed a current cash surplus of \$16,535 in comparison annual budget estimate of a cash deficit of \$73,080. The cash position is calculated by adding back depreciation to the operating position.

Variance Comment Report

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

9.3.4 Authorisation of Expenditure For The Period 1 – 31 December 2008

Ward:	Both	Date:	8 January 2009
Precinct:	All	File Ref:	FIN0009
Attachments:	001		
Reporting Officer(s):	Kara Ball		
Checked/Endorsed by:	Bee Choo Tan	Amended by:	

OFFICER RECOMMENDATION:

That the Council CONFIRMS the;

- (i) *Schedule of Accounts for the period 1 December – 31 December 2008 and the list of payments;*
- (ii) *direct lodgement of payroll payments to the personal bank account of employees;*
- (iii) *direct lodgement of PAYG taxes to the Australian Taxation Office;*
- (iv) *direct lodgement of Child Support to the Australian Taxation Office;*
- (v) *direct lodgement of creditors payments to the individual bank accounts of creditors; and*
- (vi) *direct lodgement of Superannuation to Local Government and City of Perth superannuation plans.*

as shown in Appendix 9.3.4.

COUNCIL DECISION ITEM 9.3.4

Moved Cr Farrell, Seconded Cr Youngman

That the recommendation be adopted.

CARRIED “EN BLOC” (8-0)

(Cr Burns on approved leave of absence.)

DECLARATION OF INTEREST

Members/Officers	Voucher	Extent of Interest
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Nil.

PURPOSE OF REPORT:

To seek authorisation of expenditure for the period 1 – 31 December 2008.

BACKGROUND:

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

DETAILS:

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

FUND	CHEQUE NUMBERS/ PAY PERIOD	AMOUNT
Municipal Account		
Town of Vincent Advance Account	EFT	\$382,202.20
Total Municipal Account		\$382,202.20
Advance Account		
Automatic Cheques	64358-64655	\$606,583.31
EFT Batch		\$0.00
Municipal Account		
Transfer of Creditors by EFT Batch	864-865,867-870,872-874	\$3,471,017.28
Transfer of PAYG Tax by EFT	December 2008	\$199,642.40
Transfer of GST by EFT	December 2008	\$0.00
Transfer of Child Support by EFT	December 2008	\$751.42
Transfer of Superannuation by EFT:		
• City of Perth	December 2008	\$30,033.46
• Local Government	December 2008	\$107,192.80
Total		\$4,415,159.17
Bank Charges & Other Direct Debits		
Bank Charges – CBA		\$3,219.13
Lease Fees		\$3,419.33
Corporate Master Cards		\$4,785.83
Folding Machine Lease Equipment		\$0.00
Trace Fees – Audit Certificate		
Loan Repayment		\$58,131.94
Rejection Fees		\$10.00
System Disk Fee		\$0.00
Beatty Park - miscellaneous deposit		\$0.00
Total Bank Charges & Other Direct Debits		\$69,568.73
Less GST effect on Advance Account		-\$113,217.00
Total Payments		\$4,753,713.10

STRATEGIC IMPLICATIONS:

Strategic Plan 2006-2011 – Key Result Area 4.2 – Governance and Management

“Deliver services, effective communication and public relations in ways that accord with the expectations of the community, whilst maintaining statutory compliance and introduce processes to ensure continuous improvement in the service delivery and management of the Town.”

ADVERTISING/CONSULTATION:

Nil.

COMMENT:

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

9.3.5 Capital Works Programme 2008/2009 – Progress Report No. 2 as at 31 December 2008

Ward:	Both	Date:	5 January 2009
Precinct:	All	File Ref:	FIN0025
Attachments:	001		
Reporting Officer(s):	M Rootsey/R Lotznicker/R Boardman		
Checked/Endorsed by:	R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council RECEIVES Progress Report No. 2 for the period 1 October – 31 December 2008, for the Capital Works Programme 2008/09, as detailed in Appendix 9.3.5.

COUNCIL DECISION ITEM 9.3.5

Moved Cr Farrell, Seconded Cr Youngman

That the recommendation be adopted.

CARRIED “EN BLOC” (8-0)

(Cr Burns on approved leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to provide a quarterly progress report of the Council’s Capital Works Programme 2008/09 for the period 1 October 2008 to 31 December 2008.

BACKGROUND:

The Council adopted the Capital Works Programme at the Ordinary Meeting of Council held on 22 July 2008. Quarterly reports will be presented to Council to advise of the schedule and progress of the Capital Works Programme. This is the second Progress Report for this financial year covering the period ending 31 December 2008.

DETAILS:

The report focuses on the work that was due to be completed up to the end of the first quarter. Comments on the report relate only to works scheduled to be carried out in the period up to 31 December 2008.

CONSULTATION/ADVERTISING:

N/A.

LEGAL POLICY:

N/A.

STRATEGIC IMPLICATIONS:

Plan for the Future 2006-2011 – Objective One – Natural and Built Environment

1.1.6 Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment.

SUSTAINABILITY IMPLICATION:

N/A.

FINANCIAL/BUDGET IMPLICATIONS:

The progress is currently proceeding according to funding in the Annual Budget 2008/09.

COMMENTS:

The timing of projects may be the subject to change during the year. Progress for the second quarter is on schedule in accordance with the scheduled programme. However, some projects have been identified as unlikely to proceed in this financial year:

- Leederville Child Care Centre \$2,000,000.

As a result of the West Australian Local Government Authority (WALGA) not proceeding with the proposed office building, this project will not be undertaken in the financial year:

- Hyde Park Lakes Restoration \$2,030,000.

The Masterplan for the Hyde Park Lakes is currently being finalised and Council have yet to adopt a final plan for the works. It is therefore unlikely that this funding will be utilised in this financial year.

9.4.1 Use of the Council's Common Seal

Ward:	-	Date:	3 February 2009
Precinct:	-	File Ref:	ADM0042
Attachments:	-		
Reporting Officer(s):	M McKahey		
Checked/Endorsed by:	R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council NOTES the use of the Council's Common Seal on the documents listed in the report, for the months of December 2008/January 2009.

COUNCIL DECISION ITEM 9.4.1

Moved Cr Farrell, Seconded Cr Youngman

That the recommendation be adopted.

CARRIED "EN BLOC" (8-0)

(Cr Burns 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
28/11/08	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Spotless Services Ltd of Gate 7, Subiaco Oval, Subiaco Road, Subiaco WA 6008 re: Kensington Group - AXA Client Seminar - 4 December 2008 (Members Equity Bank Lounge)
9/12/08	Restrictive Covenant	1	Town of Vincent and D E Grondal and V C Grill of 8A Norfolk Street, Mount Lawley - Relating to Building Restriction against future Right of Way (ROW) widening (Town requires that no development occur within 1.0 metres of the ROW abutting the eastern boundary of the subject land)

Date	Document	No of copies	Details
17/12/08	Confidentiality Agreement (Standard)	1	Town of Vincent and Roads Corporation (VicRoads) of 60 Denmark Street, Kew, Victoria 3101 <i>Re: Information Town of Vincent has requested from VicRoads Registration and Licensing Records</i>
19/12/08	Withdrawal of Caveat	1	Town of Vincent <i>Re: Lot 4 on Plan 24107, Caveat No. H603934</i>
06/01/09	Deed of Licence	2	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and KC's Fireworks Displays Aust Pty Ltd of PO Box 6112, Mooloolah, Queensland 4553 re: Super Family Monster Spectacular Event - 14 March 2009 (Stadium)
06/01/09	Deed of Licence	2	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Andrew McManus Presents (International Pty Ltd) of 460 Brunswick Street, Fitzroy, Victoria 3065 re: The Who Event - 4 April 2009 (Stadium).
09/01/09	Notification Under Section 70A	1	Town of Vincent and Kathleen May Baker of 35 Harold Street Mount Lawley WA 6050 <i>Re: Lot 6 on Diagram 2825 Certificate of Title Volume 1655 Folio 458</i>
29/01/09	Lease	2	Town of Vincent and Graham Hay and Artists re: Changes of the Artists using Halvorsen Hall, Robertson Park, Perth - <i>amendments to the artists' signatory page of the current Lease</i>
30/01/09	Health Promotion Agreement 18567	2	Town of Vincent and Western Australian Health Promotion Foundation ("Healthway") of 46 Parliament Place, West Perth re: Healthy Local Government Grant for \$48,550 (excl. GST)

9.4.2 Amendments to Council Policy No. 3.8.5 Substandard Buildings and Vacant Land – Securing, Cleaning and Improvement Works

Ward:	Both	Date:	3 February 2009
Precinct:	All	File Ref:	ORG0023
Attachments:	001		
Reporting Officer:	A Giles, S Teymant		
Checked/Endorsed by:	R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report regarding the proposed amendment of Council Policy No. 3.8.5 – Substandard Buildings and Vacant Land: Securing, Cleaning and Improvement Works, as attached at Appendix 9.4.2; and*
- (ii) *AUTHORISES the Chief Executive Officer to:*
 - (a) *advertise the amended Policy for a period of twenty-one (21) days, seeking public comment;*
 - (b) *report back to Council with any submissions received; and*
 - (c) *include the amended Policy in the Town’s Policy Manual if no public submissions are received.*

COUNCIL DECISION ITEM 9.4.2

Moved Cr Farrell, Seconded Cr Youngman

That the recommendation be adopted.

CARRIED “EN BLOC” (8-0)

(Cr Burns on approved leave of absence.)

PURPOSE OF REPORT:

To obtain the Council’s approval to amend Council Policy No. 3.8.5 – *Substandard Buildings and Vacant Land: Securing, Cleaning and Improvement Works*.

BACKGROUND:

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

Policies are amended from time to time as the need arises. It is "best practice" to review policies at a regular interval and the Town routinely undertakes this every five years. Council Policy No. 3.8.5 – *Substandard Buildings and Vacant Land: Securing, Cleaning and Improvement Works* was last reviewed, with amendments approved by the Council at the Ordinary Meeting of Council on 13 May 2008. However, recent information has identified the need to amend the Policy further, due to the legal invalidity of particular aspects of the Policy, relating to timelines and non-statutory powers given to Council Officers.

DETAILS:

The Policy details the relevant legislation available to deal with substandard property issues and provides guidance as to the professional discipline responsible for the enforcement of available statutory provisions. Significant amendments made to the Policy on 13 May 2008 included the addition of processes to better clarify and ownership of responsibilities from one service area to the next (for example, from Health Services to Planning, Building and Heritage Services). The amended Policy is attached at Appendix 9.4.2.

The current recommended amendments relate primarily to requirements of the previous Policy dealing with non-statutory powers given to the Town's Environmental Health Officers to act in default of the owner. By proposing removal of the non-statutory powers detailed in the Policy, the timelines outlined in the Policy have been proposed for amendment to simply reflect timelines detailed in accordance with the relevant statutory provisions.

Changes to the Policy relating to Officer powers and timelines have also resulted in an overall rationalisation of the document, particularly in relation to the title and definitions detailed at the beginning of the Policy document.

CONSULTATION/ADVERTISING:

The amended Policy will be advertised for a period of 21 days, and will be included in the Town's Policy Manual if no public submissions are received. Alternatively, the matter will be reported to the Council again, for further consideration.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

This matter is in keeping with the Strategic Plan 2006-2011:

Key Result Area – Natural and Built Environment

1.1.4 - Minimise negative impacts on the community and environment.

Key Result Area - Leadership, Governance and Management

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

SUSTAINABILITY IMPLICATIONS:

The proposed amendments to the Policy will ensure that the administration of complaints relating to substandard properties will be undertaken strictly within the bounds of the Town's statutory powers. This will in turn ensure that the Town is financially safeguarded against potential liability claims, in case of the Town's Officers being guided by Policy to act beyond their professional authority.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

In view of findings that the current Policy guides Council Officers to act beyond their professional authority, it is essential that the proposed amendments to the Policy be approved.

9.4.3 Loftus Recreation Centre Management Committee – Receiving Of Unconfirmed Minutes

Ward:	North	Date:	5 January 2009
Precinct:	Leederville	File Ref:	TEN 0390
Attachments:	001		
Reporting Officer(s):	M Rootsey		
Checked/Endorsed by:	R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council RECEIVES the Unconfirmed Minutes of the Loftus Recreation Centre Management Committee Meeting held on 2 December 2008, as shown in Appendix 9.4.3.

COUNCIL DECISION ITEM 9.4.3

Moved Cr Farrell, Seconded Cr Youngman

That the recommendation be adopted.

CARRIED “EN BLOC” (8-0)

(Cr Burns on approved leave of absence.)

PURPOSE OF REPORT:

The purpose of the report is for the Council to receive the Unconfirmed Minutes of the Loftus Recreation Centre Management Committee meeting held on the 2 December 2008.

BACKGROUND:

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

“That the Council APPROVES BY AN ABSOLUTE MAJORITY;

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

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

CONSULTATION/ADVERTISING:

N/A.

LEGAL/POLICY

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

STRATEGIC IMPLICATIONS:

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

SUSTAINABILITY IMPLICATIONS:

N/A.

FINANCIAL/BUDGET IMPLICATIONS:

N/A.

COMMENTS:

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

9.2.3 Hyde Park Lakes Restoration – Progress Report No. 6

Ward:	South	Date:	5 February 2009
Precinct:	Hyde Park Precinct; P12	File Ref:	RES0042
Attachments:	001		
Reporting Officer(s):	J van den Bok, R Lotznicker		
Checked/Endorsed by:	R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) **RECEIVES** *Progress Report No. 6 in relation to the restoration of the Hyde Park Lakes;*
- (ii) **NOTES** *that;*
 - (a) *the information contained in the report in relation to the development of the Masterplan Restoration scenarios (as attached in Appendix 9.2.3) and the Environmental Investigations associated with the development of the preferred restoration options;*
 - (b) *in accordance with the Contaminated Sites Act 2003 and Contaminated Sites Regulations 2006, the Hyde Park Lakes have been identified, reported and recorded as a Contaminated Site with the Department of Environment and Conservation (DEC) and as such will require to be managed and remediated;*
 - (c) *several possible remediation options, and their associated estimated costs, have been discussed in the report and that the site comprising the Lakes needs to be remediated, using an appropriate remediation option, as a requirement of the Contaminated Sites Act 2003 and Contaminated Sites Regulations 2006, prior to the Masterplan for restoration being implemented;*
 - (c) *a preliminary site investigation was previously undertaken which determined the existence of acid sulphate soils and potential acid sulphate soils;*
 - (d) *to enable a suitable remediation option to be progressed and costed, as mentioned in clause (ii)(c), a comprehensive sample and analysis plan to undertake a Detailed Site Investigation needs to be implemented;*
 - (e) *the estimated cost to implement the requirements as outlined in clause (ii)(d) is \$125,000;*
 - (f) *the Town's Officers have been in constant communication with the Federal Minister for the Environment's office regarding the funding commitment of \$2million for the restoration of the Lakes;*
- (iii) **APPROVES** *progressing the required further in depth investigations of Hyde Park Lakes, as outlined in clause (ii)(d) and (e), at a preliminary estimated cost of \$125,000, to be funded from the Hyde Park Lakes Reserve Fund, to enable a suitable remediation option/s to be progressed and costed;*

- (iv) ***ADOPTS IN PRINCIPLE "Option 1- Integrated Wetland Masterplan Option" as its preferred option for the restoration of the Hyde Park Lakes and ADVERTISES the preferred option to the Community in accordance with the Town's Consultation Policy;***
- (v) ***PLACES an information noticeboard at Hyde Park in the vicinity of the Lakes to advise parks users of the proposal and also requesting them to provide feedback during the consultation process;***
- (vi) ***ADVISES the following stakeholders of its decision and seeks their comments regarding the preferred Masterplan option:***
 - (a) ***Western Australian Water Corporation;***
 - (b) ***Department of Water;***
 - (c) ***Swan River Trust; and***
 - (d) ***Heritage Council of Western Australia;***
- (vii) ***ACTIVELY pursues funding towards the remediation/restoration of the Hyde Park Lakes from the stakeholders mentioned in clause (vi) above;***
- (viii) ***PROVIDES a copy of the draft Masterplan options to the Federal Minister for Environment's office and ADVISES the Federal Minister for Environment of the Council decision, to enable the Federal funding to be further progressed; and***
- (ix) ***RECEIVES a further report at the conclusion of the community consultation or as additional information becomes available.***

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

AMENDMENT NO 1

Moved Cr Youngman, Seconded Cr

That clause (iii) be amended as follows:

***“(iii) REQUESTS that the Water Corporation fund APPROVES ~~progressing the required~~ further in depth investigations of Hyde Park Lakes, as outlined in clause (ii)(d) and (e), at a preliminary estimated cost of \$125,000, to be funded from the Hyde Park Lakes Reserve Fund, to enable a suitable remediation option/s to be progressed and costed;*”**

AMENDMENT NO 1 LAPSED FOR WANT OF A SECONDER

Debate ensued.

AMENDMENT NO 2

Moved Cr Lake, Seconded Cr Youngman

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

“(x) APPROVES that the Mayor and/or Chief Executive Officer hold a meeting with the Water Corporation to progress a partnership concerning the restoration of Hyde Park Lakes.”

Debate ensued.

**AMENDMENT NO 2 PUT AND LOST ON THE
CASTING VOTE OF THE PRESIDING MEMBER (4-5)**

<u>For</u>	<u>Against</u>
Cr Ker	Presiding Member, Mayor Nick Catania (two votes – deliberative and casting vote)
Cr Lake	Cr Doran-Wu
Cr Maier	Cr Farrell
Cr Youngman	Cr Messina

(Cr Burns on approved leave of absence.)

Debate ensued.

AMENDMENT NO 3

Moved Cr Lake, Seconded Cr Ker

That the Recommendation be amended to read as follows:

That clause (iv) be amended and new clauses (v) and (vi) be inserted, as follows;

*“(iv) **ADOPTS IN PRINCIPLE "Option 1– Integrated Wetland Masterplan Option" as its preferred option for the restoration of the Hyde Park Lakes; and ~~ADVERTISES the preferred option to the Community in accordance with the Town’s Consultation Policy;~~***

*(v) **HOLDS a community workshop at the commencement of the public comment period;***

*(vi) **HOLDS an on site Information Session and Hyde Park Lakes on a weekend during this period;***

Cr Lake requested the amendment be considered and voted on in two parts.

The Presiding Member, Mayor Nick Catania ruled that he would consider and vote on the amendment in two parts.

AMENDMENT NO 3 CLAUSES (iv) and (v) PUT AND CARRIED (7-1)

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

(Cr Burns on approved leave of absence.)

AMENDMENT NO 3 CLAUSE (vi) PUT AND CARRIED (6-2)

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

(Cr Burns on approved leave of absence.)

Debate ensued.

MOTION AS AMENDED PUT AND CARRIED (7-1)

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

(Cr Burns on approved leave of absence.)

COUNCIL DECISION ITEM 9.2.3

That the Council;

- (i) ***RECEIVES Progress Report No. 6 in relation to the restoration of the Hyde Park Lakes;***
- (ii) ***NOTES that;***
 - (a) ***the information contained in the report in relation to the development of the Masterplan Restoration scenarios (as attached in Appendix 9.2.3) and the Environmental Investigations associated with the development of the preferred restoration options;***
 - (b) ***in accordance with the Contaminated Sites Act 2003 and Contaminated Sites Regulations 2006, the Hyde Park Lakes have been identified, reported and recorded as a Contaminated Site with the Department of Environment and Conservation (DEC) and as such will require to be managed and remediated;***
 - (c) ***several possible remediation options, and their associated estimated costs, have been discussed in the report and that the site comprising the Lakes needs to be remediated, using an appropriate remediation option, as a requirement of the Contaminated Sites Act 2003 and Contaminated Sites Regulations 2006, prior to the Masterplan for restoration being implemented;***

- (d) *a preliminary site investigation was previously undertaken which determined the existence of acid sulphate soils and potential acid sulphate soils;*
 - (e) *to enable a suitable remediation option to be progressed and costed, as mentioned in clause (ii)(c), a comprehensive sample and analysis plan to undertake a Detailed Site Investigation needs to be implemented;*
 - (f) *the estimated cost to implement the requirements as outlined in clause (ii)(d) is \$125,000;*
 - (g) *the Town's Officers have been in constant communication with the Federal Minister for the Environment's office regarding the funding commitment of \$2million for the restoration of the Lakes;*
 - (iii) *APPROVES progressing the required further in depth investigations of Hyde Park Lakes, as outlined in clause (ii)(d) and (e), at a preliminary estimated cost of \$125,000, to be funded from the Hyde Park Lakes Reserve Fund, to enable a suitable remediation option/s to be progressed and costed;*
 - (iv) *ADOPTS IN PRINCIPLE "Option 1- Integrated Wetland Masterplan Option" as its preferred option for the restoration of the Hyde Park Lakes;*
 - (v) *HOLDS a community workshop at the commencement of the public comment period;*
 - (vi) *HOLDS an on site Information Session and Hyde Park Lakes on a weekend during this period;*
 - (vii) *PLACES an information noticeboard at Hyde Park in the vicinity of the Lakes to advise parks users of the proposal and also requesting them to provide feedback during the consultation process;*
 - (viii) *ADVISES the following stakeholders of its decision and seeks their comments regarding the preferred Masterplan option:*
 - (a) *Western Australian Water Corporation;*
 - (b) *Department of Water;*
 - (c) *Swan River Trust; and*
 - (d) *Heritage Council of Western Australia;*
 - (ix) *ACTIVELY pursues funding towards the remediation/restoration of the Hyde Park Lakes from the stakeholders mentioned in clause (vi) above;*
 - (x) *PROVIDES a copy of the draft Masterplan options to the Federal Minister for Environment's office and ADVISES the Federal Minister for Environment of the Council decision, to enable the Federal funding to be further progressed; and*
 - (xi) *RECEIVES a further report at the conclusion of the community consultation or as additional information becomes available.*
-

PURPOSE OF REPORT:

The purpose of this report is to update the Council on the Hyde Park Lakes Restoration project and seek approval for further investigations to occur prior to proceeding with the preferred restoration option.

BACKGROUND:

At its Ordinary Meeting held on 25 March 2008 the Council considered progress Report No. 5 in relation to the Hyde Park Lakes where it was decided:

"That the Council;

- (i) RECEIVES the progress report No. 5 in relation to the Hyde Park Lakes;*
- (ii) NOTES that;*
 - (a) the Detailed Site Investigation of Hyde Park Lakes must be undertaken as a prerequisite to the final design options and costings being accurately presented in the Masterplan and prior to any on-ground works being undertaken;*
 - (b) the Town has engaged Syrinx Environmental to complete the Masterplan for the Restoration of Hyde Park Lakes and they have completed a Preliminary Site Investigation at Hyde Park Lakes as requested;*
 - (c) the Preliminary Site Investigation has provided strong evidence that Actual Acid Sulphate Soils (AASS) are present in the sediments of Hyde Park Lakes;*
- (iii) APPROVES the Detailed Site Investigation of Hyde Park Lakes at a total cost of \$62,963.00 (GST exclusive) to be undertaken by Syrinx Environmental due to the unique nature of the services provided in the context of the entire project;*
- (iv) NOTES that;*
 - (a) should (iii) above be approved, the Masterplan for the Restoration of Hyde Park Lakes will take an additional four (4) to six (6) weeks to complete; and*
 - (b) a further report will be submitted to the Council upon completion of the project; and*
- (v) REQUESTS a report on the status of the Hyde Park Lakes Restoration Public Fund be submitted to Council in April 2008."*

On Tuesday 9 December 2008, Syrinx Environmental presented the Masterplan for the Restoration of Hyde Park Lakes at a Council forum.

DETAILS:

At the Council Forum, the Consultants provided a comprehensive overview of the project in the form of a PowerPoint presentation.

The purpose of the meeting was to outline the following:

- Masterplan development
- Environmental Investigations
- Regulatory Requirements
- Way Forward.

Masterplan Development

Issues

The main issues identified by Syrinx and the Hyde Park Lakes Restoration Working Group (HPLRWG) were excessive water consumption, a decline in the environmental health of the lakes, poor water quality, a lack of water in the lakes due to decreased rainfall and a lowering of the groundwater table. Other issues identified were failing infrastructure items (lake walls, causeway, etc) and a disturbance of the original clay sediment causing undue percolation through the lake bed.

Aims

The original two main aims identified by the HPLRWG were to:

- Improve the water quality of the lakes; and
- Provide a permanent water body. Upon completion of the restoration works we aim to provide a safe, healthy, aesthetically pleasing environment that minimises water consumption and incorporates natural, cultural and social values.

Site History

Significant events in the history of Hyde Park were outlined. The area was first used for collection of road drainage in 1897 and the following year native vegetation removed and a single lake created with an island. Tree planting commenced in 1901 around the perimeter of the lakes.

The lakes were first supplemented with water around 1912 and the lake walls constructed around 1936. Algae outbreaks were first reported in 1945 and from the 1960s the lakes were regularly supplemented with groundwater. In 1992 the western lake was dredged by the former City of Perth, however, since this time significant algae outbreaks have occurred particularly in the western lake.

Project Intent

In completing the Masterplan options, Syrinx was provided with a clear understanding of the Town's and the community's aspirations and requirements.

In determining potential solutions to the many problems encountered at Hyde Park, an understanding of the development constraints was required together with the various technical boundaries.

Site Context

Urban Catchment - Hyde Park is a Water Corporation compensating basin in a highly urbanised area and subsequently there is a significant run off over an area of 125 hectares.

Groundwater – Groundwater levels have decreased approximately 0.5m since the 1980s. The main sources of water for the lakes at present are via the stormwater system and recharging from a bore located within the superficial or shallow aquifer.

Water Quality -The water quality of Hyde Park lakes is very poor with both Phosphorous and Nitrogen levels exceeding ANZECC guidelines.

Water Supply – the sources available for the lake water supply include rainfall (not reliable), stormwater (this must be optimised), the superficial aquifer (high nitrogen levels) and the deeper aquifers (licensing issues)

Landscape – modern day examples of Hyde Park’s “gardenesque” style landscape which includes winding pathways, undulating grassed areas with trees and irregular plantings include Central Park in New York and Hyde Park in London.

As outlined in the project brief, Syrinx held a series of four (4) workshops with the HPLRWG, where various restoration and water supply options were considered. Following assessment of the input provided by the working group four proposed scenarios were developed as outlined below.

Initial four (4) scenarios

Scenario 1 - Ephemeral wetland which included a modified island and soft edge treatments. This option would provide water in the lakes during winter; however, it would be likely that no water would remain during summer.

Scenario 2 – Create ornamental lakes involving lining, supplementing the lakes with groundwater, allowing for some soft edging, native plantings and treatment of stormwater entering the lakes.

Scenario 3 – A combination of one ornamental type lake and one being a wetland, both with similar treatments as listed in the first two scenarios above.

Scenario 4 - To provide two modified lakes, both with areas of open water and both incorporating a functional wetland with similar treatments (again as listed above in the first two scenarios).

Stakeholder Preferences

Following further assessment by Syrinx and the HPLRWG, and taking into account development constraints, technical boundaries and costs, it was agreed that two (2) preferred scenarios *3 and 4* would be further progressed as the two (2) Masterplan options.

The proposed two (2) Masterplan Options

The two (2) Masterplan options were referred to as follows:

Option 1 – Integrated Wetland; and
Option 2 - Ornamental Lakes with Treatment.

Option 1: Integrated Wetland

This option is the preferred Masterplan option of both Syrinx and the HPLRWG and provides the following. (Costs indicated are indicative only)

- *Habitat Creation:* Provision of 15,000 m² of flora and fauna habitat
- *Water Quality:* Treatment of 40% of all stormwater flows through functioning wetland, resultant in significant water quality improvement
- *Water Supply:* Water consumption = 10 to 15 ML/yr
- *Landscape:* Arcadian landscape characteristics partly maintained in areas that contain permanent open water, with seasonal changes to other areas
- Implementation Cost: between \$3.2 and 4.7m
- Remediation Cost: approximately \$1.1m
- Total approximate estimated cost: between \$4.3 and 5.8m

Option 2: Ornamental Lakes with Treatment

Comparative option. (Costs indicated are indicative only)

- *Habitat Creation:* Provision of 6,500 m² of flora and fauna habitat (limited to islands and areas of 'soft edging')
- *Water Quality:* Treatment of 20 to 25% of all stormwater flows
- *Water Supply:* Significant water consumption = 20 to 25 ML/yr with clean top-up water required
- *Landscape:* Addresses all Arcadian landscape characteristics, with revegetated and modified islands and edges
- *Implementation Cost:* between \$3.4 and 4.9m
- *Remediation Cost:* between \$3.5 and 4.0m
- *Total approximate estimated cost:* between \$7.0 and 9.0m

Possible Treatment Swale

A stormwater treatment swale through Hyde Park was discussed at length with the HPLRWG and it was considered by the group that this idea had considerable benefit in not only treating the stormwater prior to entering the lakes but adding another landscape feature to the park.

- *Habitat:* Provision of habitat for flora and fauna
- *Water Quality:* Water quality improvement
 - Vegetated swale – nutrient uptake
 - Oxygenation
- *Water Supply:* Stormwater in wet season
 - Filtered lake water pumped through system
- *Landscape:* Landscape feature
 - Integration into existing topography

Environmental Investigations:

Following concerns expressed by HPLRWG members of the distinct reddish colouring of the water and sediments within Hyde Park lakes, Syrinx undertook a Preliminary Site Investigation that revealed the presence of Acid Sulphate Soil Material (ASSM) and Potential Acid Sulphate Soil Material (PASSM) to various depths that core samples could be taken. In addition it was previously identified that heavy metals were evident in the lake sediments most likely due to stormwater runoff.

Officers Comments:

It should be noted that in accordance with the Contaminated Sites Act 2003 and Contaminated Sites Regulations 2006, the Hyde Park Lakes have been identified, reported and recorded as a Contaminated Site with the Department of Environment and Conservation (DEC) and as such will require to be managed and remediated.

As previously mentioned, an Acid Sulphate Soils Self-Assessment Form will need to be completed and submitted to the Western Australian Planning Commission (WAPC) as there is significant risk of disturbing the acid sulphate soils within Hyde Park Lakes, prior to any development approval.

When the restoration of Hyde Park Lakes commences, there will be requirement from WAPC for the Town to develop an Acid Sulphate Soils Management Plan.

Sources of contamination

The sources of the contamination were identified as originating from stormwater inflow, leaf litter, site run off and Natural wetland sediments.

Remediation options

The following options, for remediation, have been identified and require further investigation

Do nothing – costs increase over time, sediments continue to oxidize and we now have a legal requirement to clean up the site.

Fill and Forget (Cover the lakes with sand) – Cheap option, cannot be used as a compensating basin, continued source of pollution, unlikely to gain approval and we now have a legal requirement to clean up the site.

Conventional Remediation (Excavate, dose, dispose) – Expensive, not favoured by regulatory bodies and we now have a legal requirement to clean up the site.

Get Smart A – Dynamic compaction (Surcharging) – Requires geotechnical assessment, doesn't treat soils or hydrocarbons, cost uncertain being a new process and we now have a legal requirement to clean up the site.

Get Smart B – In situ remediation (blending and reuse) – Proven technology, low cost, favoured by regulatory bodies, requires geotechnical assessment, clean fill could be a resource and we now have a legal requirement to clean up the site.

Get Smart C – Hybrid approach (e.g. some remediation, some compaction) - Treats sediments on site, could minimise proportion of site requiring remediation, uncertain cost, needs further assessment and we now have a legal requirement to clean up the site.

Costs of remediation options

Costs shown are indicative only and cannot be accurately determined until completion of the DSI and further investigation of the methods used.

Do nothing - > 1.5 million

Fill and Forget (Cover the lakes with sand) > 1.7 million

Conventional Remediation (Excavate, dose, dispose) \$4 million

Get Smart A – Dynamic compaction (Surcharging) \$1 million plus

Get Smart B – In situ remediation (blending and reuse) \$600,000

Get Smart C – Hybrid approach (e.g. some remediation, some compaction) \$ to be determined.

Way Forward:

Stake holder & funding opportunities

Several meeting have been held with the Water Corporation and the Swan River Trust and they have expressed an interest in contributing towards this project. Other potential funding agencies include the Lotteries Commission and various other organisations that make grants available to Local Governments for such projects.

Proposed action plan*.

1. Sample and Analysis Plan to undertake DSI (Detailed Site Investigation)
2. DSI (within 6 to 12 months as per DEC requirement)
3. ASSMP – Acid Sulphate Soil Management Plan (ASSMP) 12 months
4. Contaminated Site Management Plan (CSMP)
5. Environmental Management Plan (EMP) (stormwater, dust, odour, noise)
6. Audit and Approvals 3 months
7. Design and Development (D+D) 5 months
8. Construction 6 months

Note:* Some of the above are currently in progress/on hold as previously approved by the Council

CONSULTATION/ADVERTISING:

The public will be advised of the progress of this project after this report has been presented to the Council and regular updates will be presented in the Town of Vincent quarterly newsletter.

Following completion of the necessary investigation works and adoption of the preferred restoration option, the details will be displayed at several locations within the Town.

LEGAL/POLICY:

As noted above under Regulatory Requirements.

STRATEGIC IMPLICATIONS:

In accordance with the objective of Strategic Plan 2006-2011 – 1.1.4 Minimise negative impacts on the community and environment. “(b) Restore Hyde Park Lakes and Banks Reserve Foreshore.”

SUSTAINABILITY IMPLICATIONS:

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

As part of the Town’s Sustainable Environment Plan 2007-2012, the Town has identified a number of objectives and the Hyde Park Lakes Restoration project will address all of the objectives listed below on various levels.

- reduce water use
- to reuse stormwater
- use natural systems to improve water quality
- encourage the planting of native species
- re-establish native fringing vegetation as bird habitat areas
- reduce energy consumption
- promoting green energy.

FINANCIAL/BUDGET IMPLICATIONS:

Progressing the required further in depth investigations of Hyde Park Lakes is estimated to cost of \$125,000.

The balance of the Hyde Park Lakes Reserve Fund at 31 January 2008 was \$280,101 and this amount should increase to around \$320,000 at the end of the financial year.

There is an amount of \$2,030,000 currently on the budget for the redevelopment of the Hyde Park Lakes, which is to be funded by the Federal Government and staff are currently liaising with the Federal Environment Minister’s staff in accessing these funds.

COMMENTS:

The issues with the Hyde Park Lakes are excessive water consumption, a decline in the environmental health of the lakes, poor water quality, a lack of water in the lakes due to decreased rainfall and a lowering of the groundwater table. Other issues include failing infrastructure items (lake walls, causeway, etc) and a disturbance of the original clay sediment causing undue percolation through the lake bed.

The Council established a Working group and subsequently engaged an environmental consultant to develop restoration options for the lakes. During the process the Hyde Park Lakes were identified, reported and recorded as a Contaminated Site with the Department of Environment and Conservation (DEC) and as such will require to be managed and remediated.

It is now imperative that further investigation works are progressed and completed to determine the actual extent of contamination to enable an appropriate remediation option/s to be further developed and costed and progressed as a requirement of the Contaminated Sites Act 2003 and Contaminated Sites Regulations 2006.

This needs to be undertaken prior to progressing with the preferred restoration option.

It is therefore requested that the Council receives the report and adopts the officers recommendation.

9.1.8 No. 126 (Lot: 1 D/P: 12694) Buxton Street, Mount Hawthorn - Proposed Demolition of Existing Single House and Construction of Two (2) Two-Storey Single Houses - Request from the State Administrative Tribunal (SAT) to Reconsider Decision - Review Matter No. DR 505 of 2008

Ward:	North	Date:	2 February 2009
Precinct:	Mount Hawthorn; P01	File Ref:	PRO4535 5.2008.405.1
Attachments:	001		
Reporting Officer(s):	E Storm, H Au		
Checked/Endorsed by:	H Smith, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That, given the decision by the Council at its Ordinary Meeting held on 2 December 2008 to refuse the application, the Council;

- (i) *RECEIVES the report relating to No. 126 (Lot: 1 D/P: 12694) Buxton Street, Mount Hawthorn - Proposed Demolition of Existing Single House and Construction of Two (2) Two-Storey Single Houses - Request from the State Administrative Tribunal (SAT) to Reconsider Decision - Review Matter No. DR 505 of 2008; and*
- (ii) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES, as part of the State Administrative Tribunal Review Matter No. DR 505 of 2008, the application submitted by Dale Alcock Homes on behalf of the owner J M Purdie for Proposed Demolition of Existing Single House and Construction of Two (2) Two-Storey Single Houses , at No. 126 (Lot: 1 D/P: 12694) Buxton Street, Mount Hawthorn, and as shown on plans stamp-dated 23 September 2008, for the following reasons:*
 - (a) *Impact on the boundary walls to adjoining neighbours;*
 - (b) *Impact on the streetscape;*
 - (c) *Bulk and scale of the building; and*
 - (d) *Impact on the garage doors on the streetscape.*

COUNCIL DECISION ITEM 9.1.8

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED (7-1)

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

(Cr Burns on approved leave of absence.)

Landowner:	J M Purdie
Applicant:	Dale Alcock Homes
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R 30
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	736 square metres
Access to Right of Way	N/A

BACKGROUND:

- 2 December 2008 The Council at its Ordinary Meeting refused an application for Demolition of Existing Single House and Construction of Two (2) Two-Storey Single Houses.
- 18 December 2008 The applicant lodged a review application with the SAT in relation to the refusal issued by the Council at its Ordinary Meeting held on 2 December 2008.
- 16 January 2009 Directions Hearing at SAT.
- 27 January 2009 Planning Consultancy Greg Rowe and Associates submitted further information to the Town on behalf of the Applicant to support the application for review and clarify relevant statutory considerations.

DETAILS:

The proposal involves the demolition of the existing single house and the construction of two, two-storey grouped dwellings on the subject property.

As a result of the Directions Hearing at the SAT held on 16 January 2009, the Town has been invited to determine the application for No. 126 Buxton Street, Mount Hawthorn under Section 31 of the State Administrative Tribunal Act 2004; hence, the Agenda Report is not prepared as a "*Confidential Report*".

Greg Rowe and Associates act on behalf of the Applicant and have provided the following comments in order to clarify the nature of the proposal and respond to the reasons for refusal.

"Reason for Refusal No. 1 Impact on the boundary walls to adjoining neighbours

The application proposes 2 boundary walls, one on the northern boundary and the other on the southern boundary. These boundary walls to not exceed 3.5 metres in height, are located behind the primary street setback line and do not occupy more than two-thirds of the length of the boundary. Accordingly, the proposed boundary walls comply with Acceptable Development provision A2 (iii) of the Residential Design Codes (R-Codes).

Reason for Refusal No. 2 Impact on the streetscape

Council has not indicated how it believes the proposed development will impact on the streetscape. We do observe however that the proposed dwellings comply with the relevant provisions of the R-Codes and specific Council policies in respect to front and upper floor setbacks, boundary setbacks, height, garage doors and driveways. We also note that the facades of the proposed dwellings are well articulated and incorporate suitable design features. Given the high quality and compliant built form proposed, the proposed dwellings are considered to complement and enhance the existing streetscape.

Reason for Refusal No. 3 Bulk and Scale of the Building

The proposed dwellings comply with the Acceptable Development provisions of the R-Codes in respect to building height and boundary setbacks. Accordingly, the bulk and scale of development is acceptable and appropriate.

Reason for Refusal No. 4 Impact of the garage doors on the streetscape

The proposed garage doors comply with the Garage Streetscape requirements of Council's Residential Design Elements Policy and are therefore acceptable. The garage doors will accordingly not have an adverse impact on the streetscape.

Conclusion

Given the proposed dwellings comply with the applicable development standards contained within both the R-Codes and specific Council policies and will not have an adverse impact on the adjoining neighbours or the streetscape, the proposed development is considered suitable and acceptable. On this basis, Council is requested to reconsider its decision of 2 December 2008 and grant Planning Approval for two (2) two-storey Single Houses on Lot 1 (No. 126) Buxton Street, Mount Hawthorn."

The Applicant's full submission is "Laid on the Table".

ASSESSMENT:

The below assessment relates to the plans stamp dated 21 October 2008.

Non-Compliant Requirements			
Requirements	Required	Proposed	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	2.45 dwellings at R 30	2 dwellings	Noted.
Plot Ratio	N/A	N/A	Noted.
Boundary Walls	Walls not higher than 3.5 metres with a length not greater than 2/3 the balance of the boundary.	2 boundary walls – Southern wall height and length compliant Northern wall height and length compliant	Supported – not considered to have any undue impact on the amenity of the adjoining properties.
Overshadowing	35 per cent of the adjoining site	36.45 per cent of the adjoining (southern) property	Supported – amended plans demonstrate compliance with the specified requirements.
Garage Doors	Garage doors are not to occupy more than 50 per cent of the frontage	Garage doors occupy 55 per cent of the frontage (10 metres of 18.29 metre frontage)	Supported – this R Codes' requirement is not applicable as garage streetscape matters are addressed by the Town's Residential Design Elements Policy. The proposal is compliant with the garage streetscape requirements of the Residential Design Elements Policy.

Driveways	Not to occupy more than 40 per cent of the frontage of the lot	Driveway occupies 47 per cent of the lot (8.6 metres of 18.29 metre frontage)	Supported – amended plans demonstrate compliance with the specified requirement.
Boundary Setbacks: Unit 1 Upper Floor North	5.5 metres Any portion of wall greater than 9 metres in length is required to incorporate articulation.	1.58 – 2.66 metres 15 metres without articulation	Supported – not considered to have any undue impact on the amenity of the adjoining property. If the balcony was enclosed, the setback requirement would be reduced to 2.5 metres. Not supported – undue impact on neighbouring property, condition could be applied for the subject wall to incorporate horizontal articulation.
Unit 2 Upper Floor South	4.2 metres Any portion of wall greater than 9 metres in length is required to incorporate articulation.	1.57 – 2.05 metres 11.4 metres without articulation	Supported – not considered to have any undue impact on the amenity of the adjoining property. Given the height reduction, the boundary setback requirement becomes 3.9 metres. If the balcony was enclosed, the setback requirement would be reduced to 1.9 metres. Not supported – undue impact on neighbouring property, condition could be applied for the subject wall to incorporate horizontal articulation.
Building Wall Height: -South	6.0 metres to top of eaves	6.3 metres to top of eaves	Supported – amended plans demonstrate compliance with the specified requirements.
Privacy Setbacks: -North (Balcony)	7.5 metres	2 metres to northern boundary	Not supported – considered to have an undue impact on the amenity of the adjoining property. Condition could be applied for the balcony to be screened or obtain neighbour’s consent.

-South (Balcony)	7.5 metres	1.5 metres to southern boundary	Not supported – considered to have an undue impact on the amenity of the adjoining property. Condition could be applied for the balcony to be screened or obtain neighbour’s consent.
Consultation Submissions			
Support (3 and 2 subject to queries below)			Noted.
Objection (7)	<ul style="list-style-type: none"> Overshadowing 		Not supported – the applicant has submitted amended plans demonstrating the overshadowing to be compliant with the requirements of the Residential Design Codes (R Codes).
	<ul style="list-style-type: none"> Height and Confinement 		Not supported – the proposal is compliant with the height requirements of the R Codes. The applicant has submitted amended plans which reflect the accurate natural ground level.
	<ul style="list-style-type: none"> Privacy and Overlooking 		Not supported – the proposal is compliant with the privacy requirements of the R Codes.
	<ul style="list-style-type: none"> Access in the event of a fire 		Not supported – the Town’s planning requirements do not specifically address this matter. Fire safety is addressed at the Building Licence stage.
	<ul style="list-style-type: none"> Council only concerned with receiving two lots of rates 		Not supported – there is not evidence to substantiate this claim. Furthermore, the Town has no control over the development applications received and has a statutory obligation to assess and determine accordingly.
	<ul style="list-style-type: none"> Devaluing adjoining properties 		Not supported – there is no evidence to substantiate this claim and this is not a planning related consideration.
	<ul style="list-style-type: none"> Future subdivision 		Not supported – applications for subdivision are determined by the Western Australian Planning Commission. There has not been a subdivision application for the property received by the Town.

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

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

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

COMMENTS:

State Administrative Tribunal Act 2004

Section 31 states as follows:

“31. Tribunal may invite decision-maker to reconsider

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

Under Section 31 of the SAT Act 2004, the Town has been invited to determine the subject application; that is, to (a) affirm the decision; (b) vary the decision; or (c) set aside the decision and substitute its new decision. After the Ordinary Meeting of Council scheduled to be held on 10 February 2009, the Town’s Officers and the Applicant are to attend a further Directions Hearing at the SAT on 13 February 2009. If the Applicant is satisfied with the determination made by the Council at its Ordinary Meeting scheduled to be held on 10 February 2009, the applicant will consider withdrawing their current Review application with the State Administrative Tribunal.

Conclusion:

The application was refused by the Council at its Ordinary Meeting held on 2 December 2008, against the Officer's Recommendation for approval. It is considered that the design cannot be changed to address the Council's reasons for refusal, as the reasons for refusal are compliant with the Acceptable Development requirements of the R-Codes and Residential Design Elements Policy. The Town's Officers recommended approval of the subject application at the Ordinary Meeting held on 2 December 2008 and, accordingly, the Officers shall maintain that the application is worthy of conditional support.

In light of the above, the Town’s Officers or any representative of the Town at the State Administrative Tribunal will find it difficult to defend the Councils reasons for refusal as the proposal is largely compliant with the Town’s requirements.

9.1.3 Further Report - Nos. 146-150 (Lot: 802 D/P: 59973) Fitzgerald Street, Perth - Proposed Eight-Storey Mixed Use Development Comprising Twenty (20) Single Bedroom Multiple Dwellings, Eleven (11) Two Bedroom Multiple Dwellings, Eighteen (18) Aged or Dependent Persons Dwellings, Two (2) Office Units and Associated Basement Car Parking

Ward:	South	Date:	2 February 2009
Precinct:	Beaufort, P13	File Ref:	PRO0162; 5.2008.289.1
Attachments:	001 002		
Reporting Officer(s):	R Narroo		
Checked/Endorsed by:	H Smith, R Boardman	Amended by:	-

FURTHER OFFICER RECOMMENDATION:

That;

the Council ADVISES the Western Australian Planning Commission (WAPC), in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council RECOMMENDS REFUSAL of the application submitted by Jones Coulter Young Architects and Urban Designers on behalf of the owner Department of Housing and Works for proposed Eight-Storey Mixed Use Development Comprising Twenty (20) Single Bedroom Multiple Dwellings, Eleven (11) Two Bedroom Multiple Dwellings, Eighteen (18) Aged or Dependent Persons Dwellings, Two (2) Office Units and Associated Basement Car Parking, at Nos. 146 – 150 (Lot: 802 D/P: 59973)Fitzgerald Street, Perth, and as shown on plans stamp-dated 27 January 2009 and overshadowing plan stamp dated 19 November 2008, for the following reasons:

- (i) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) *the non-compliance with the requirements of the Residential Design Codes and the Town's Policy - Appendix No. 16 - Design Guidelines for the Half Street Block bounded by Fitzgerald, Newcastle (all lots between Palmerston and Fitzgerald Streets) and Stuart Streets and Pandal Lane, Perth relating to:*
 - (a) *massing;*
 - (b) *connectivity and legibility on the Fitzgerald Street frontage;*
 - (c) *car parking shortfall;*
 - (d) *insufficient personal outdoor space;*
 - (e) *non-compliance with privacy;*
 - (f) *non-compliance with articulation of the blank north and south faces of the building walls; and*
 - (g) *the development will generate an unreasonable volume of traffic in Pandal Lane and unduly affect the amenity of the adjacent residential properties; and*
- (iii) *consideration of the significant number of objections received.*

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

Cr Youngman departed the Chamber at 7.40pm.

Debate ensued.

Cr Youngman returned to the Chamber at 7.41pm.

Debate ensued.

Cr Messina departed the Chamber at 7.59pm.

Debate ensued.

Cr Messina returned to the Chamber at 8.02pm.

Debate ensued.

AMENDMENT

Moved Cr Ker, Seconded Cr Messina

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

“(iv) there is insufficient justification for Council to exercise the full extent of its discretion on density for single bedroom dwellings.”

AMENDMENT PUT AND CARRIED (5-3)

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

(Cr Burns on approved leave of absence.)

Debate ensued.

MOTION AS AMENDED PUT AND CARRIED (7-1)

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

(Cr Burns on approved leave of absence.)

COUNCIL DECISION ITEM 9.1.3

That;

the Council ADVISES the Western Australian Planning Commission (WAPC), in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council RECOMMENDS REFUSAL of the application submitted by Jones Coulter Young Architects and Urban Designers on behalf of the owner Department of Housing and Works for proposed Eight-Storey Mixed Use Development Comprising Twenty (20) Single Bedroom Multiple Dwellings, Eleven (11) Two Bedroom Multiple Dwellings, Eighteen (18) Aged or Dependent Persons Dwellings, Two (2) Office Units and Associated Basement Car Parking, at Nos. 146 – 150 (Lot: 802 D/P: 59973) Fitzgerald Street, Perth, and as shown on plans stamp-dated 27 January 2009 and overshadowing plan stamp dated 19 November 2008, for the following reasons:

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) the non-compliance with the requirements of the Residential Design Codes and the Town's Policy - Appendix No. 16 - Design Guidelines for the Half Street Block bounded by Fitzgerald, Newcastle (all lots between Palmerston and Fitzgerald Streets) and Stuart Streets and Pandal Lane, Perth relating to:*
 - (a) massing;*
 - (b) connectivity and legibility on the Fitzgerald Street frontage;*
 - (c) car parking shortfall;*
 - (d) insufficient personal outdoor space;*
 - (e) non-compliance with privacy;*
 - (f) non-compliance with articulation of the blank north and south faces of the building walls; and*
 - (g) the development will generate an unreasonable volume of traffic in Pandal Lane and unduly affect the amenity of the adjacent residential properties;*
- (iii) consideration of the significant number of objections received; and*
- (iv) there is insufficient justification for Council to exercise the full extent of its discretion on density for single bedroom dwellings.*

ADDITIONAL INFORMATION:

After reading the subject Agenda Report, the applicant contacted the Town's Officers to query the significant number of privacy variations in the Assessment Table. The applicant contends that, since the consideration of the application at the Ordinary Meeting of Council held on 2 December 2008, screening has been added to all balconies and windows with privacy encroachments. It is noted that privacy screening has been incorporated into the proposal. However, the level of detail and in some instances and the type of screening is not sufficient and hence the incorporation of a number of privacy variations in the Assessment Table. However, as noted in the Officer Report, in the event of an approval, the above privacy variations can and should be conditioned to comply prior to the issue of a Building Licence.

FURTHER REPORT:

The Council initially considered the application at its Ordinary Meeting held on 2 December 2008 and resolved as follows:

“That the item be DEFERRED for further consideration, (including objections raised during public question time).”

The applicant has submitted a letter in response to the issues raised by members of the public during Public Question Time and Council Members at the above meeting, which are addressed below. The applicant's submission is "*Laid on the Table*".

Overlooking

Applicant's Comments:

"The building has been designed with the appropriate setbacks and privacy issues can be addressed with appropriate screening in accordance with the R-Codes as noted in the assessment report, therefore mitigating any perceived privacy issues."

Planning Officer's Comments:

Noted.

Height and Massing- Eight storey building is too massive

Applicant's Comments:

"The 8 storey development is compliant with the Design Guidelines. To reduce the height increases the bulk of the building in mid-block (to retain the same number of units) and creates a 6 storey wall of building, which would be less desirable."

Planning Officer's Comments:

It is agreed that the development complies with the height requirement of the Appendix No. 16 Design Guidelines which were in place as at 2 December 2008. However, an appropriately designed six storey development will have a lesser visual impact than an 8 storey development.

Blank Walls

Applicant's Comments:

"The proposed development will be the first to be constructed under the current or amended Design Guidelines and as such the surrounding properties will be un-developed at this stage. The blank walls to the north and south of the building fronting Fitzgerald Street will be a temporary issue until developments are constructed in accordance with the Design Guidelines (i.e.: 3 - 4 storey developments along Fitzgerald Street), at which time, these walls will be obscured by the abutting development."

Planning Officer's Comments:

It is agreed that in the future there may be other buildings being constructed on the adjoining properties. However, there is no guarantee that this will occur in the near future. Therefore, additional significant design features being incorporated in these walls would alleviate the visual impact on the surrounding area in the interim.

Traffic-Impact on Pandal Lane

Applicant's Comments:

*"This is a fundamental issue as we have provided access to the development in accordance with the Design Guidelines. The Design Guidelines state in item (vii) that **'Primary vehicle access from Pandal Lane or a right of way is essential.'**"*

We have discussed the issue of Pandal Lane on numerous occasions with the Town of Vincent Technical Services Department and following consultation a 1m setback has been integrated into the design to facilitate the road widening of Pandal Lane to 6m in accordance with WAPC Laneway Policy. Unless an alternative entry is permitted off Fitzgerald Street there is no other way to access the site.

Following a review of the agenda for the Council Meeting on the 2nd December, we have requested SKM to respond to the comments made by the Town of Vincent's Technical Services Officers and the Chief Executive Officer in regards to the Traffic Impact Assessment (TIA) submitted with the application.

In summary, the assumptions within the TIA are based on guidelines that are in common usage, industry accepted standards and SKM's extensive experience analysing traffic distribution. In conclusion, SKM confirmed that traffic generated by the redevelopment will have a minimal level of impact on Pandal Lane and furthermore, the likelihood of conflict between vehicle traffic and pedestrians along Pandal Lane is low.

I have attached a copy of SKM's Technical Note: Supplementary traffic and transport advice, dated 8th December 2008, for your information and perusal."

Technical Services Officer's Comments:

Although there will be one metre ceded for Right of Way (ROW) widening, bringing the width at the rear of the property to a total of six metres, waste removal from the site will be carried out by a rear loading vehicle. Therefore, the truck will be parked adjacent to the neighbouring property for the duration of the manual collection of 20 bins three times per week (allowing even 1 minute per bin, the collection will take approximately 20 minutes). Bins will be manually collected from a bin enclosure and placed for collection within the lane. The truck also services the other developments adjacent to Pandal Lane.

Although the "assumptions within the TIA are based on guidelines that are in common usage, industry accepted standards and SKM's extensive experience analysing traffic distribution", the Consultant made no effort to contact the Town for any data on the current functionality of Pandal Lane, or the manner of waste collection and consequent obstruction. The Town is well aware of existing constraints on the flow of traffic through Pandal Lane, and the complaints that have been tendered by existing residents.

SKM's estimates, as SKM say themselves, are conservative, and have not been made without the benefit of factual information that has been brought to the attention of the Town by current users of Pandal Lane.

As it has been claimed that residents of this development will be public transport oriented, and the population of the development will be from 50 to in excess of 100 people, it is difficult to believe that this will not increase pedestrian traffic within Pandal Lane (which SKM have observed, very few pedestrians are currently using). Even with the 1 metre widening, the lane will not be wide enough for the construction of a footpath, and Technical Services has valid concerns about pedestrian safety in this environment.

Anti-social behaviour

Applicant's Comments:

"The Design Guidelines under item (v) Connectivity and Legibility requires 'functional balconies and terraces and major windows to overlook the laneway' and item (vi) façade and Interface requires 'Openings are to be provided to all levels facing onto primary streets, including Pandal Lane' and item (ix) High Quality design and Function requires the key principles of CPTED to be employed to reduce the opportunity for crime and improve the public's perception of safety in the area.

The proposal meets all of these requirements in providing an activated frontage to Pental Lane. The proposed development provides a highly activated interface with Pental lane with the primary address to the 8 storey building (22 dwellings), including pedestrian entry & letter boxes and vehicular entry to basement car park located on Pental Lane. There are 14 residential dwellings in the 8 storey building which have windows to habitable rooms and functional balconies above the basement car park overlooking Pental Lane.

The location of these elements provides the essential 'eyes on the street' and 'natural surveillance' characteristics defined in the key principles of CPTED to reduce the opportunity for crime and improve the public's perception of safety in the area. Our proposed development will not have bins located in the laneway to exacerbate the existing problem with bin vandalism.

It has been discussed and agreed with the Town of Vincent Technical Services Department that we provide a bin storage area to facilitate the Town's waste collection contractors to enter the site for bin collection rather than having bins out in the laneway, therefore any problems with bin vandalism will not be exacerbated with our development."

Planning Services Officer's Comments:

Noted.

Façade to Fitzgerald Street is too bulky

Applicant's Comments:

"The Design Guidelines under item (vi) Façade and Interface require the 'building facades to be articulated and detailed (broken in to distinct visual elements). The façade is currently being seen as a single entity without any surrounding buildings. The intention of the Design Guidelines is that all developments along Fitzgerald Street will be developed with a 3 - 4 storey presentation.

The facade is well articulated with the entry to the residential dwellings, residential entry canopy and awnings to the commercial units and balconies to the residential dwellings above. The proposed louvres are designed to assist in excluding late afternoon summer sun penetration and increasing heat load; however, the façade can be developed further to address concerns of 'bulkiness'."

Planning Services Officer's Comments:

Noted. The applicant agrees that the façade can be developed further to address concerns of 'bulkiness'.

Facades- The facades are brutal and ugly. Developer should come up with a more attractive and aesthetic design.

"Design is a subjective matter and this comment is contrary to the general feedback received when the proposals were presented to the Council Forum on the 11th November 2008. In order to provide a balanced view of the development the positive comments the proposals received at the Council Forum should be included when the matter is considered by Council in order to facilitate an objective assessment of the proposals. I have attached a copy of our file notes from the forum for your information and perusal.

The proposed development is compliant with all of the built form requirements of the Design Guidelines. The development is designed in a contemporary architectural character and facilitates the function of the residential use with a range of housing types. The development is well articulated with balconies, louvred screens and walls are detailed with windows and varying wall treatments/colours."

Planning Services Officer's Comments:

Noted.

Further to the above letter, Senior Officers from the Town had a meeting with the applicant to discuss issues associated with this development. With regards to the number of storeys, it was conveyed to the applicant that the Town would support a six storey building with similar density (number of dwellings) with setback from Pental Lane. A six-storey building will be consistent with the current Design Guidelines (approved by the Council at its Ordinary Meeting held on 16 December 2008) and the general development of the area.

In a letter dated 16 January 2009 addressed to the Town, the applicant wrote the following:

"Our client appreciates that the Town of Vincent will, in all likelihood, decide to advise the Western Australian Planning Commission (WAPC) that the Council Recommends Refusal of the application at its meeting on the 10th February; however, it is considered that the current proposals are compliant with the Town of Vincent's Policy, Appendix No. 16; Design Guidelines and as such, our client, the Department of Housing and Works, has requested that the WAPC assess the application based on the Officer Recommendation to the Council Meeting on the 2nd December 2008.

We will be amending our drawings to illustrate the required privacy screens to comply with the R-Codes as identified in condition (iii) of the Officer Recommendation and we will also be reviewing the design of the Fitzgerald Street façade treatment. I will be submitting amended drawings to the WAPC on Friday, 23rd January 2009 and will provide you with a copy of revised drawings.

On 27 January 2009, the Town received revised drawings from the applicant. The main changes to the plans are as follows:

- (i) additional screening is provided to balconies, bedrooms and living rooms; and
- (ii) a new façade to Fitzgerald Street is being proposed. The façade will consist of operable perforated metal screens.

There is no change to the number of storeys. That is, the proposal remains at eight (8) storeys.

Further Assessment:

***Note: The following Further Assessment was corrected and distributed prior to the meeting. Changes are indicated by strike through, bold and underline.**

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	37 multiple dwellings or 56 single or aged/dependent persons' dwellings R 160	11 multiple dwellings, 20 single bedroom dwellings, and 18 aged or dependent dwellings R 155	Noted.
Plot Ratio	2 - 4,698 square metres	1.55 - 3,641 square metres	Noted.
Connectivity and Legibility	Active frontages to all street frontages including Pental Lane	No active frontage on the ground floor facing Pental Lane.	Supported- amended plans submitted showing the residential entry gate and adjacent fence will be semi-permeable, as well as the entry gate to basement car park. Soft landscaping is proposed in setback area to Pental Lane.

		<p>Louvres <u>Operable</u> Perforated <u>Metal</u> <u>Screens</u> are provided for the residential units facing Fitzgerald Street.</p>	<p>Not supported- the louvres <u>operable perforated metal screen</u> will not provide an active frontage to Fitzgerald Street.</p>
Privacy Setbacks	<p>Cone of vision from deck and balcony= 7.5 metres from boundary</p> <p>Cone of vision from bedroom= 4.5 metres from boundary</p>	<p>Deck opposite G03= nil setback</p> <p>Units G01, 101, 201, 301, 401, 501, 601- Balcony (partial screening) 6 metres to eastern property</p> <p>Units G01, 201, 401 Bedroom windows on eastern side facing Pental Lane= 2.2 <u>2.8</u> metres to southern boundary</p> <p>Units 101, 301, 501 Bedroom windows on eastern side facing Pental Lane= 0.8 metre to southern boundary</p> <p>Unit 601 Bedroom windows on eastern side facing Pental Lane = 1.4 metres to southern boundary</p>	<p>Noted - Applicant submitted amended plans showing a wall being along the northern boundary which prevents overlooking.</p> <p>Not supported- undue impact on neighbouring property, and balcony should be screened if proposal is supported. <u>amended plans submitted showing screening of balconies.</u></p> <p>Not supported- undue impact on neighbouring property, and windows should be screened if proposal is supported. <u>amended plans submitted showing screening of bedroom windows.</u></p> <p>Not supported- undue impact on neighbouring property, and windows should be screened if proposal is supported. <u>amended plans submitted showing screening of bedroom windows.</u></p> <p>Not supported- undue impact on neighbouring property, and windows should be screened if proposal is supported. <u>amended plans submitted showing screening of bedroom windows.</u></p>

	<p>Units GO2, 102, 202, 302, 402, 502, 602 Balcony (partial screening) = 2.205 metres to northern boundary</p> <p><u>Units GO2, 102, 202, 302, 402, 502, 602</u> <u>Balcony (partial screening) = western elevation- 3.4 metres to northern boundary</u></p> <p>Units 103, 203, 303 Balcony (partial screening) = 2.977 metres to northern boundary</p> <p>Units 403, 503, 603 Balcony (partial screening) = 2.787 metres to northern boundary</p> <p><u>Units 103, 203, 303, 403, 503, 603</u> <u>Balcony- eastern elevation= 4.6 metres to northern boundary</u></p> <p>Units 103, 203, 303, 403, 503, 603 Living room windows = 5.287 metres to northern boundary</p> <p>Units 403,503 and 603- balconies- western elevations= 5.2 4.4 metres to northern boundary</p>	<p>Not supported- undue impact on neighbouring property, and balcony should be screened if proposal is supported. <u>amended plans submitted showing screening of balconies.</u></p> <p>Not supported- undue impact on neighbouring property, and balcony should be screened if proposal is supported</p> <p>Not supported- undue impact on neighbouring property, and balcony should be screened if proposal is supported. <u>amended plans submitted showing screening of balconies</u></p> <p>Not supported- undue impact on neighbouring property, and balcony should be screened if proposal is supported <u>amended plans submitted showing screening of balconies</u></p> <p>Not supported- undue impact on neighbouring property, and balcony should be screened if proposal is supported</p> <p>Not supported- undue impact on neighbouring property, and windows should be screened if proposal is supported <u>amended plans submitted showing screening of living rooms</u></p> <p>Not supported- undue impact on neighbouring property, and balcony should be screened if proposal is supported</p>
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		<p>Units 113, 213 Balcony (partial screening) = 4.8 metres to the northern boundary</p> <p>Units 110, 210 Balcony(partial screening)= 5.4 metres to southern boundary</p> <p>Units 105, 106, 107, 108, 109, 205, 206, 207, 208, 209, 305 Living room windows = 1.2 metres from the southern boundary</p> <p>Unit 601-bedroom window on the western elevation= 2 metres to the southern boundary</p>	<p>Not supported- undue impact on neighbouring property, and balcony should be screened if proposal is supported</p> <p>Not supported- undue impact on neighbouring property, and windows should be screened if proposal is supported.</p> <p>Not supported- undue impact on neighbouring property, and windows should be screened if proposal is supported <u>Supported – amended plans demonstrate the windows to be living rooms being a minimum of 1.6 metres from the finished floor level and therefore they are not considered major openings</u></p> <p>Not supported- undue impact on neighbouring property, and windows should be screened if proposal is supported</p> <p><u>If this application is supported, it should be conditioned that the screens should be completely obscured and the obscured windows shall be fixed.</u></p>
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Conclusion

In light of the above comments from the Applicant in the context of the issues raised at the Ordinary Meeting of the Council held on 2 December 2008 and the Chief Executive Officer’s recommendation for refusal, it is considered that the previous recommendation should remain unchanged, except for the deletion of height from the reasons of refusal.

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 2 December 2008.

“CHIEF EXECUTIVE OFFICER RECOMMENDATION:

That;

the Council ADVISES the Western Australian Planning Commission(WAPC), in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council RECOMMENDS REFUSAL of the application submitted by Jones Coulter Young Architects and Urban Designers on behalf of the owner Department of Housing and Works for proposed Eight-Storey Mixed Use Development Comprising Twenty (20) Single Bedroom Multiple Dwellings, Eleven (11) Two Bedroom Multiple Dwellings, Eighteen (18) Aged or

Dependent Persons Dwellings, Two (2) Office Units and Associated Basement Car Parking, at No. 146 (Lot: 802 D/P: 59973) Fitzgerald Street Perth, and as shown on plans survey plan, floor plans (levels 1-2, 3, 4-6), roof plan, area plans, cone of vision plan, elevation plan stamp-dated 3 November 2008, basement and ground floor plans, elevation plan, overshadowing plan stamp dated 19 November 2008 for the following reasons:

- (i) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) *the non-compliance with the requirements of the Residential Design Codes and the Town's Policy - Appendix No. 16 - Design Guidelines for the Half Street Block bounded by Fitzgerald, Newcastle (all lots between Palmerston and Fitzgerald Streets) and Stuart Streets and Pental Lane, Perth relating to:*
 - (a) *~~height and~~ massing;*
 - (b) *connectivity and legibility on the Fitzgerald Street frontage;*
 - (c) *car parking shortfall;*
 - (d) *insufficient personal outdoor space;*
 - (e) *non-compliance with privacy;*
 - (f) *non-compliance with articulation of the blank north and south faces of the building walls; and*
 - (g) *the development will generate an unreasonable volume of traffic in Pental Lane and unduly affect the amenity of the adjacent residential properties; and*
- (iii) *consideration of the significant number of objections received.*

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

COUNCIL DECISION ITEM 9.1.7

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

PROCEDURAL MOTION

That the item be DEFERRED for further consideration, (including objections raised during public question time).

PROCEDURAL MOTION PUT AND CARRIED (9-0)

ADDITIONAL INFORMATION:

Most of the objections received and the comments provided by Council Members at the Council Members Forum held on 11 November 2008 have raised concerns regarding eight storey buildings being allowed in the subject Policy area.

Given previous concerns raised by Council Members regarding the permitted building height under the current Policy relating to Appendix No. 16, the Council at its Ordinary Meeting held on 27 May 2008 authorised the Chief Executive Officer to review the Policy particularly establishing a height limit that is appropriate for the area. The Amended Policy relating to Appendix No. 16 proposes to reduce the building height to a maximum of six (6) storeys closer to Pental lane (four (4) storeys setback a minimum of 10 metres from Fitzgerald Street, and any building height above 4 storeys a minimum of 30 metres from Fitzgerald Street). This matter is the subject of Item 9.1.13 on this Agenda.

OFFICER RECOMMENDATION:

That;

the Council ADVISES the Western Australian Planning Commission(WAPC), in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council RECOMMENDS APPROVAL of the application submitted by Jones Coulter Young Architects and Urban Designers on behalf of the owner Department of Housing and Works for proposed Eight Storey Mixed Use Development Comprising Twenty (20) Single Bedroom Multiple Dwellings, Eleven (11) Two Bedroom Multiple Dwellings, Eighteen (18) Aged or Dependent Persons Dwellings, Two (2) Office Units and Associated Basement Car Parking, at No. 146 (Lot: 802 D/P: 59973)Fitzgerald Street Perth, and as shown on plans survey plan, floor plans (levels 1 2, 3, 4 6), roof plan, area plans, cone of vision plan, elevation plan stamp dated 3 November 2008, basement and ground floor plans, elevation plan, overshadowing plan stamp dated 19 November 2008 subject to the following conditions:

- (i) — all external fixtures, such as television antennas (of a non standard type), radio and other antennas, satellite dishes, 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 owner(s), or the applicant on behalf of the owner(s), shall comply with the Town of Vincent Percent for Public Art Policy No. 3.5.13 and the Percent for Public Art Guidelines for Developers, including:*
 - (a) — within twenty eight (28) days of the issue date of this ‘Approval to Commence Development’, elect to either obtain approval from the Town for an Artist to undertake a Public Art Project (Option 1) or pay the Cash in Lieu Percent for Public Art Contribution, of \$ 19,000 (Option 2), for the equivalent value of one per cent (1%) of the estimated total cost of the development (\$ 19,000,000); and*
 - (b) — in conjunction with the above chosen option;*
 - (1) — Option 1 —*

prior to the approval and subsequent issue of a Building Licence for the development, obtain approval for the Public Art Project and associated Artist; and

prior to the first occupation of the development, install the approved public art project, and thereafter maintain the art work; OR
 - (2) — Option 2 —*

prior to the approval and subsequent issue of a Building Licence for the development or prior to the due date specified in the invoice issued by the Town for the payment (whichever occurs first), pay the above cash in lieu contribution amount;
- (iii) — prior to the issue of the Building Licence, revised plans and details shall be submitted and approved demonstrating the following:*
 - (a) — all the proposed privacy screens;*

Units G01, 101, 201, 301, 401, 501, 601

(1) balcony on the eastern elevation;

Units G01, 101, 201, 301, 401, 501, 601 — bedroom on eastern side facing Pandal Lane

(1) the bedroom windows on the eastern elevation within the 4.5 metres cone of vision to the southern boundary;

~~Units G02, 102, 202, 302, 402, 502, 602
(1) balconies on the northern elevation;~~

~~Units 103, 203, 303
(1) balconies on the northern and eastern elevations within the 7.5 metres cone of vision to the northern boundary;~~

~~Units 403, 503, 603
(1) balconies on the northern, western and eastern elevations within the 7.5 metres cone of vision to the northern boundary;~~

~~Units 103, 203, 303, 403, 503, 603
(1) living room windows on the northern elevation;~~

~~Units 113, 213
(1) balconies on the eastern elevation within the 7.5 metres cone of vision to the northern boundary;~~

~~Units 110, 210
(1) balconies on the eastern elevation within the 7.5 metres cone of vision to the southern boundary; and~~

~~Units 105, 106, 107, 108, 109, 205, 206, 207, 208, 209, 305
(1) the living room windows on the western and eastern elevations within the 6 metres cone of vision to the southern boundary;~~

~~being screened with a permanent obscure material and be non openable to a minimum of 1.6 metres above the respective finished floor level. A permanent obscure material does not include a self adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2008. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of No. 136 Fitzgerald Street, Nos.45-47 Stuart Street, No. 20 Pendal Lane and Nos. 152-158 Fitzgerald Street., stating no objection to the respective proposed privacy encroachments;~~

~~(b) the awning to the offices having a maximum fascia depth of 300 millimetres and a minimum distance of 500 millimetres from the Fitzgerald Street kerb;~~

~~(c) the balconies of Units 105, 106, 107, 108, 109, 110, 111, 113, 205, 206, 207, 208, 209, 210, 211, 213, 305, 306, 307, 308 and 309 complying with a minimum dimension of 2.4 metres;~~

~~(d) the louvres to units 111, 112, 211, 212 facing Fitzgerald Street being deleted from the plans;~~

~~(e) the bin compound being redesigned in consultation with the Town's Technical Services Section. The bin numbers required will be at the Town's direction;~~

~~(f) additional significant design features being incorporated on the visible portions of the north and south faces of the building walls facing No. 136 Fitzgerald Street, Nos. 45-47 Stuart Street and Nos. 152-158 Fitzgerald Street to reduce the visual impact of these walls;~~

~~(g) — the aged or dependent dwellings complying with the requirements of AS 4299 1995 Adaptable Housing; and~~

~~(h) — the incorporation of further environmental sustainability measures that will address water, transport, materials and energy efficient appliances.~~

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

~~(iv) — within twenty eight (28) days of the issue date of this 'Approval to Commence Development,' the owner(s), or the applicant on behalf of the owner(s) shall comply with the following requirements:~~

~~(a) — pay a cash in lieu contribution of \$1,624 for the equivalent value of 0.58 car parking spaces, based on the cost of \$2,800 per bay as set out in the Town's 2008/2009 Budget; OR~~

~~(b) — lodge an appropriate assurance bond/bank guarantee of a value of \$1,624 to the satisfaction of the Town. This assurance bond/bank guarantee will only be released in the following circumstances:~~

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

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

~~(3) — to the owner(s)/applicant where the subject 'Approval to Commence Development,' did not commence and subsequently expired.~~

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

~~(v) — 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;~~

~~(vi) — first obtaining the consent of the owners of No. 136 Fitzgerald Street, Nos. 45-47 Stuart Street and Nos. 152-158 Fitzgerald 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. 136 Fitzgerald Street, Nos. 45-47 Stuart Street and Nos. 152-158 Fitzgerald Street in a good and clean condition;~~

~~(vii) — 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;~~

~~(viii) — 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 Fitzgerald Street and Pandal Lane, 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;~~

- ~~(ix) — 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 facilities;~~
- ~~(x) — 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;~~
- ~~(xi) — 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;~~
- ~~(b) — a maximum of one (1) bedroom and two (2) occupants are permitted in each single bedroom dwelling at any one time;~~
- ~~(c) — the floor plan layout for the single bedroom dwellings are to be maintained in accordance with the Planning Approval plans; and~~
- ~~(d) — the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units or offices. 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;~~
- ~~(xii) — 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;~~
- ~~(xiii) — the doors, windows and adjacent floor areas of office fronting Fitzgerald Street shall maintain an active and interactive relationship with this street;~~
- ~~(xiv) — prior to the first occupation of the development, (49) 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;~~
- ~~(xv) — 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;~~
- ~~(xvi) — all pedestrian access and vehicle driveway/crossover levels shall match into existing verge/footpath levels;~~

~~(xvii) the total gross floor area of the offices shall be limited to 186 square metres and further increase or decrease in the number of offices tenancies is allowed. 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;~~

~~(xviii) the car parking area shown for the non residential component shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;~~

~~(xix) any proposed vehicular entry gates adjacent to the car parking area shall be either open at all times or suitable management measures shall be implemented to ensure access is available for visitors for the non residential and residential tenancies at all times. Details of the management measures shall be submitted to and approved by the Town prior to the first occupation of the development;~~

~~(xx) a non refundable footpath upgrading bond of \$3,000 to cover the cost of construction of a new brick paved footpath adjacent to the subject land shall be paid prior to the issue of a Building Licence. Paving is to be carried out by the developer's contractor in discussion with the Town's Manager, Engineering Operations; and~~

~~(xxi) prior to the first occupation of the development, each multiple dwelling shall be provided with a screened outdoor area for clothes drying or clothes tumbler dryer.~~

<i>Landowner:</i>	<i>Department of Housing and Works</i>
<i>Applicant:</i>	<i>Jones Coulter Young Architects and Urban Designers</i>
<i>Zoning:</i>	<i>Metropolitan Region Scheme: Urban and Other Regional Road Reservation Town Planning Scheme No. 1 (TPS 1): Residential/Commercial (R80) and Other Regional Road Reservation</i>
<i>Existing Land Use:</i>	<i>Vacant Land</i>
<i>Use Class:</i>	<i>Office Building, Aged or Dependent Persons Dwellings and Multiple Dwellings</i>
<i>Use Classification:</i>	<i>"AA", "P", "P"</i>
<i>Lot Area:</i>	<i>2349 square metres- It is to be noted that on the Survey Plan submitted the area of Lot is indicated as 2351 square metres. However as per Certificate of Title the area is 2349 square metres.</i>
<i>Access to Right of Way</i>	<i>Not Applicable- Pandal Lane is a dedicated road.</i>

BACKGROUND:

11 March 2003 *The Council at its Ordinary Meeting resolved to conditionally approve a mixed use development comprising two (2) offices and fourteen (14) two-storey single bedroom with studio/office grouped dwelling and associated parking.*

12 April 2005 *The Council at its Ordinary Meeting resolved to conditionally approve the demolition of existing office and warehouse, and construction of a mixed use development comprising two (2) offices and fourteen (14) two-storey single bedroom with studio/office grouped dwellings and associated car parking.*

27 September 2005 *The Council at its Ordinary Meeting resolved to conditionally approve a mixed use development comprising offices and fourteen (14) two-storey grouped dwellings including lofts and home studio offices and associated car parking.*

DETAILS:

The proposal involves the construction of eight-storey mixed use development comprising twenty (20) single bedroom multiple dwellings, eleven (11) two bedroom multiple dwellings, eighteen (18) aged persons dwellings, two (2) offices units and associated basement car parking.

Initially the applicant submitted plans which included 12 two bedroom multiple dwellings. However the plans were amended to reduce the number of two bedroom multiple dwellings to 11 and a transformer room, bin compound, are being proposed at the basement level.

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

ASSESSMENT:

**Note: The below Non-compliant Requirements were corrected and distributed prior to the meeting. Changes are indicated by strike through and underline.*

<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>37 multiple dwellings or 56 single or aged/dependent persons' dwellings R 160</i>	<i>11 multiple dwellings, 20 single bedroom dwellings, dwellings and 18 aged or dependent dwellings R 155</i>	<i>Noted.</i>
<i>Plot Ratio</i>	<i>2 - 4698 square metres</i>	<i>1.55 - 3641 square metres</i>	<i>Noted.</i>
<i>Height and Massing</i>	<i>A maximum of 3 storeys adjacent to the primary and up to 8 storeys within the site and to Pental Lane.</i>	<i>3 storeys to Fitzgerald Street 8 storeys to Pental Lane</i>	<i>Supported refer to "Comments" below. <u>Not supported - The eight storeys within the site will have an undue impact on the amenity of the area.</u></i>
<i>Connectivity and Legibility</i>	<i>Active frontages to all street frontages including Pental Lane</i>	<i>No active frontage on the ground floor facing Pental Lane. Louvres are provided for the residential units facing Fitzgerald Street.</i>	<i>Supported- amended plans submitted showing the residential entry gate and adjacent fence will be semi-permeable, as well as the entry gate to basement car park. Soft landscaping is proposed in setback area to Pental Lane. Not supported- the louvres will not provide an active frontage to Fitzgerald Street.</i>

<p><i>Car Parking</i></p>	<p><i>Residential= 49 car bays</i></p> <p><i>Commercial= 2.584 car bays</i></p>	<p><i>Residential= 49 car bays</i></p> <p><i>Commercial= 2 bays</i></p>	<p><i>Noted-amended plans submitted showing parking layout-refer to Car Parking Assessment Table below.</i></p> <p><i>Not supported - insufficient car parking provided.</i></p>
<p><i>Personal Outdoor Space</i></p>	<p><i>The provision of private open space for all residential dwellings is to be highly functional, well-designed and where possible, located to capture views and sunlight. A minimum balcony dimension of 2.4 metres is required to ensure maximum functionality.</i></p>	<p><i>No courtyard provided for Unit G03.</i></p> <p><i>Unit B01- Minimum dimension of 1.2 metres and no direct access from a habitable room</i></p> <p><i>Units 111 and 211= 1.975 metres to 2.417 metres -minimum dimension</i></p> <p><i>Units 110, 113, 210 and 213 = 2.3 metres- minimum dimension</i></p> <p><i>Units 105, 106, 107, 108, 109, 205, 206, 207, 208, 209, 305, 306, 307 308 and 309= 2.2 metres- minimum dimension</i></p>	<p><i>Noted - amended plans submitted showing courtyard provided for G03.</i></p> <p><i>Noted- amended plans submitted showing the deletion of the unit in the basement.</i></p> <p><i>Not supported- undue impact on amenity of occupiers of development and condition should be applied for balconies to comply with minimum dimension of 2.4 metres.</i></p> <p><i>Not supported- undue impact on amenity of occupiers of development and condition should be applied for balconies to comply with minimum dimension of 2.4 metres.</i></p> <p><i>Not supported- undue impact on amenity of occupiers of development and condition should be applied for balconies to comply with minimum dimension of 2.4 metres.</i></p>
<p><i>Stores</i></p>	<p><i>Number of stores= 50</i></p> <p><i>Minimum area of 4 square metres</i></p>	<p><i>Number of stores= 45</i></p>	<p><i>Noted- applicant submitted amended plans complying with the number of stores required (49) and the proposed stores comply with the minimum area.</i></p>

<p><i>Privacy Setbacks</i></p>	<p><i>Cone of vision from deck and balcony= 7.5 metres from boundary</i></p> <p><i>Cone of vision from bedroom= 4.5 metres from boundary</i></p>	<p><i>Deck opposite G03= nil setback</i></p> <p><i>Units G01, 101, 201, 301, 401, 501, 601- Balcony (partial screening)- 6 metres to eastern property</i></p> <p><i>Units G01, 201, 401 Bedroom windows on eastern side facing Pental Lane= 2.2 metres to southern boundary</i></p> <p><i>Units 101, 301, 501 Bedroom windows on eastern side facing Pental Lane= 0.8 metres to southern boundary</i></p> <p><i>Unit 601 Bedroom windows on eastern side facing Pental Lane = 1.4 metres to southern</i></p> <p><i>Units G02, 102, 202, 302, 402, 502, 602 Balcony (partial screening) = 2.205 metres to northern boundary</i></p> <p><i>Units 103, 203, 303 Balcony (partial screening) = 2.977 metres to northern boundary</i></p> <p><i>Units 403, 503, 603 Balcony (partial screening) = 2.787 metres to northern boundary</i></p> <p><i>Units 103, 203, 303, 403, 503, 603 Living room windows = 5.287 metres to northern boundary</i></p>	<p><i>Noted - applicant submitted amended plans showing a wall being along the northern boundary which prevents overlooking.</i></p> <p><i>Not supported- undue impact on neighbouring property, and balcony should be screened if proposal is supported.</i></p> <p><i>Not supported- undue impact on neighbouring property, and windows should be screened if proposal is supported</i></p> <p><i>Not supported- undue impact on neighbouring property, and windows should be screened if proposal is supported.</i></p> <p><i>Not supported- undue impact on neighbouring property, and windows should be screened if proposal is supported.</i></p> <p><i>Not supported- undue impact on neighbouring property, and balcony should be screened if proposal is supported.</i></p> <p><i>Not supported- undue impact on neighbouring property, and balcony should be screened if proposal is supported</i></p> <p><i>Not supported- undue impact on neighbouring property, and windows should be screened if proposal is supported</i></p>
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		<p>Units 113, 213 Balcony (partial screening) = 4.8 metres to the northern boundary</p> <p>Units 110, 210 Balcony (partial screening) = 5.4 metres to southern boundary</p> <p>Units 105, 106, 107, 108, 109, 205, 206, 207, 208, 209, 305 Living room windows = 1.2 metres from the southern boundary</p>	<p>Not supported- undue impact on neighbouring property, and balcony should be screened if proposal is supported</p> <p>Not supported- undue impact on neighbouring property, and balcony should be screened if proposal is supported</p> <p>Not supported- undue impact on neighbouring property, and windows should be screened if proposal is supported.</p>
Awnings	Awning is required along Fitzgerald Street	Awning not provided	Noted- applicant submitted amended plans showing the required awning for the offices along Fitzgerald Street.
Retaining Walls	Retaining walls not higher than 0.5 metre Setback= 1.6 metres	2.25 metres Nil	Noted- applicant submitted amended plans showing walls on boundary and not retaining walls, therefore such variations are no longer applicable.
Plot Ratio Area	Aged or dependent person- 80 square metres	82 square metres, 84 square metres and 86.3 square metres	Noted - applicant has submitted amended plans confirming that the proposed aged or depended person dwellings complying with the 80 square metres.

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

<i>Consultation Submissions</i>		
<i>Support</i>	<i>Nil</i>	<i>Noted</i>
<i>Objection (38 letters of objections and a petition signed by 28 people)</i>	<i>Loss of privacy to windows and balconies facing adjoining properties</i>	<i>Supported - a condition has been proposed in the Officer Recommendation for all non-compliant privacy aspects to comply with the Residential Design Codes requirements.</i>

	<i>Insufficient commercial and residential parking bays</i>	Not Supported - refer to "Comments" below.
	<i>Concerns about the traffic impact along Pental Lane</i>	Not Supported - refer to Technical Services "Comments" below.
	<i>The proposal fails to meet the requirements of the Beaufort Precinct and the Residential Design Codes</i>	Not Supported - as the proposal is assessed as per the current Policy-Appendix No. 16-Design Guidelines for the half block bounded by Fitzgerald Street, Newcastle (all lots between Palmerston and Fitzgerald Streets) and Pental Lane, and the Residential Design Codes.
	<i>Overshadowing of adjoining properties</i>	Not supported- the proposal complies with the overshadowing requirements of the Residential Design Codes.
	<i>The site will be overdeveloped with so many dwellings.</i>	Not supported- the proposal complies with the density requirement as shown in the Assessment Table.
	<i>There is no other central amenities e.g. shopping complexes, medical facilities in the area that caters for the aged or pensioners. Therefore to have such a project in the area is not practical.</i>	Not supported- the proposed development is not only for aged people. There is a nearby supermarket at the corner of Pental Lane and Newcastle Street. Within one kilometre from the site, along Newcastle Street, there are a medical clinic, physiotherapy clinic and a podiatry clinic.
	<i>Devaluation of adjoining properties</i>	Not supported- property value is not a significant planning consideration.
	<i>There was no consultation for the implementation of the Design Guidelines for this area.</i>	Not supported- the Design Guidelines were advertised duly in accordance with the public consultation requirements of the Town's Scheme.

	<p><i>The proposed development will contribute to anti-social behaviour in Pandal Lane</i></p>	<p><i>Not supported- no evidence is submitted to substantiate this claim.</i></p>
	<p><i>Object to eight storey building. A height of 5 storeys would be more acceptable</i></p>	<p><i>Not Supported</i> <i>refer to "Comments" below.</i> <i>Noted.</i></p>
	<p><i>Concerns that the people accessing will park on the verge of Fitzgerald Street</i></p>	<p><i>Not supported- people will have to comply with Local Laws governing parking along Fitzgerald Street.</i></p>
<p><i>Key issues raised at Council Members Forum held on 11 November 2008</i></p>	<p><i>Elevation to Fitzgerald Street is bulky.</i></p> <p><i>Height and density</i></p> <p><i>Height of tower above Pandal Lane and setback to Pandal Lane.</i></p> <p><i>Open space.</i></p> <p><i>Solar Access is lacking to north.</i></p>	<p><i>The proposal complies with the required number of storeys along Fitzgerald Street.</i></p> <p><i>The proposal <u>complies does not comply</u> complies with the required height and density. <u>Some concerns expressed about the height.</u></i></p> <p><i>Height= 26 metres Setback= 1 metre as per Technical Services requirement.</i></p> <p><i>As per the Residential Design Codes, there is no requirement for open space. However the proposal consists of a communal space on the ground floor and each residential unit is provided with a courtyard or a balcony. <u>Some concerns expressed about the open space.</u></i></p> <p><i>As per the Environment Sustainability Assessment Report submitted by the applicant which states the planning of the proposed development on a north facing aspect is suited to passive solar design. According to the report the proposal optimises the northern aspect and solar access in an effective manner.</i></p>

	<p><i>Blank walls facing Robertson Park.</i></p> <p><i>The façade to Fitzgerald Street is required to be softened and is designed to provide a relief.</i></p>	<p>Only <i>The walls to the front part of the building facing Fitzgerald Street (offices and residential units) will be blank. However the remaining walls including the tower element will have <u>some</u> articulation incorporating windows and balconies. <u>However, this is considered insufficient</u> Additional design features should be incorporated on the visible building walls facing the northern and southern properties.</i></p> <p><i>The proposed louvers to units 111, 112, 211, 212 facing Fitzgerald Street should be deleted from the plans. The balconies, windows, and doors of the residential units and offices provide an interest in the streetscape.</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>Sustainability 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.*

Car Parking

Department of Housing and Works has submitted a letter stating the following:

“Based on DHW statistics for the past 20 years of tenants, there are only 30% who owns car. This is due to the majority of our tenants belonging to the lower income group. DHW carried out a post occupancy survey and discovered that reduced car park bays is a better solution for DHW complexes, otherwise car park bays will be deserted and under utilising our resources. Also, it is important to note that your Parking and Access Policy (no 3.7.1) states that an oversupply of parking will not be supported as this discourages that use of public transport.”

In accordance with the Residential Design Codes requirements for mixed-use development, on-site car parking requirements for multiple dwellings may be reduced to one car bay per dwelling where on-site parking required for other users is available outside normal business hours. Therefore for the residential component (49 multiple dwellings), the number of car parking bays required is 49. A total of 51 car bays have been provided. The balance of car bays available for the commercial component in this instance is 2 car bays. This is insufficient.

<i>Car Parking- Commercial Component</i>	
<i>Car parking requirement (nearest whole number) Office: 1 car bay per 50 square metres gross office/administration floor area (proposed 186 square metres) = 3.72 car bays. Total = 3.72 car bays</i>	<i>4 car bays</i>
<i>Apply the parking adjustment factors.</i> <ul style="list-style-type: none"> • 0.85 (within 400 metres of a bus stop) • 0.95 (within 400 metres of one or more public car parks in excess of 25 spaces) • 0.80 (development contains a mix of uses, where at least 45 per cent of the gross floor area is residential) 	<i>(0.646) 2.58 car bays</i>
<i>Minus the car parking provided on-site</i>	<i>2 car bays</i>
<i>Minus the most recently approved on-site car parking shortfall</i>	<i>Not applicable</i>
<i>Resultant shortfall</i>	<i>0.58 car bay</i>
<i>Bicycle Parking</i>	
<i>Offices</i> <ul style="list-style-type: none"> • 1 space per 200 (proposed 186) square metres gross floor area (class 1 or 2) – 0.93 spaces. • 1 space per 750 (proposed 878) square metres over 1000 square metres for visitors (class 3) – Not applicable 	<i>Bicycle parking spaces provided in the basement.</i>

COMMENTS:

Design Guidelines for Pandal Lane

A Draft Amendment to Appendix 16 of the Town of Vincent Town Planning Scheme No. 1 relating to Design Guidelines for the Half Street Block bounded by Fitzgerald, Newcastle (All Lots Between Palmerston and Fitzgerald Streets) and Stuart Streets and Pandal Lane, Perth is currently being considered by the Council.

Advertising of the Draft Amendment commenced on 9 September 2008 and concluded on 7 October 2008. A report summarising the results of the consultation period and making a recommendation in relation to the Amendment has been prepared and will be presented to Council at its Ordinary Meeting to be held on 2 December 2008.

Given the application was submitted in June 2008, this application is assessed under the current Design Guidelines for Pandal Lane.

Affordable Housing Strategy

The Town commissioned Consultants to undertake an Affordable Housing Strategy Report for the Town of Vincent. The Draft Strategy Report is currently being advertised with the closing date for comments being the 24 November 2008. The Draft Strategy Report notes the following with respect to the subject area and public housing provision:

“The highest concentrations of people in housing stress are in Northbridge and Highgate. These statistics understate the level of housing stress that has developed since 2006, which is significant because the surge in home prices continued well beyond the census period, and the knock-on rent increases will take several years to reflect the rise due to current lease arrangements with existing tenants.

Most of these will be renters, and some will be low income (pensioners) owner/occupiers. It will also include a small number of recent first homebuyers who are facing hardship meeting their rising mortgage commitments.

Public Housing and Community Housing

...

One of the key features of public housing is that it is stable affordable housing and as such tenants are generally protected from the rising rents experienced by the private market. Tenants are drawn from the waiting list for public housing which is in the order of 18,000 households. There are priorities for age, disability, and dependants.

The stock of public housing in the Town has not significantly changed in over a decade. There have been some additions but also some sales. The Census data indicates that only seven (7) new dwellings were added to the public housing stock. Without further additions the proportion of public housing in the Town of Vincent is likely to fall as the overall housing density within the Town increases."

Technical Services

The Town's Technical Services Officers have provided the following comments on the Traffic Impact Assessment submitted by the applicant.

"Pendal Lane comprises an under width road 5.0 m in width (sealed full width) with no footpaths and provides sole vehicular access to over 100 dwellings generating in excess of 500 (estimated) vehicle trips per day. The current application will result in an additional car bays with sole access off Pendal Lane. The lane also provides pedestrian access and bike store access, although there is no footpath. - the Chief Executive Officer considers that the potential for conflict between vehicles and pedestrians using Pendal Lane is unacceptable.

A Traffic Impact Study has been provided by the applicant, which predicts that the proposed development will have a 'negligible' impact on the function of the Lane. - the Chief Executive Officer does not consider this statement to be supported as the increased number of vehicle movements is considered to have an unreasonable impact on the adjoining properties.

The Traffic Impact Study has estimated vehicle trip generation from the development where it has been assumed that only 3.5 vehicle trips per resident per day will be generated from the development with an occupancy rate of 1.2 persons per dwelling, only 30% of the trips as car driver and 15% visitor trips resulting in a total of 72 trips per day.

The Study further states that it is 'assumed' that only 10% of the overall traffic movements will occur during the peak period. - This assumption is without justification.

Many assumptions have been made in the Traffic Impact Study resulting in a rather low number of vehicle movements per day from the development onto Pendal Lane. The study has not considered the current usage of the lane nor discussed the current congestion issues highlighted by existing residents in the area. - the Chief Executive Officer considers that the "assumptions" to justify the application are unjustified and not supported.

Waste collection vehicles regularly obstruct the narrow lane due to the frequency of collection. To avoid bins lined up the length of the lane, possibly being left out, and an open invitation to vandalism and overturning the current development requires a bin store, designed for optimum access and bin manoeuvring, to be located as close to the rear boundary as possible and the bins kept within the store at all times.

The frontage of the Lot is only 20m wide, and also accommodates vehicle and pedestrian access. The Town will be required to increase the frequency of collection thereby halving the number of bins. Further to ensure access through the ROW is not hindered by stray bins, and to avoid vandalism of bins placed adjacent to the ROW, the Town has agreed to collect bins directly from the bin store on the proviso the store is designed in consultation with the Town's waste management officers, to provide quick and safe access.

This will undoubtedly create additional congestion in the lane with the Town's rear loader parked in the lane way for extended periods of time 3 times per week while undertaking the collection. This is over and above the current collection regime from the existing dwellings along the lane way.

The Town's Technical Services officers have received a number of ongoing complaints from residents reliant on Pental Lane for vehicle access and waste removal, regarding bin vandalism and vehicle obstruction, and it is considered that any further development making use of Pental Lane as its sole vehicular access is unlikely to have 'negligible impact' as contended in the consultants Traffic Impact Study." - the Chief Executive Officer considers that further complaints will be received from adjoining residents concerning Pental Lane, as the Town's files already contain previous history of complaints.

Technical Services have no further comment on the Traffic Impact Study.

The applicant has provided the following response:

"A parking Review and Traffic Impact Assessment report was prepared by Sinclair Knight Merz and submitted with the application for Development Approval. The report noted that the residential vehicle trip generation is likely to be very low, given the low parking supply, site characteristics (i.e. excellent access to public transport and the central city) and the socio-economic status of the prospective tenants.

The report states that the generated traffic from the proposed development will have a negligible effect on the function of Pental Lane. Traffic can enter and exit from Pental Lane onto both Stuart and Newcastle Streets, further reducing the likelihood of vehicle conflict.

Town's Technical Services required the Pental Lane to be widened to 6m to meet WAPC Laneway Policy and this was incorporated into our documents. We also subsequently redesigned the bin storage area to facilitate the Town's waste collection contractors to enter the site for bin collection rather than having bins out in the laneway. This has all been discussed and agreed with the Town's Technical Services.

We have developed our proposals in accordance with the Town of Vincent's Design Guidelines for the area. By providing an access way off Pental Lane and with the residential tower overlooking Pental Lane our proposed development will provide an element of passive surveillance not currently provided by the existing residential product. Our proposed development will not have bins located in the laneway; therefore any problems with bin vandalism will be an existing problem and will not be exacerbated with our development. If Pental Lane cannot accommodate additional traffic and access off Fitzgerald Street is prohibited, how can development occur in accordance with the Design Guidelines?"

**Note: The following "Number of Storeys" was corrected and distributed prior to the meeting. Changes are indicated by strike through and underline.*

Number of Storeys

The proposal ~~does not comply~~ complies with the height requirements in Policy-Appendix No. 16- Design Guidelines affecting the site. The Policy was duly advertised in accordance with the public consultation requirements of the Town's Town Planning Scheme No. 1.

Affordability

The proposed development is for the Department of Housing and Land. It is a requirement for Department of Housing and Works projects to be affordable in terms of costs for future residents.

Environment Sustainability

The applicant has submitted a Sustainability Assessment Report prepared by a Green Star Accredited Professional. A copy of the report is "Laid on the Table. The proposal incorporates "Green Building Technologies" and there is a range of passive and active design features that have been incorporated in the design.

Mixed Uses

The proposed uses are considered compatible in terms of a mixed use residential and commercial development at this particular location. The limited scale and nature of the proposed commercial uses will not undermine such uses being established in the commercial area along Newcastle Street.

Conclusion

The application ~~generally complies~~ does not comply with the Design Guidelines for this area and therefore the proposal ~~will not~~ is considered to have any an undue impact on the amenity of the surrounding area. The application is therefore not supported, ~~subject to standard and appropriate conditions to address the above matters.~~

Chief Executive Officer Comments:

The Chief Executive Officer has further reviewed this development application. He has amended this report to recommend a "Refusal" of the proposed development for the reasons outlined in his recommendation and as detailed in the report (shown by strikethrough and underlining).

Furthermore, the Council's approval of an eight storey development in the subject area will cause an undesirable precedent. The Council has previously expressed concerns about the height and massing of developments in this area and has resolved to amend the Town's Policy to restrict the height to six storeys."

9.1.6 No. 57 (Lot: 38 D/P: 1577) View Street, Corner Vine Street, North Perth - Proposed Demolition of Existing Single House and Construction of Two (2) Two-Storey Single Houses

Ward:	South	Date:	29 January 2009
Precinct:	Smith's Lake; P 06	File Ref:	PRO4527 5.2008.410.1
Attachments:	001 002		
Reporting Officer(s):	E Storm		
Checked/Endorsed by:	H Smith, 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 MacCormac Architects on behalf of the owner A J & J M Anning & A P MacCormac for proposed Demolition of Existing Single House and Construction of Two (2) Two-Storey Single Houses at No. 57 (Lot: 38 D/P: 1577) View Street, corner Vine Street, North Perth, and as shown on plans stamp-dated 18 December 2008, subject to the following conditions:

- (i) the front fence to View Street and Vine Street does not form part of this approval;*
- (ii) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (iii) first obtaining the consent of the owners of No. 59 View 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. 59 View Street in a good and clean condition;*
- (iv) no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Service. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
- (v) any new street/front wall, fence and gate within the View Street and Vine Street setback area including along the side boundaries within this street setback area, shall comply with the following:*
 - (a) the maximum height being 1.8 metres above the adjacent footpath level;*
 - (b) the maximum height of piers with decorative capping being 2 metres above the adjacent footpath level;*
 - (c) the maximum height of the solid portion of the wall being 1.2 metres above the adjacent footpath level, and a minimum of fifty percent visually permeable above 1.2 metres;*
 - (d) the posts and piers having a maximum width of 355 millimetres and a maximum diameter of 500 millimetres;*
 - (e) the distance between piers should not be less than the height of the piers except where pedestrian gates are proposed; and*

- (f) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (vi) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
- (vii) *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; and*
- (viii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the building boundary wall on the western boundary being reduced to a maximum average height of 3 metres. The revised plans shall not result in any further variations to the Residential Design Codes of Western Australia and the Town's Policies.*

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

COUNCIL DECISION ITEM 9.1.6

Moved Cr Maier, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

Cr Youngman departed the Chamber at 8.24pm.

Debate ensued.

Cr Youngman returned to the Chamber at 8.28pm.

Debate ensued.

Cr Farrell departed the Chamber at 8.29pm.

Debate ensued.

Cr Doran-Wu departed the Chamber at 8.30pm.

Debate ensued.

Cr Doran-Wu returned to the Chamber at 8.31pm.

Debate ensued.

Cr Ker foreshadowed an amendment concerning the height of the boundary wall. The Chief Executive Officer advised the Council to defer the matter to confirm actual measurements.

PROCEDURAL MOTION

Moved Cr Ker, Seconded Cr Youngman

That the item be DEFERRED for further consideration and to confirm actual measurements.

MOTION PUT AND CARRIED (7-0)

(Cr Burns on approved leave of absence. Cr Farrell was absent from the Chamber.)

ADDITIONAL INFORMATION:

The western boundary wall has been re-calculated using the existing ground levels on the western boundary on the Site Survey Plan of the existing dwelling. The revised calculations indicate the boundary wall has a wall height ranging from 3.18 metres (minimum) to 3.42 metres (maximum) with an average wall height of 3.3 metres for 66 per cent of the length of the boundary behind the front setback. The site survey plan and elevations demonstrating the correct level of the western boundary wall have been attached to the report.

The subject boundary wall height is not compliant with the Building on Boundary requirements of the Residential Design Codes and is considered to have an undue impact on the affected neighbour. In light of the above, it is recommended that a condition be applied to limit the boundary wall height to a maximum average height of 3 metres to comply with the Building on Boundary requirements of the Residential Design Codes.

Landowner:	A J & J M Anning & A P MacCormac
Applicant:	MacCormac Architects
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R40
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	449 square metres
Access to Right of Way	N/A

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves the demolition of an existing single house and construction of two (2) two (2) storey dwellings at the subject property.

ASSESSMENT:

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

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

Boundary Setbacks Unit 1 (North) Ground Floor -Front (North)	4.5 metres	3.3 – 4.5 metres	Supported – amended plans received showing the bbq area and bin enclosure setback to 3.5 metres, and the main building line at 4.5 metres. This complies with the minor incursion provisions and front setback requirements.
Upper Floor -North	Balcony 1 metre behind main building line	Terrace 0 metre behind main building line	Supported – see ‘Comments’ section. Amended plans received showing glass balustrade, which is of clear glass, has been located on the edge of the balcony.
- West	2.1 metres	1.5 metres	Supported – not considered to have an undue impact on the amenity of the adjoining property or amenity of the street.
Unit 2 (South) Ground Floor -Front (East)	Porch at 1.5 metres and main building at 2.5 metres	Porch at 0.5 metre and main building line at 1.5 metres	Supported – amended plans received demonstrating compliance with the street setback requirement.
Upper Floor -East	Balcony at 3 metres and main building line at 4 metres	Terrace at 1.5 metres and main building line at 2.5 metres	Supported – see ‘Comments’ section.
-West	2.1 metres	1.5 metres	Supported – not considered to have an undue impact on the amenity of the adjoining property or amenity of the street.

<p>Units 1 & 2 Building on Boundary</p>	<p>Walls not higher than 3.5 metres with an average of 3.0 metres for 2/3 the length (24.8 <u>27.4</u> metres) of the balance of the boundary behind the front setback, to one side boundary.</p>	<p>One boundary wall proposed (West) Length = 37 <u>18</u> metres Height = 3.65 <u>3.2</u> metres (maximum) – <u>3.42</u> metres (maximum)</p>	<p>Supported – amended plans – received demonstrating boundary wall reduced in height and length to comply. The boundary fence complies with the <u>Fencing Local Law.</u> Not supported – <u>additional average wall height is considered to have an undue impact on the affected neighbour and has been addressed in condition (viii) of the ‘Corrected Officer Recommendation.’</u></p>
<p>Open Space</p>	<p>0.45 per cent of the site</p>	<p>0.43 per cent of the site</p>	<p>Supported – amended plans received demonstrating compliance with the open space requirements.</p>

Consultation Submissions

Support	Nil	Noted.
<p>Objection (3)</p>	<ul style="list-style-type: none"> • Privacy 	<p>Not supported – the proposal is compliant with the privacy requirements of the Residential Design Codes.</p>
	<ul style="list-style-type: none"> • Density 	<p>Not supported – the property is zoned R40 and has a total lot area of 449 square metres. The minimum lot area required under the R40 standards is 200 square metres, with an average of 220 square metres. The density is therefore compliant.</p>
	<ul style="list-style-type: none"> • Overshadowing 	<p>Not supported – the proposal is compliant with the design for climate requirements of the Residential Design Codes.</p>
	<ul style="list-style-type: none"> • Open Space 	<p>Not supported – amended plans have been received demonstrating compliance with the open space requirements.</p>

	<ul style="list-style-type: none"> • Need for two car spaces 	Not supported – the Residential Design Codes and Town’s Policies require new developments to provide two on-site car parking bays.
	<ul style="list-style-type: none"> • Three bedroom houses implying family with children, negligible yard-space for children. Creating ‘battery kids’. 	Not supported – no evidence to substantiate this claim. Not a planning related consideration. Furthermore, the proposal complies with the open space and outdoor living area requirements of the Residential Design Codes.
Other Implications		
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications		Nil
Sustainability Implications		Nil
Financial/Budget Implications		Nil

* The 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:

Streetscape and Character

The Residential Design Elements Policy under clause 6.4.1 states that residential development should complement the existing streetscape and should be designed to harmonise with the streetscape and adjoining properties. Dwellings along View Street and Vine Street are inconsistent in architectural style and both streetscapes contain a mix of developments that vary in height, style and building materials. View Street and Vine Street are both dynamic and emerging contemporary streetscapes, with a pattern of new two storey grouped dwellings being constructed. It is noted that distinctive character homes are also being retained and upgraded in the immediate vicinity of the site. Both Units 1 and 2 allow for high levels of passive surveillance of the street due to the use of glass on the elevations fronting View Street and Vine Street, while achieving highly interactive front elevations. Neither View Street nor Vine Street are considered recognised streetscapes.

Unit 2 Street Setbacks

The upper floor street setbacks for Unit 2 are non-compliant with SADC.10 (Dual Street Frontages and Corner Sites). The applicant proposes upper floor setbacks to Vine Street of 2.5 metres in lieu of 4 metres in order to facilitate the effective use of the site and to ensure consistency with the style and form of the dwelling. The applicant has opted for greater setbacks to the southern boundary (R.O.W) than required in order to locate an outdoor living area on the ground floor within this space; this effectively means that the setback to Vine Street will be less to allow for this design.

Roof Forms and Design

The Residential Design Elements Policy states that the Town recognises that in some residential areas there may be more opportunity for innovative design and architectural styles and, in these instances, the Town may consider alternative roof forms to a pitch roof style. In this instance, the proposal illustrates an innovative and contemporary design that is appropriate for View Street and Vine Street, particularly as a number of the dwellings are screened by the large Ficus trees with dense foliage that line the street, and in the instance of this development, are to be retained. There is no consistent pattern of roof forms on either View Street or Vine Street.

Heritage

The subject place at No. 57 View Street, North Perth was built circa 1909 and is an example of the Federation Bungalow style of architecture constructed in weatherboard. The subject dwelling has a hipped roof form and features two identical street facing protruding gables in filled with white painted timber battens.

The Wise's Post Office Directories reveal that the earliest resident who lived at the subject dwelling was John A Wood in 1909. Since then the subject dwelling has been transferred several times to new owners and occupiers.

Summary

Although the application proposes variations to the acceptable development standards of the Residential Design Elements Policy, the proposal clearly satisfies the Performance Criteria for each of these variations and should therefore be supported. The development is not considered to compromise the streetscape but rather contribute to its emerging range of styles and built form and in light of the above, it is recommended that the Council approve the subject application, subject to standard and appropriate conditions to address the above matters.

9.2.1 Proposed 2 Hour Parking Restriction – Joel Terrace, East Perth

Ward:	South	Date:	3 February 2009
Precinct:	Banks (P15)	File Ref:	PKG0074
Attachments:	001_002		
Reporting Officer(s):	T Blankenburg		
Checked/Endorsed by:	R Lotznicker	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the introduction of a two (2) hour parking restriction in Joel Terrace; between Bramall Street and Westralia Street;*
- (ii) *DEFERS the introduction of the two (2) hour parking restriction to be in place between 8.00am and 5.30pm, Monday to Friday, as illustrated on attached Plan No. 2638-PP-1;*
- (iii) *RE-EXAMINES the parking situation in Joel Terrace once Western Power has completed the construction of the proposed parking facility at their Joel Terrace facility;*
- (iv) *WRITES to Western Power requesting a formal response stating the expected completion date of their proposed parking facility;*
- (v) *ADVISES the respondents of its decision; and*
- (vi) *RECEIVES a further report on the matter should the need arise.*

COUNCIL DECISION ITEM 9.2.1

Moved Cr Lake, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

Cr Farrell returned to the Chamber at 8.41pm.

Debate ensued.

PROCEDURAL MOTION

Moved Cr Lake, Seconded Cr Maier

That the item be DEFERRED for further consideration.

MOTION PUT AND CARRIED (8-0)

(Cr Burns on approved leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to inform the Council of the outcome of consultation with residents in Joel Terrace to determine the support for the introduction of a two (2) hour parking restriction on both sides of the street between Bramall and Westralia Streets and seek the Council's direction on the introduction of this restriction.

BACKGROUND:

At its Ordinary Meeting of 2 December 2008, the Town received a petition signed by seventeen (17) residents/ratepayers living in Joel Terrace, East Perth, requesting the introduction of a 2 hour parking restriction to be enforced during work hours on weekdays.

DETAILS:

On 7 January 2009, twenty (20) letters were distributed to the residents in the above section of Joel Terrace, requesting them to provide comments regarding the proposed introduction of a two (2) hour parking restriction from Monday to Friday inclusive between 8.00am and 5.30pm.

The consultation letter also included details of the Town's policy on eligibility for exemption from the time restrictions through residential and visitor parking permits.

At the close of the consultation period fifteen (15) responses were received, comprising of twelve (12) from the surveyed properties (60% response) and three (3) responses from nearby properties not included in the surveyed area. The responses to the proposal resulted in eight (8) in favour of the proposal, two (2) in favour of the proposal if implementation is deferred until completion of the Western Power parking facility, and five (5) against. The three (3) responses from properties not included in the survey were against the proposal. A summary of comments received is attached at appendix 9.2.1.

The current parking amenity at this end of Joel Terrace consists of approximately 19 Parking bays between Summers Street and Bramall Street and approximately 21 Parking bays between Bramall and Westralia Streets.

The proposed additional parking facility at the Western Power depot will cater for an additional 31 vehicles. Assuming 20 of the vehicles parked in the street belong to Western Power employees, the removal of these vehicles from the street would ensure at least 50% of the existing parking spaces are available for residents, visitors and other businesses in the street. This would represent an acceptable amenity for residents. If a greater number of vehicles belong to Western Power employees, the removal of these vehicles from the street would result in an even greater amenity for the residents of Joel Terrace.

Should the parking shortfall be created by vehicles attending other premises or commuters heading into Town, this will only be evident once the parking facility at the Western Power depot has been completed.

A representative from Western Power has verbally asked for consideration to be given to the fact that the operations at this facility are an 'essential service' and as such require employees to have access to parking near the facility. Until the new parking facility is built, the required parking shortfall is being met by parking in Joel Terrace.

Further to this conversation, Western Power has submitted a written response to the survey. Their requests include:

- Deferring the implementation of parking restrictions, should they be approved, until January 2010.
- The restrictions only be enforced during normal business hours (Monday to Friday)
- They apply to Joel Terrace, north of Bramall Street but excluding the section in front of Western Power property.

The proposed parking improvement on the Joel Terrace site of the Western Power facility is due for completion in December 2009. After the completion of this facility, it is envisioned that the impact of Western Power on the residents will be reduced.

Consideration should also be given to existing businesses at the southern end of Joel Terrace who also require access to parking for employees and customers.

CONSULTATION/ADVERTISING:

Residents were consulted via a letter drop in relation to the proposed parking restriction in Joel Terrace.

LEGAL/POLICY:

There is no legal consequence of the recommendation.

STRATEGIC IMPLICATIONS:

In accordance with the objective of Strategic Plan 2006-2011 – 1.1.6 Enhance and maintain the Town’s infrastructure to provide a safe, healthy and functional environment. “9e) Review, implement and promote the Car Parking Strategy;

SUSTAINABILITY IMPLICATIONS:

N/A.

FINANCIAL/BUDGET IMPLICATIONS:

Implementing parking restrictions in Joel Terrace will require the manufacture and installation of twelve (12) new signs and will cost approximately \$1,200.00.

COMMENTS:

The majority of respondents were in favour of the proposed introduction of parking restrictions in Joel Terrace between Bramall and Westralia Street. The majority of residents in this section have on site parking facilities for the required number of vehicles and therefore would only be entitled to a maximum of two (2) visitors permits. The properties are also serviced by a recently upgraded rear right of way.

Potentially the majority of usage of parking in this section of Joel Terrace is by employees of Western Power. Once the parking facility at the Western Power property has been upgraded, the majority of parking spaces in Joel Terrace should become available for residents, businesses and their visitors/customers.

Should parking restrictions be introduced in this section, a short term response is the likely shifting of parking to surrounding streets and further along Joel Terrace, which could potentially result in requests for additional parking restrictions in other streets.

For these reasons the Town’s officers recommend deferring any decision on implementing parking restrictions in Joel Terrace until the completion of the additional parking facility at the Western Power site. Once completed, if the majority of vehicles parking on Joel Terrace do indeed turn out to belong to Western Power employees, then parking will open up for residents and businesses without the concern of complying with restricted parking. Should the removal of Western Power vehicles from the street not result in a considerably improved parking amenity, the implementation of restricted parking will be revisited.

9.1.1 Further Report – No. 325 (Lot 251 D/P: 29191) Charles Street, North Perth - Proposed Demolition of Existing Single House and Construction of Two-Storey Mixed Use Development Comprising Offices, Four (4) Single Bedroom Multiple Dwellings and Basement Car Parking

Ward:	North	Date:	30 January 2009
Precinct:	Charles Centre; P7	File Ref:	PRO3222; 5.2007.106.1
Attachments:	001		
Reporting Officer(s):	D Pirone		
Checked/Endorsed by:	H Smith, R Boardman	Amended by:	-

FURTHER OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Rechichi Architects on behalf of the owner Codesign Pty Ltd for proposed Demolition of Existing Single House and Construction of Two-Storey Mixed Use Development Comprising Offices, Four (4) Single Bedroom 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 4 December 2008 and 28 January 2009, subject to the following conditions:

- (i) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
- (ii) an archival documented record of the place(s) 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) 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;*
- (iv) 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;*
- (v) 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;*

- (vi) *prior to the issue of the Building Licence, revised plans shall be submitted and approved demonstrating a bin compound being provided in accordance with the Town's Health Services specifications, divided into commercial and residential areas and sized to contain:-*

One (1) Bedroom Properties

- *General Waste: Half (0.5) Mobile Garbage Bin or equal to 120 litres per units (collected weekly)*
- *Recycle Waste: Half (0.5) Mobile Recycle Bin or equal to 120 litres per unit (collected fortnightly)*

Two (2) or more Bedroom Properties

- *General Waste: One (1) Mobile Garbage Bin or equal to 240 litres per units (collected weekly)*
- *Recycle Waste: One (1) Mobile Recycle Bin or equal to 240 litres per unit (collected fortnightly)*

Commercial Properties

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

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

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

- 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;*
- a maximum of one (1) bedroom and two (2) occupants are permitted in each single bedroom dwelling at any one time;*
- the floor plan layout of each single bedroom dwelling shall be maintained in accordance with the Planning Approval plans; and*
- the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential unit/dwellings. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development.*

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

- (viii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the windows to the bedroom of units 1, 2, 3 and 4 on eastern and western elevations on the first floor and the terraces of unit 3 and 4 on the northern, southern and western elevations within the 7.5 metre cone of vision, being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2008. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of Nos. 323 and 327 Charles Street and Nos. 4-6 Kadina Street stating no objection to the respective proposed privacy encroachments.*

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

- (ix) *The owner(s), or the applicant on behalf of the owner(s), shall comply with the Town of Vincent Percent for Public Art Policy No. 3.5.13 and the Percent for Public Art Guidelines for Developers, including:*

(a) *within twenty – eight (28) days of the issue date of this ‘Approval to Commence Development’, elect to either obtain approval from the Town for an Artist to undertake a Public Art Project (Option 1) or pay the Cash in Lieu Percent for Public Art Contribution, of \$12,000 (Option 2), for the equivalent value of one per cent (1%) of the estimated total cost of the development (\$1,200,000); and*

(b) *in conjunction with the above chosen option;*

(1) *Option 1 –*

prior to the approval and subsequent issue of a Building Licence for the development, obtain approval for the Public Art Project and associated Artist; and

prior to the first occupation of the development, install the approved public art project, and thereafter maintain the art work;

OR

(2) *Option 2 –*

prior to the approval and subsequent issue of a Building Licence for the development or prior to the due date specified in the invoice issued by the Town for the payment (whichever occurs first), pay the above cash-in-lieu contribution amount;

- (x) *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 similar to the existing Charles Street treatment. A refundable footpath upgrading bond and/or bank guarantee of \$2,600 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;*

- (xi) *first obtaining the consent of the owners of Nos. 323 and 327 Charles Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 323 and 327 Charles Street in a good and clean condition;*
- (xii) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (xii) *the doors, windows and adjacent floor areas on the ground floor and first floor fronting Charles Street shall maintain an active and interactive relationship with this street;*
- (xiv) *the total gross floor area of the offices shall be limited to 215 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;*
- (xv) *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;*
- (xvi) *prior to the first occupation of the development, four 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;*
- (xvii) *the on-site car parking area for the offices/non-residential component shall be available for the occupiers and visitors of the residential component outside normal business hours;*
- (xiii) *the car parking area shown for the offices/non-residential component shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;*
- (xix) *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;*
- (xx) *detailed plans basement parking, including identification of pavement type, drainage and parking shall be submitted with the Building Licence application. Disabled bay to be relocated as directed by Technical Services. Ramp and upper bays to be re-graded to the satisfaction of Technical Services;*
- (xxi) *the proposed vehicular entry gate adjacent to the car parking area and Charles Street shall either be open at all times or suitable management measures shall be implemented to ensure access is available for visitors for the commercial and residential tenancies at all times. Details of the management measures shall be submitted to and approved by the Town prior to the first occupation of the development;*
- (xxii) *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 of the development. Details of the design and layout of the bicycle parking facility shall be submitted and approved prior to the installation of such facility;*

- (xxiii) *prior to the first occupation of the development, each multiple dwelling shall be provided with a screened outdoor area for clothes drying or clothes tumbler dryer;*
- (xxiv) *any new street/front wall, fence and gate within the Charles Street setback area, including along the side boundaries within this street setback area, shall comply with the following:*
- (a) *the maximum height being 1.8 metres above the adjacent footpath level;*
 - (b) *the maximum height of piers with decorative capping being 2.0 metres above the adjacent footpath level;*
 - (c) *the maximum height of the solid portion of the wall being 1.2 metres above the adjacent footpath level, and a minimum of fifty percent visually permeable above 1.2 metres;*
 - (d) *the piers having a maximum width of 355 millimetres and a maximum diameter of 500 millimetres;*
 - (e) *the distance between piers should not be less than the height of the piers except where pedestrian gates are proposed;*
 - (f) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level; and*
 - (g) *the solid portion adjacent to the Charles Street boundary from the above truncation(s) can increase to a maximum height of 1.8 metres above adjacent footpath level provided that the wall or fence has at least two (2) significant appropriate design features (as determined by the Town of Vincent) to reduce the visual impact – for example, 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; and*
- (xxv) *power shall be relocated underground for the entire frontage of the development lot, and all costs associated with the relocation of power and relocation of the street light shall be borne by the developer. The Developer is to liaise with Western Power to obtain quotes and carry out the required work.*

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

COUNCIL DECISION ITEM 9.1.1

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

Cr Doran-Wu departed the Chamber at 8.42pm.

Debate ensued.

MOTION PUT AND CARRIED (7-0)

(Cr Burns on approved leave of absence. Cr Doran-Wu was absent from the Chamber.)

ADDITIONAL INFORMATION:

Due to the slight decrease in floor area for the office component of the development, a reassessment of the required commercial car parking is provided as follows.

FURTHER REPORT:

The Council considered a proposal for demolition of existing single house and construction of two-storey with loft mixed use development comprising offices, four (4) multiple dwellings and basement car parking at its Ordinary Meeting held on 9 October 2007 and resolved as follows:

“That the item be DEFERRED for further consideration by the Town’s Officers, and possible intensifications of the site.”

The Town’s Officers originally recommended refusal for the subject development based on the non-compliance with the density, car parking, plot ratio and setback requirements of the Residential Design Codes and the Town’s Policies relating to Non-Residential and Residential Development Interface and Parking and Access.

The previous proposal illustrated four multiple dwellings with only one car parking bay per dwelling. In order for the proposal to comply with the car parking requirements of the R Codes, the applicant proposed that car stackers be included within the development for the residential car parking component of the development. The Town’s Technical Services and Planning Services Officers were of the view that not enough information was provided to the Town to be able to support car stackers within this development. The Council at its Ordinary Meeting held on 9 October 2007, discussed the possibility of creating a policy relating to car stackers and hence the application was deferred.

The Town’s Strategic Planning Officers advised the applicant in a letter dated 28 November 2007 of the concerns that the Town has in relation to car stackers. These concerns included:

- *“The lack of a comprehensive management plan, including provisions in the case of power failures, breakdowns, availability of spare parts, qualified repairers, noise management and long term maintenance support;*
- *The lack of identification of occupational health and safety issues, including how users would be trained in the safe use/operation of the system;*
- *Liability aspect in terms of injury/accident as a result of the system;*
- *The impact that such a system would have on the amenity of adjoining properties and residents in terms of noise etc;*
- *The definition of short term and long term car parking, as it is likely that both types of vehicles using the device would use it frequently;*
- *The operating life of the system and the measures that may be taken to replace the system at the end of its useful life. If the system cannot be renewed the result may potentially be a shortfall of car parking for the property;*
- *The impact on on-street car parking within the area as a result of vehicles not using the system due to complexity/perception and inconvenience. An increase in on-street parking may also unduly impact on the amenity of surrounding properties and residents; and*
- *The impact on queuing lengths as a result of the operation of the stackers blocking access to the car park for other vehicles.”*

Subsequent to this letter being sent, the Applicant requested that the application be put on hold until a management plan addressing the above concerns could be submitted to the Town.

The Applicant's management plan states the following:

- *“The plan outlines the benefits of the car staking system and safeguards against any perceived future adverse outcomes with regards to reliability of the system. In order to ensure the ongoing continuity of such reliability a maintenance contract between the owners of each apartment and the manufacturer could be imposed and that upon transfer of ownership of property, transfer of the maintenance contract shall also take effect contemporaneously.*
- *With regard to any public liability aspects of the system the onus shall be placed on the proprietor under common law which shall be transferred to any subsequent owner. Accordingly, no liability could be transferred onto the Town in case of an incident or accident. Further, the Town may seek to further safeguard its position by imposing a liability clause in its conditions of approval to effect acknowledgement of the same on the certificate of title in much in the same manner as it currently imposes upon single bedroom dwellings.*
- *With regard to short term and long term parking issues, in our opinion this concern bears no difference to those issues arising from standard tandem parking arrangements. The car stackers are intended for the sole use of the apartment dwellers and not for any occupants of commercial space whose parking spaces shall be separately allocated in the basement. In that regard those parking issues ought to be viewed in the same light as any tandem parking arrangement. In any case the enclosed management plan and manufacturers addresses all issues with regard to car queuing times and as such allays the need to question whether any of short term/long term parking arrangements may become necessary.*
- *With regards to the noise rating of the system please also find attached a copy of the acoustic engineer's report which we believe satisfies and allays all concerns with this regard.*
- *With regards to the operating life of the system and the measures that maybe taken to replace the system at the end of its useful life, we believe that with a regular maintenance and upkeep contract in place the system ought to come to the end of its useful life only when the building ceases to exist.*
- *The manufacturer is a trusted reputable company and the product is engineered and fabricated in Germany and has been successfully and widely used in all parts of Europe for in excess of 30 years. In that regard, we believe that the system cannot be considered as a new and/or untested product.”*

The Town's Technical Services, Strategic and Statutory Planning Services Officers have considered the subject application and the Applicant's submission relating to the proposed car stackers. The Town's Officers resolved that car stackers are extremely inappropriate for this development for the following reasons:

- The car spaces are not wide enough to fit a car stacker;
- There is no waiting bay for cars driving in, whilst a car stacker is opening;
- Cars could bank up onto Charles Street;
- There is not enough room to manoeuvre in and out of the car stacker;
- How could the residents obtain their cars during a power failure or if the machine was to break down?; and
- Are the parts to car stacker (in the event of a break down) easily accessible? Or do they need to be delivered from the eastern states or overseas?

In light of the above, the Applicant submitted amended plans and the key changes are listed below:

- The lofts have been deleted from the proposal, hence reducing the dwellings to single bedroom dwellings requiring only one car bay;
- The balcony on the Charles Street elevation has been setback so it is completely within the property;
- The car stackers have been deleted from the proposal; and
- A reassessment of the application revealed that landscaping is not required in this instance as the application is for a mixed use development; therefore, this variation has been removed from the Assessment Table.

The application was not required to be re-advertised as the amended proposal demonstrates fewer and no new variations than the previously advertised proposal.

Due to the extended period of time for this application, it was considered necessary that the Heritage Officers revisit the assessment of the demolition of the existing single house.

Preliminary investigations undertaken indicated that a full heritage assessment was not considered necessary for the proposed demolition of the subject place at No. 325 Charles Street.

The subject place was constructed circa 1920 during the Inter-War period of development in Perth. The single storey brick and tile dwelling features a front facing gable and a hipped roof clad with tiles. To the front of the dwelling, the windows are in configurations of three casements. While some of the original features remain intact, it is not considered that these features alone justify the retention of the house or qualify the place for consideration for entrance into the Town's Municipal Heritage Inventory. The place is not rare and is considered to be of little aesthetic, historic, scientific and social value.

Further Assessment Table

****Note: The following Further Assessment Table was corrected and distributed prior to the meeting. Changes are indicated by strike through and underline.***

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	4.06 single bedroom dwellings at R 80	4 single bedroom dwellings	Noted – no variation.
Plot Ratio	1.0 or 339 square metres	0.69 or 233 square metres	Noted – no variation.
Single Bedroom Dwelling Plot Ratio	60 square metres	Unit 1 = 56 square metres Unit 2 = 59 square metres Unit 3 = 59 square metres Unit 4 = 59 square metres	Noted – no variation.

Number of Storeys:	Two-storeys, Three-storeys can be considered	Two storeys plus basement	Supported- not considered to have an undue impact on streetscape and area in general and no objections received on the previous proposal.
Building Setbacks: -West	6.0 metres	Nil to the wall of the office on the ground floor and to the terrace on the upper floor, and 1.5 metres to the wall of unit 3 and 4 on the first floor.	Supported – no objections were received from the subject affected neighbouring properties on the previous proposal, and there is a narrow lot (Lot 254) behind the subject property, with a width of 1.33 metres.
Car Parking- Commercial Component			
<u>Car parking requirement (nearest whole number)</u> <u>Office (206 square metres) – 4.12 car bays</u>		<u>4 car bays</u>	
<u>Apply the adjustment factors.</u> <ul style="list-style-type: none"> • <u>0.85 (within 400 metres of a bus stop)</u> • <u>0.95 (within 400 metres of a car park with excess of 25 car parking spaces)</u> • <u>0.80 (contains mix of uses, with at least 45 per cent of gross floor area being residential)</u> • <u>0.90 ('end of trip' facilities)</u> 		<u>(0.5814)</u> <u>2.32 car bays</u>	
<u>Minus the car parking provided on-site for commercial component</u>		<u>2 car bays</u>	
<u>Minus the most recently approved on-site car parking shortfall</u>		<u>Not applicable as proposal is to redevelop a vacant site.</u>	
<u>Resultant shortfall</u>		<u>0.32 car bay</u>	
Bicycle Parking Facilities			
<u>Office</u> <ul style="list-style-type: none"> • <u>1 per 200 square metres gross floor area for employees (class 1 or 2) - 1.03 spaces</u> • <u>1 space per 750 square metres over 1000 square metres for visitors (class 3) - nil</u> <u>Bicycle Parking facilities are proposed to be provided in the basement.</u>			

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

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 9 October 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 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.

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

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:

<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>2.7 dwellings R 80</i>	<i>4 dwellings R 118 47 per cent density bonus</i>	<i>Not supported- overdevelopment of the site in this instance.</i>
<i>Plot Ratio</i>	<i>1.0 - 339 square metres</i>	<i>1.06- 359 square metres</i>	<i>Not supported- overdevelopment of site and opportunity to comply as site will be vacant.</i>
<i>Height</i>	<i>Two storeys, third can be considered</i>	<i>Two storeys plus basement and loft</i>	<i>Supported- not considered to have an undue impact on streetscape and area in general and no objections received.</i>
<i>Setbacks - west</i>	<i>6.0 metres</i>	<i>Nil (offices and terraces)- 1.5 metres (main building of dwellings), plus 1.33 metres of Lot 254</i>	<i>Not supported- undue impact on neighbours.</i>
<i>Landscaping</i>	<i>10 per cent</i>	<i>3.66 per cent</i>	<i>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.</i>
<i>Car Parking</i>	<i>7 car bays</i>	<i>4 car bays plus 2 reciprocal car bays available. Refer to Technical Services comments in relation to 'car stacker'</i>	<i>Not supported - inadequate car parking facilities provided for the development.</i>
<i>Consultation Submissions</i>			
<i>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.</i>			
<i>Support</i>	<i>Nil</i>		<i>Noted.</i>
<i>Objection</i>	<i>Nil</i>		<i>Noted.</i>

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."

9.1.5 Nos. 5 and 9 (Lots 24-28 D/P: 2001) Joel Terrace, Corner Summers Street, East Perth - Proposed Demolition of Existing Commercial Building and Upgrade and Extension of Existing Public Utility (Electrical Substation)

Ward:	South	Date:	2 February 2009
Precinct:	Banks; P15	File Ref:	PRO4614 5.2008.540.1
Attachments:	001 , 002		
Reporting Officer(s):	S Kendall, H Au		
Checked/Endorsed by:	H Smith, 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 APPROVAL to the Western Australian Planning Commission for the application submitted by C Leach on behalf of the owner Electricity Networks Corporation for proposed Demolition of Existing Commercial Building and Upgrade and Extension of Existing Public Utility (Electrical Substation), at Nos. 5 and 9 (Lots 24-28 D/P: 2001) Joel Terrace, corner Summers Street, East Perth, and as shown on plans stamp-dated 21 November 2008, subject to the following conditions:

- (1) (i) *a minimum of 14 days before the commencement of works for the development, a Construction Management Plan addressing noise, hours of construction, parking of trade person vehicles, footpath access, traffic and heavy vehicle access via Joel Terrace and Summers Street, dust and any other appropriate matters, shall be submitted to and approved by the Town;*
- (ii) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
- (iii) *prior to the first use of the upgraded facility, the subject land shall be amalgamated into one lot on Certificate of Title; OR alternatively, 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 commencement of works. All costs associated with this condition shall be borne by the applicant/owner(s);*
- (iv) *no development shall occur within 1 metre of the western boundary of Nos. 5 - 9 Joel Terrace, East Perth as a 1 metre wide Right of Way widening will be a requirement of the Town for the above amalgamation;*
- (v) *the proposed 'Switch House' shall not be closer to the Joel Terrace boundary than the adjacent existing 'Switch House';*

- (vi) *the proposed extension of the chain link and barbed wire fence be deleted from the proposal and further consideration be given to a fencing solution that improves the interface of the facility with the streetscape;*
- (vii) *the following additional requirements shall be complied with:*
 - (a) *a Road and Verge security bond or bank guarantee of \$2000 shall be lodged, by the builder, with the Town prior to the commencement of works and be held until all building/development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired/reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing. This bond is non-transferable;*
 - (b) *detailed plans of site works, including identification of pavement type, drainage and parking shall be submitted prior to the commencement of works;*
 - (c) *the Town accepts no liability for the cost of relocating any services that may be required as a consequence of this development. The applicant/owner(s) shall ensure that all services are identified prior to the commencement of works and that the cost of any service relocations is to be borne by the applicant/owner(s);*
 - (d) *all pedestrian access and vehicle driveway/crossover levels shall match into existing verge, footpath and ROW levels;*
 - (e) *prior to the 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/owner(s)' full expense;*
 - (f) *the movement of all path users, with or without disabilities, within the road reserve shall not be impeded during building works. The area shall be maintained in a safe and trafficable condition and a continuous path of travel (minimum width of 1.5 metres) shall be maintained for all users at all times during construction works. If the safety of the path is compromised by either construction damage or a temporary obstruction then appropriate warning signs (in accordance with AS1742.3) are to be erected. If a continuous path cannot be maintained, temporary pedestrian facilities suitable for all users shall be installed. Prior approval must be obtained from the Town's Technical Services Division if scaffolding, site fencing or the like is to be erected, or building materials stored, within the road reserve; and*
 - (g) *standard visual truncations, in accordance with the Town's policy and/or to the satisfaction to the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular accessways to ensure that the safety of pedestrians and other road users is not compromised. Details of all required visual truncations shall be included on final drawings and submitted to and endorsed by the Town prior to the commencement of works; and*

- (2) *the Council AUTHORISES the Chief Executive Officer to write to the Minister for Energy and Training and Western Power to advise that this approval should not be construed as a precedent for future increases in electricity generating capacity in this location and that alternative means of increasing capacity should be investigated.*

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

COUNCIL DECISION ITEM 9.1.5

Moved Cr Farrell, Seconded Cr Lake

That the recommendation be adopted.

Cr Doran-Wu returned to the Chamber at 8.45pm.

Debate ensued.

AMENDMENT

Moved Cr Farrell, Seconded Cr Ker

That a new clause (vii)(h) be inserted as follows:

“(vii)(h) that the applicant put in place screening to obscure the installed infrastructure to the satisfaction of the Town;”

Debate ensued.

AMENDMENT PUT AND CARRIED (8-0)

(Cr Burns on approved leave of absence.)

Debate ensued.

MOTION AS AMENDED PUT AND LOST (3-5)

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

(Cr Burns on approved leave of absence.)

REASONS FOR REFUSAL:

1. Proposal is not in line with what is planned with the property.
2. Proposal will further increase traffic and industrial component of the area.
3. It will decrease the amenity of residents in the area.
4. It is considered visually obtrusive.
5. Considered a poor use for land so close to a train station.

Landowner:	Electricity Networks Corporation
Applicant:	C Leach
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Commercial
Existing Land Use:	Lot 28 D/P: 2001 - Office Building Lots 24 -27 D/P: 2001 - Public Utilities
Use Class:	Public Utilities
Use Classification:	"AA"
Lot Area:	2430 square metres
Access to Right of Way	Western side, four metres wide, sealed, privately owned

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves the upgrading of Western Power's Joel Terrace substation. The applicant has advised that this upgrade is required to meet the increased demand for electricity in the East Perth area. The main works involved in this upgrade involve:

- The demolition of No. 9 Joel Terrace.
- Extension of the existing boundary fence to enclose No. 9 Joel Terrace.
- Construction of two brick control rooms.
- Installation of 132/11kV transformer.

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

Planning Bulletin No. 94 relating to Approval Requirements for Public Works and Development by Public Authorities states that *'the Electricity Networks Corporation (Western Power) and the Regional Power Corporation are not required to comply with the provisions of an interim development order or a local planning scheme when undertaking works for the extension, expansion or enhancement of an electricity distribution or transmission system.'*

Notwithstanding the above, the Electricity Networks Corporation (Western Power) are still required to comply with the requirements of the Metropolitan Region Scheme, and have regard to the purpose and intent of the local planning scheme and the principles of proper and orderly planning and the amenity of an area.

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.
Banks Precinct -			
Building Setbacks	To be setback from the street alignment such distance as is generally consistent with the buildings setback on the adjoining land and in the immediate locality.	Proposed ' <i>Switch House</i> ' set approximately 1.2 metres in front of existing ' <i>Switch House</i> ' fronting Joel Terrace.	Not Supported - considered to have an undue impact on the streetscape and an increased setback has been made as a recommended condition of approval.

<p>Town of Vincent Fencing Local Law</p>	<p>No barbed wire or other material with spiked or jagged projections, unless the approval of the local government has been obtained.</p> <p>A fence constructed of chain mesh or steel mesh to a height of no greater than 2400 millimetres</p>	<p>Extension of existing chain link fence and barbed wire.</p> <p>A total height of 3.01 metres, inclusive of barbed wire.</p>	<p>Not supported - it is noted that there is a real need for a sufficient fence to ensure the 'live equipment' contained within the site is secured and not easily accessible. However, it is considered that the current proposal appears 'institutional', when considering its prominent location near the river foreshore and residential properties. It is recommended that the fence not be approved as part of this application and a further fencing solution be considered to improve the interface and aesthetics of this facility.</p>
<p>Consultation Submissions</p>			
<p>Support</p>	<p>Nil</p>		<p>Noted.</p>
<p>Objection (1)</p>	<ul style="list-style-type: none"> ▪ The switch house should be in alignment with the existing switch house. ▪ The proposed use is not in accordance with the current zoning of 'commercial/residential'. ▪ The moving of high current devices closer to the nearby residential buildings increases electromagnetic radiation exposure to the occupants of these surrounding residences. 		<p>Supported - alignment of the two switch houses is recommended as a condition of approval.</p> <p>Not Supported - the subject land and the land immediately surrounding the subject property, up to Bramall Street is zoned Commercial not Residential/Commercial. Historically this area has been associated with the generation of power and the proposed upgrade and minor extension is required to ensure the supply of a safe, reliable and efficient power supply to the East Perth area.</p> <p>Noted - Western Power has advised that it designs and operates all its plant and facilities to comply with the guideline for human exposure to power frequency EMF as recommended by the Australian National Health and Medical Research Committee. This guideline</p>

		is currently administered by the Australian Radiation Protection and Nuclear Safety Agency, an agency of the Commonwealth Department of Health charged with the responsibility for developing safety standards associated with electromagnetic radiation, and electric and magnetic fields.
Other Implications		
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications		Nil
Sustainability Implications		Nil
Financial/Budget Implications		Nil

* The 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.

Heritage

The subject dwelling at No. 9 Joel Terrace, East Perth is an example of brick and tile Federation Style Bungalow constructed circa 1914. A full heritage assessment, which is contained as an attachment to this report, was undertaken for No. 9 Joel Terrace, East Perth and indicates that the place has little aesthetic, historic, scientific or social heritage significance. In accordance with the Town's Policy relating to Heritage Management – Assessment, the place does not meet the threshold for entry on the Town's Municipal Heritage Inventory.

In light of the above, it is considered that approval should be granted for demolition subject to standard and appropriate conditions. It is to be noted that Western Power is not required to obtain a Building Licence or Demolition Licence from the Town for the works.

Summary

As noted above, this area has historically been associated with the generation of power. Given this and the need for the proposed upgrade and extension to ensure the supply of a safe, reliable and efficient power supply to the East Perth area, the application is being recommended for approval to the Western Australian Planning Commission (WAPC) subject to conditions to address the above matters and Technical Services requirements.

9.1.4 Further Report - East Perth Redevelopment Authority – Draft East Perth Redevelopment Scheme No. 2 - Stakeholder Consultation

Ward:	-	Date:	2 February 2009
Precinct:	-	File Ref:	PLA0022
Attachments:	001		
Reporting Officer(s):	A Fox		
Checked/Endorsed by:	H Smith, R Boardman	Amended by:	-

FURTHER OFFICER RECOMMENDATION:

That the Council;

- (i) *ADVISES the East Perth Redevelopment Authority (EPRA) that the Council SUPPORTS IN PRINCIPLE the draft East Perth Redevelopment Scheme No. 2 as ‘Laid on the Table’ and associated documents as shown at Appendix 9.1.4; and*
- (ii) *NOTES the justification provided by the East Perth Redevelopment Authority in relation to the following areas of concern:*
 - (a) *the significant departure from the Model Scheme Text;*
 - (b) *the removal of density and plot ratio provisions; and*
 - (c) *the proposed Development Audit process.*

Moved Cr Farrell, Seconded Cr Youngman

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Youngman, Seconded Cr Ker

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

“(iii) ADVISES the East Perth Redevelopment Authority and the Department of Education and Training of the need to consider primary and secondary education facilities in the plan.”

AMENDMENT PUT AND CARRIED (8-0)

(Cr Burns on approved leave of absence.)

MOTION AS AMENDED PUT AND CARRIED (8-0)

(Cr Burns on approved leave of absence.)

COUNCIL DECISION ITEM 9.1.4

That the Council;

- (i) *ADVISES the East Perth Redevelopment Authority (EPRA) that the Council SUPPORTS IN PRINCIPLE the draft East Perth Redevelopment Scheme No. 2 as ‘Laid on the Table’ and associated documents as shown at Appendix 9.1.4;*

- (ii) *NOTES the justification provided by the East Perth Redevelopment Authority in relation to the following areas of concern:*
- (a) *the significant departure from the Model Scheme Text;*
 - (b) *the removal of density and plot ratio provisions; and*
 - (c) *the proposed Development Audit process; and*
- (iii) *ADVISES the East Perth Redevelopment Authority and the Department of Education and Training of the need to consider primary and secondary education facilities in the plan.*
-

FURTHER REPORT:

On 23 October 2008, the East Perth Redevelopment Authority (EPRA) forwarded their draft EPRA Scheme No. 2 and associated documentation for the Town's review and comment. It should be noted that the draft EPRA Scheme No. 2 is in the stakeholder consultation (State and Local Government) phase only, and has not been publicly advertised at this stage. The Scheme will again be referred to the Town of Vincent for comment during the formal advertising phase.

On 19 January 2009, the draft East Perth Redevelopment Authority Scheme No. 2 was considered by the Council under delegated authority and was not approved. The basis for this decision was to seek further justification and clarification of the following issues:

- (a) the significant departure from the Model Scheme Text;
- (b) the removal of density and plot ratio provision; and
- (c) the proposed Development Audit process.

On 22 January 2009, a briefing session in relation to the draft EPRA Scheme No. 2 was attended by the Town's Council Members, Director Development Services and EPRA representatives. Following this briefing, the Town received an email from EPRA dated 29 January 2009 in which EPRA provided justification and comment in relation to the above issues of concern. EPRA's comments and Officer's responses are detailed as follows:

Departure from the Model Scheme Text (MST):

EPRA's Comments

"The scheme is quite different to the model scheme text. The key reasons for this are:

- *EPRA is not required to conform to the model scheme text.*
- *As stated in the EPRA Act, EPRA's scheme is a Redevelopment Scheme not a Town Planning Scheme and has some different functions to a planning scheme (i.e. promoting redevelopment and urban renewal, as opposed to maintaining the status quo like some local government schemes).*
- *EPRA was given the specific direction from the previous Minister to be 'innovative' and 'leading edge' – we think the MST significantly constrains innovation and in parts is outdated and requires fresh thinking about how statutory planning can facilitate quality development and flexibility/adaptability over time.*

We acknowledge that the departure from the MST may cause some operational concern for local governments, however we hope that you can support our effort to do something better, as we imagine that if other inner city LG's were not bound by the MST that they too would do something more innovative. We hope that industry acceptance of the scheme will over time influence the MST to be updated and improved. If our approach is supported by the Minister it will provide Vincent with some justification for using similar approaches in its new scheme.

With regard to the comment about strategic direction and the use of principles instead of objectives, we have considered these very carefully, looked at interstate & international examples and have had legal advice and are quite confident in them. But we can obtain specific legal advice prior to public advertising on key concerns that you may raise.”

Officer Response

In their comments above, EPRA has addressed the Town’s concerns in relation to the substantial strategic nature of the draft scheme and the significant departure from the Model Scheme Text (MST). It is understood that EPRA, unlike other Local Government Authorities, are not bound by the provisions and constraints of the MST. The Towns’ Officers support EPRA’s comments that the draft Scheme No. 2 will better serve to allow for an innovative approach to development and regeneration within the redevelopment area.

Density & Plot Ratio:

EPRA’s Comments

“Yes the key reason for removing the R-Codes was the previous Minister’s direction. But having considered it carefully we felt on balance it was not an effective inner city mixed use tool and that other controls in our statutory design guidelines (e.g. height, site cover, setbacks, plot ratio) provide more certainty of the built form outcome. We have found that as the majority of our sites allow mixed use an R-Code number does not reflect the intensity of possible development, it reflects dwellings only and not the additional commercial or other development that might be included on the site. We also felt that R-Coding significantly impacts on housing diversity as it results in uniformity of dwelling type & size within a site.

Plot ratio will be used in most areas, through the design guidelines, we find it more holistic and flexible in the DG’s and have had industry support for this approach. Having all built form standards in the one document should provide more clarity.”

Officer Responses

The Town’s Officers were also concerned that the removal of density and plot ratio provisions from Scheme No. 2 may not allow for the certainty and clarity for the East Perth Redevelopment Authority and developers/owners of land within the project areas. In addressing this concern, the EPRA have advised that in weighing up their decision to remove density and plot ratio, they are confident that a better intensity and possible development potential of the predominately mixed use sites within the area that might otherwise be generated if an R Code were stipulated, will be possible. In this regard, the Town’s Officers concur with EPRA’s decision to remove density provisions. In addition, EPRA has reiterated their confidence in the capacity of the Design Guidelines, stating that they have had industry support in the use of the Design Guidelines in controlling built form.

Development Audit Process:

EPRA’s Comments

“EPRA already undertakes a development audit of each site that we sell. We find it a very effective tool to make sure we obtain quality development and that proper finishes and materials are used. Whether or not the process is included in the scheme is certainly still up for discussion, the main reason we have included it is to offer the service to those that don’t buy land from us so that they could get a clearance before selling on a development, and again offers us the ability to ensure every aspect of the development is finished to a high standard. We do intend charging for the service to cover some of the resourcing costs.”

Officer Response

In relation to Officer’s concerns regarding the Development Audit Process, the EPRA has advised that they currently undertake development audits of all land they sell. On reviewing EPRA’s comments in relation to this, the Town’s Officers acknowledge that the Development Audit Process has been and will continue to be an effective quality assurance tool used by EPRA; however, it does impact on timeframes.

Additional Comments:

EPRA's Comments

"EPRA also noted that the first page of the report refers to the public advertising phase of the scheme. This draft of scheme 2 has not been publicly advertised yet, it is in the 'stakeholder' (state & local government) phase only. It might be worth explaining to Council that this stakeholder phase is conducted to get feedback from Vincent before presenting the scheme to the Minister & publicly advertising. We are treating this phase as a genuine consultation effort and are happy to receive as much comments and suggestions as possible in the aim of producing a better scheme. The scheme will be again referred to Vincent for comment in the public advertising phase later this year. You might also like to mention in the report that Vincent has taken part in 2 workshops during the preparation of this draft of the scheme, as there was a question about this at the briefing."

Officer Response

It is noted that the draft EPRA Scheme No. 2 is in the stakeholder consultation phase only and that it has not been formally advertised. The Town of Vincent will have further opportunity to comment once formal advertising has commenced. The Town of Vincent looks forward to a continued dialogue with EPRA in relation to draft EPRA Scheme No. 2.

COMMENTS:

The Town's Officers acknowledge that one of the principal purposes of the East Perth Redevelopment Authority, unlike many other Local Government Authorities is to promote innovative urban renewal and redevelopment; therefore, it is a key objective of EPRA's Scheme No. 2 to facilitate this. It is also acknowledged that the direction of the draft EPRA Scheme No. 2 was in part guided by a Ministerial direction from the previous Minister for Planning and Infrastructure. In this regard, the Town's Officers support the efforts made by EPRA in taking a fresh approach in drafting a new scheme that will assist in the regeneration of the area.

The East Perth Redevelopment Authority in providing the above additional comments in relation to the draft Scheme No. 2 has allayed concerns raised by the Town's Officers as outlined in this report.

In light of the above, it is recommended that the Council advises the East Perth Redevelopment Authority that it supports in Principle the draft East Perth Redevelopment Scheme No. 2.

The following is a verbatim copy of the Minutes of Item 9.1.5 considered by the Council under delegated authority on 19 January 2009 that was NOT APPROVED:

"OFFICER RECOMMENDATION:

That the Council;

- (i) RECEIVES the letter dated 23 October 2008 and associated documentation in relation to the draft East Perth Redevelopment Authority Scheme No. 2, as shown in attachment 001; and*
- (ii) ADVISES the East Perth Redevelopment Authority (EPRA) that the Council SUPPORTS IN PRINCIPLE the draft East Perth Redevelopment Authority Scheme No. 2 as outlined in this report; however, it has some concerns with respect to the following issues:*
 - (a) the significant departure from the Model Scheme Text;*
 - (b) the removal of density and plot ratio provision; and*
 - (c) the proposed Development Audit process.*

PURPOSE OF REPORT:

The purpose of this report is to outline the draft East Perth Redevelopment Scheme No. 2.

DETAILS:

The Town has received a letter dated 23 October 2008 and associated documentation advising that the East Perth Redevelopment Authority (EPRA) resolved to adopt a new Town Planning Scheme No. 2 (Scheme 2) for consultation to stakeholders.

EPRA is now seeking comments on draft Scheme No. 2, with the public comment period ceasing on 19 December 2008. The East Perth Redevelopment Authority have subsequently advised that the consultation period has been extended to 23 February 2009.

The proposed modifications are outlined below:

“Background:

After 16 years of operation in the East Perth Redevelopment Area and 20 amendments, it has been recognised that a review of the EPRD Scheme (Scheme 1) is timely. In this regard, substantial work has been undertaken since late 2007 to review EPRA’s current Scheme 1 and to prepare a fully revised Scheme 2. This work has included internal and external stakeholder and industry workshops; thorough research and analysis; and collaboration with several consultants from a variety of disciplines.

Aims and objectives:

The new Scheme 2 project has taken a fresh approach to Scheme drafting in an effort to produce a planning tool that sets a new standard for statutory planning and exemplifies EPRA’s role as an industry leader.

Preparation of the draft document has been guided by the following objectives:

- Innovation: To enable the outcomes-focused and performance-based approach to planning, and to challenge the real and perceived barriers in the planning system.*
- Adaptability and longevity: The Scheme will be ‘future focused’, its context and structure aim to allow it to be a responsive document, adaptable to changing planning and market trends and allow the inclusion and normalisation of projects over time.*
- Principles based: To move away from the ‘shopping list’ approach of Scheme objectives and ensure that what the Scheme stands for is clearly achievable through its content.*
- Intrinsic Sustainability: Ensuring that every element of the Scheme as a document contributes to the sustainability, starting from the Scheme vision and principles, to the powers and requirements of the Scheme, to the accessibility of the document itself.*
- Inner City Focus: Responding to the changing nature of Perth by designing a Scheme that specifically supports urbanity, flexibility, vitality and the unique market factors that influence the inner city.*
- User Friendly: considering all opportunities to make the planning system easier for a range of users to understand access, navigate and communicate, while ensuring the statutory and legal integrity of the document.*
- Engagement: The process to develop the Scheme demonstrates a commitment to meaningful stakeholder and expert input, extending beyond traditional consultation, to ‘engagement’ of stakeholders.*

Key Improvements:

In addition to the above general objectives, the following key improvements on the EPRA Scheme 1 were also sought:

- *Improved clarity and alignment between the function and role of the Scheme and other planning and non-planning documents, including EPRA's strategic direction.*
- *Articulating/raising the expectation of quality development, whilst allowing a flexible framework to achieve this.*
- *Recognising the strategic direction provided by EPRA's master plans.*
- *Responding to changing issues and pressures around land use in the inner city.*
- *Greater emphasis on amenity and development of the public realm.*
- *Increased transparency and clarity of process for Development Applications.*
- *Inclusion and expansion of development related processes (e.g. structure planning).*
- *Stronger incorporation of stakeholder and public consultation.*
- *An improved development contributions system.*

Planning Framework Review:

Development of the new Scheme necessitated a full review of EPRA's planning framework, to ensure that an up to date and cohesive planning framework is in place when Scheme 2 is gazetted.

The following changes to EPRA's planning framework are currently being undertaken to support the successful implementation of Scheme 2:

Amendment of EPRA's Regulations

The system proposed to be established with Scheme 2 involves application of the East Perth Redevelopment Regulations and Development Policy to set out what requires development approval. It is proposed to amend the Regulations to extend the list of works and activities that do not constitute development and do not require approval. This revised list is also included in Scheme 2.

The regulations will also be amended to update development applications and other planning fees.

Policy Review

A full review of the policies adopted under the Scheme is currently being undertaken. The policy review proposes to delete, review and amend policies as appropriate to produce a concise set of development policies that provide detailed guidance on the key priorities of development assessment. The revised development policy set will be provided for stakeholders comment during the public advertising period of Scheme 2.

Built Form Controls and Design Guideline Amendments

The new Scheme 2 does not include any built form controls. Previously, built form control has been split between Scheme 1 (density coding and plot ratio) and Design Guidelines (height, site cover and setbacks). To ensure a more holistic approach to built form control, all built form controls will now be with the Design Guidelines, as these documents provide for detailed, flexible, performance based design standards that can be developed for each area on a place-based merit approach.

Public Realm

- *In response to internal and external workshops held prior to the preparation of the revised Scheme, Scheme 2 will place greater focus on the importance of the amenity of the public realm.*
- *EPRA has placed greater focus on controlling the appearance, function and amenity of the public realm, both in terms of development on private land affects the public realm and also control of development on public land, such as streets and open space.*
- *Scheme 2 has addressed public realm in the Scheme Principles and in specific provisions in the Land Use and Development chapters.*
- *It is intended that with the introduction of Scheme 2, EPRA will enforce its ability to require Development Applications for all new development on public land. Further work is required to enable this, including consultation with local governments and service providers.*
- *The planning framework review and Scheme2 work has highlighted the potential need for Design Guidelines of a design development manual for the public realm.*

Layout and Readability

- *The Scheme has been amended to improve the readability and layout to ensure that the document is easier to access and understand.*
- *Work is ongoing to develop a contemporary and functional layout for the document.*
- *This will include the use of non-statutory content alongside the Scheme Text to provide notes, definitions, images and examples to support the reader's understanding of the Scheme Text and EPRA's planning framework.*

Scheme Content:

The new Scheme has a completely revised structure and includes a number of new chapters which are designed to set out the strategic direction of EPRA as an organisation in a planning context, and improve EPRA's function as a regulatory body.

The structure of Scheme 2 is as follows:

User Guide

Chapter 1 – The Vision

Chapter 2 – Scheme Principles

Chapter 3 – Project Areas

Chapter 4 – Land Use

Chapter 5 – Development

Chapter 6 – Heritage and Community Assets

Chapter 7 – Development contributions

Chapter 8 – Administration

Chapter 9 - Appendices

User Guide

A non-statutory user guide had been developed as a preface to the Scheme Text. The user guide gives some background to how EPRA is, explains EPRA's planning framework and how the Scheme fits into this framework.

Chapter 1 - The Vision

The Scheme begins with a description of EPRA's vision for the Redevelopment Area, based on the sustainable urban renewal of inner city project areas to deliver high quality lifestyle choices. The Vision chapter sets out how the Scheme, as a key document of the Authority, assists in delivering this vision by facilitating sustainable development and improved social, economic, environmental, urban design and governance outcomes.

Chapter 2 – Scheme Principles

The Scheme principles replace the traditional Scheme Objectives found in WA redevelopment and town planning schemes. The use of principles was considered important to set out the core beliefs and requirements of the Authority regarding how sustainable urban renewal can and should be achieved. Considerable research, workshopping and discussion has gone into identifying the appropriate principles that articulate sustainable urban renewal.

Chapter 2 sets out the following six principles, explains their meaning, and demonstrates how they can be applied in practice:

- *Places for people*
- *Critical mass*
- *Quality design*
- *Diversity*
- *Connectivity*
- *Environmental integrity*

Chapter 3 – Projects area chapter

The Project Areas chapter places a focus on the uniqueness and direction of each of EPRA's project areas. The chapter details:

- *The vision for each project area;*
- *The intent for each precinct within that project; and*
- *A map of each project area.*

The content of this area has been based largely on the vision and objectives of the individual project master plans. This is a key improvement on the Scheme where master plans did not have any relationship, strategic or statutory, with the Scheme. The chapter is set out to allow for the easy addition or removal of project areas over the lifetime of the Scheme.

Chapter 4 – Land Use

Scheme 2 has carried over the successful preferred and contemplated land use system which was first established in Western Australia by EPRA's Scheme 1. The categories and defined uses have been fully reviewed to ensure the Scheme is equipped for current and future market trends and inner urban needs.

The key improvements to the land use systems in Scheme 2 are:

Land Use Category Descriptions and Objectives: A description of each of the seven land use categories has been provided to assist in decision making and classification of undefined uses. A set of specific objectives are also provided for each category, to provide greater guidance in development assessment and conditions of approval.

Cultural and Creative Industry category: a new category has been created to facilitate EPRA's support for creative industry, including newly defined creativity and cultural based land uses e.g. Artist Studio.

Dining and Entertainment category: a new category has been created to bring together entertainment land uses and include new uses created by legislation such as Small Bar and Sexual Services Business. The category separates the potentially higher impact uses related to or affected by alcohol service, late night trading and patron behaviour, from other commercial land uses.

Residential category: the residential land use category has been divided into two parts to distinguish between permanent residential and transient residential uses. This will assist with managing the different impacts of different types of residential development.

Chapter 5 – Development

The development chapter presents a substantially revised approach to the management and control of development. The chapter is carefully set out to follow the full development process managed by EPRA as a planning authority and will provide greater guidance as well as enhances user friendliness on the development process.

The core elements of this chapter include:

- *Establishing a level of assessment system comprised of four levels.*
- *Defining a system that uses EPRA's Regulations and policy to exclude a greater number of minor activities from requiring approval.*
- *Establishing a direct link between EPRA's principles and development assessment.*
- *Revising application timelines based on level of assessment and including a 'stop the clock' mechanism when seeking information from applications to support proposals.*
- *Refining a detailed public advertising process for applications.*
- *Including a list of matters that guides the application of conditions of approval.*
- *Including a list of potential reasons for refusal of an application.*
- *Providing greater guidance on In-Principle Applications.*
- *Formalising the Working Drawings process.*
- *Formalising the Development Audit process.*
- *Introducing the ability to require Structure Plans to be prepared.*

Chapter 6 – Heritage and Community Assets

The chapter sets out provisions relating to heritage properties, particularly the process and importance of EPRA's Heritage Inventory. The chapter also establishes the opportunity for the future preparation of a Community Asset Register. The register would function in a manner similar to the Heritage Inventory but would include non-heritage assets of high social value such as trees or landscape features, community facilities or public art.

This approach aims to centralise information regarding heritage matters in the Scheme. The community assets content is compatible with heritage objectives and is also an extension of the public realm via the planning system.

Chapter 7 – Development contributions

This chapter has been written to allow a clear, consistent and transparent approach to obtaining financial or in-kind contributions from land owners towards the cost of infrastructure provision. It has been based on the recently released draft State Planning Policy 3.6 Development Contributions by the Western Australian Planning Commission, yet adapted for EPRA's aims in relation to contributions from private landowners.

Chapter 8 – Administration

The administration chapter provides direction regarding the administration of:

- *Development applications.*
- *The right of review on discretionary decisions.*
- *Processes related to decisions required to be made by the Minister.*
- *Processes regarding land matter, such as subdivision.*
- *The development of planning documents such as development policies and Design Guidelines.*

While revised for improved clarity, these provisions are substantially the same as Scheme 1.

Chapter 9 – Appendices

- *The Scheme Map.*
- *Interpretations of words, titles documents.*
- *Forms.*

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

East Perth Redevelopment Scheme (Scheme 1) and associated Policies review.

STRATEGIC IMPLICATIONS:

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

“Objective 1.1 Improve and maintain environment and infrastructure

1.1.4 Minimise negative impacts on the community and environment.”

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

SUSTAINABILITY IMPLICATIONS:

It is considered that the proposed draft East Perth Redevelopment Scheme No. 2 will direct future development to occur in a manner that meets the community's changing needs through the provision of a range of housing types and employment choices consistent with transit-oriented design principles.

COMMENTS:

The East Perth Redevelopment Scheme 1 was gazetted in 1992 and has since been administered by the East Perth Redevelopment Authority (EPRA). After 16 years of operation in the East Perth Redevelopment Area and 20 amendments, it was recognised that a review of the EPRA Scheme (Scheme 1) was appropriate.

The Scheme Review was initiated with the intent to review the existing Scheme and its relevance to modern day planning principles and practices. In addition, the review sought to re-align the scheme provisions with the additional land areas that have come under EPRA's jurisdiction since the original East Perth Redevelopment Scheme was promulgated, to make it more applicable.

The EPRA engaged a consultant to undertake the Scheme Review. The Consultants brief included a review of the number of precincts and determination on their necessity, the identification of any repetition within the Scheme and a review of the area of original jurisdiction to which the Scheme applied and determined the need to expand this area, to envelope the additional precincts that have been created since the Scheme's promulgation. In addition, the Consultant was requested to identify any problems with the existing scheme and make recommendations on how these could be addressed.

In 2006, the Town was given the opportunity to review the draft Scheme 2. At its Ordinary Meeting held on 28 March 2006, the Council resolved to:

- (i) RECEIVES this report and the letter dated 20 February 2006 and associated documentation in relation to the Draft East Perth Redevelopment Scheme No. 2, as shown in Attachment 10.1.18; and*
- (ii) ADVISES the East Perth Redevelopment Authority (EPRA) that the Council has NO OBJECTION to the proposed changes outlined in the documentation provided in relation to Draft East Perth Redevelopment Scheme No. 2, subject to the following matters being addressed as part of the final review:*
 - (a) consideration being given to the zoning and development of areas within the Town of Vincent which abut the East Perth Redevelopment Authority land, to ensure complementary development outcomes; and*
 - (b) the outcomes of the Town's Vincent Vision 2024 Community Visioning project, in particular, the Perth and Leederville 2024 Vision Reports, be taken into consideration for those areas which abut the EPRA land.*

Following this, substantial work has been undertaken since late 2007 to review EPRA's current Scheme 1 and to prepare a fully revised Scheme 2. This work has included internal and external stakeholder and industry workshops; thorough research and analysis; and collaboration with several consultants from a variety of disciplines. This has resulted in a complete review; rethink and redrafting of Scheme 2 to produce what is intended to be a more user friendly scheme.

There have been a number of changes as outlined in the details section of this report. These proposed changes, relate predominantly to the extent of application of the Residential Design Codes and to the layout and format of the draft Scheme.

On reviewing the draft Scheme, the Town's Officers consider that the general strategic principles, particularly in relation to the provision of housing choice, transit oriented design, sustainability principles, accessibility and integration are consistent with the strategic objectives of the Town. While the Town's Officers support in principle the draft EPRA Scheme No. 2, there are a number of issues of concern that the Town's Officers consider should be further addressed by the East Perth Redevelopment Authority prior to the Town fully supporting the draft Scheme 2. These issues relate to the following areas:

Significant departure from the Model Scheme Text

While the Town's Officer's acknowledged that the EPRA's Scheme 2 sits under the Redevelopment Act, there is some concern that the amended draft Scheme 2 shows significant departure from the Model Scheme Text provisions. Officers concerns relate directly to the strategic content of the draft Scheme 2. In this regard, it is acknowledged that planning schemes must have a sound strategic basis; however, the Town's Officers question the appropriateness of the inclusion of strategic content to a degree that differs significantly from the provisions of the Model Scheme Text.

Additionally, the Town's Officers note that the EPRA in its draft Scheme 2 has referred to its 'Scheme Objectives' as 'Scheme Principles'. Concerns in this regard relate to the issue that this change in name is not consistent with the Model Scheme Text provisions and the Town's Officers question whether clarity of terminology is considered more appropriate.

Removal of density and plot ratio provisions

Following a Ministerial initiative, one of the major amendments to the draft Scheme 2 has been the removal of the built form controls in relation to density and plot ratio, with the intention of allowing for the optimisation of density and innovative design. EPRA, in proposing this amendment, is confident that its other residential development control mechanisms are sufficiently robust to deliver high quality built form outcomes and a high level of amenity for its residents. Built form control in relation to height, site cover and setbacks will form part of EPRA's current Design Guidelines. EPRA proposes to review and amend these Design Guidelines to cover built form and development standards for each project area or precinct, such as building height and carparking.

As this amendment to the Scheme represents a significant departure from conventional planning practice, the Town's Officers have concerns that the removal of density and plot ratio provisions from Scheme No. 2 may not allow for the certainty and clarity for the East Perth Redevelopment Authority and developers/owners of land within the project areas.

Development Audit process

Another amendment to the draft Scheme 2 is the addition of a Development Audit Process. This addition allows for the EPRA to require a Development Audit to be undertaken on a completed development to ensure that the development has been carried out in accordance with the development approval. The development audit will involve a thorough inspection and assessment of the relevant site by the EPRA to ensure compliance with the development approval.

Whilst the Town's Officers acknowledge that a development audit can be an effective tool in measuring the successfulness of the Scheme itself, there are some concerns that adding another layer to the approvals process may result in increased costs to developers through additional fees and that the development audit process may be too onerous to EPRA itself.

In this regard, the Town's Officers recommend that further investigation is carried out on the implications of adding the Development Audit Process to the development process within Scheme 2.

While the Town's Officers support in principle the proposed changes to the draft EPRA Scheme 2, as outlined in the details section of this report, there are some issues that are considered to require further investigation prior to the Town fully supporting the proposed draft Scheme 2.

In light of this, it is recommended that the Council receives the draft EPRA Redevelopment Scheme No. 2 received by the Town on 23 October 2008, and advice the EPRA that the Town supports in principle, draft EPRA Redevelopment Scheme No.; however, it has some concern in relation to the significant departure from the Model Scheme Text, the removal of density and plot ratio provisions, and the Development Audit process."

9.1.7 No. 607 (Lot: 8 D/P: 2324) Beaufort Street, corner Chelmsford Road, Mount Lawley – Demolition of Existing Car Yard and Construction of Two-Storey Commercial Development Comprising Two (2) Shops and Two (2) Offices

Ward:	South	Date:	2 February 2009
Precinct:	Mount Lawley Centre; P11	File Ref:	PRO2488; 5.2008.62.1
Attachments:	001 002		
Reporting Officer(s):	D Pirone		
Checked/Endorsed by:	H Smith, 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 the owner D Di Florio for proposed Demolition of Existing Car Yard and Construction of Two-Storey Commercial Development Comprising Two (2) Shops and Two (2) Offices, at No. 607 (Lot: 8 D/P: 2324) Beaufort Street, corner Chelmsford Road, Mount Lawley, and as shown on plans stamp-dated 12 December 2008, subject to the following conditions:

- (i) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (ii) 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;*
- (iii) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, 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;*
- (iv) any new street/front wall, fence and gate within the Beaufort Street setback area including along the side boundaries within this street setback area, shall comply with the following:*
 - (a) the maximum height being 1.8 metres above the adjacent footpath level;*
 - (b) the maximum height of piers with decorative capping being 2.0 metres above the adjacent footpath level;*
 - (c) the maximum height of the solid portion of the wall being 1.2 metres above the adjacent footpath level, and a minimum of fifty percent visually permeable above 1.2 metres;*
 - (d) the piers having a maximum width of 355 millimetres and a maximum diameter of 500 millimetres;*
 - (e) the distance between piers should not be less than the height of the piers except where pedestrian gates are proposed; and*

- (f) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (v) *first obtaining the consent of the owners of No. 609 Beaufort 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. 609 Beaufort Street in a good and clean condition;*
- (vi) *a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (vii) *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;*
- (viii) *the doors, windows and adjacent floor areas on the ground floor fronting Beaufort Street and Chelmsford Road shall maintain an active and interactive relationship with this street;*
- (ix) *the maximum total gross floor area of the offices shall be limited to 244 square metres and the maximum gross floor area of the shops shall be limited to 162 square metres;*
- (x) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
- (xi) *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;*
- (xii) *the car parking area shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;*
- (xiii) *within twenty-eight (28) days of the issue date of this 'Approval to Commence Development', the owner(s) or the applicant on behalf of the owner(s) shall comply with the following requirements:*
 - (a) *pay a cash-in-lieu contribution of \$14,896 for the equivalent value of 5.32 car parking spaces, based on the cost of \$2,800 per bay as set out in the Town's 2008/2009 Budget; OR*
 - (b) *lodge an appropriate assurance bond/bank guarantee of a value of \$14,896 to the satisfaction of the Town. This assurance bond/bank guarantee will only be released in the following circumstances:*
 - (1) *to the Town at the date of issue of the Building Licence for the development, or first occupation of the development, whichever occurs first; or*

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

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

- (xiv) *prior to the first occupation of the development, two (2) class one or two bicycle parking facilities and one (1) class three bicycle parking facility, shall be provided at a location convenient to the entrance of the development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to the installation of such facilities;*
- (xv) *prior to the issue of the Building Licence, revised plans shall be submitted and approved demonstrating a bin compound being provided in accordance with the Town's Health Services specifications to accommodate the following bins:*

Commercial

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

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

- (xvi) *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;*
- (xvii) *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; and*
- (xviii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating appropriate portable landscaping being provided within the Metropolitan Region Scheme Other Road Reservation area.*

COUNCIL DECISION ITEM 9.1.7

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

PROCEDURAL MOTION

Moved Cr Messina, Seconded Cr Youngman

That the item be DEFERRED for further discussions with the land owner concerning the potential development of the land.

MOTION PUT AND CARRIED (7-1)

<p><u>For</u> Mayor Catania Cr Doran-Wu Cr Farrell Cr Ker Cr Lake Cr Messina Cr Youngman</p>	<p><u>Against</u> Cr Maier</p>
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(Cr Burns on approved leave of absence.)

Landowner:	D Di Florio
Applicant:	D Di Florio
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): District Centre
Existing Land Use:	Car Yard
Use Class:	Retail and Office Building
Use Classification:	"P"
Lot Area:	363 square metres
Access to Right of Way	West side, 4.4 metres wide, sealed, Town owned

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves the construction of a two-storey commercial building comprising of two (2) shops and two (2) offices at the subject property.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio:	N/A	N/A	Noted.
Landscaping:	A minimum of 10 per cent of the site is required to be landscaped.	No details of landscaping provided.	Not supported in part – a condition has been applied to the Officer’s Recommendation for landscaping to be provided within the Metropolitan Region Scheme Other Road Reservation area. The DPI has advised that in the event of road widening within this area, the landscaping will be required to be removed. The Town’s Officers are of the view that appropriate portable landscaping can be provided on-site.

Car Parking	
Car parking requirement (nearest whole number) <ul style="list-style-type: none"> • Shop – 162 square metres of GFA – requires 10.8 car bays • Office – 244 square metres of GFA – requires 4.88 car bays Total car bays required = 15.68 car bays	= 16 car bays
Apply the adjustment factors. <ul style="list-style-type: none"> • 0.85 (within 800 metres of a rail station) • 0.85 (within 400 metres of a bus stop) • 0.85 (within 50 metres of a public car parking place with in excess of 50 car parking spaces) • 0.90 (the proposed development is within a District Centre Zone) 	(0.5202) = 8.32 car bays
Minus the car parking provided on-site	3 car bays
Minus the most recently approved on-site car parking shortfall.	N/A
Resultant shortfall	5.32 car bays
Consultation Submissions	
Support (2)	<ul style="list-style-type: none"> • The development will improve and enhance the area. • Car parking is available behind the development and across the road
Objection (3)	<ul style="list-style-type: none"> • Obstruction of views. • Privacy. • Lack of car parking. • Traffic congestion. • Building height and number of storeys.
	<ul style="list-style-type: none"> • Noted. • This has been noted in the car parking assessment. • Not supported – two-storeys are strongly encouraged in the Mount Lawley Centre Precinct. • Not supported – the proposal is compliant with the privacy requirements of the Town’s Policies. • Not supported – the applicant has reduced the gross floor area of the shop, resulting in a reduction in the number of car bays required. A condition has been applied for the applicant to provide cash-in-lieu of a car parking contribution. • Not supported – there will only be a minor increase in traffic in the rear right of way due to only three car bays being provided on-site. • Not supported – two-storeys are strongly encouraged in the Mount Lawley Centre Precinct.
DPI Comments	
The Department for Planning and Infrastructure were notified of the subject application and have responded to the Town that there is no objection to the proposal as no development is proposed within the Other Regional Road Reserve.	
Other Implications	
Legal/Policy	TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications	Nil
Sustainability Implications	Nil
Financial/Budget Implications	Nil

* The 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:

Demolition

The subject place at No. 607 Beaufort Street, Mt Lawley, is a brick and iron office building built in the Late Twentieth Century Retail Style. It was built circa 1965 and replaced an earlier residence that was built there around 1897.

The current office is located at the rear of the lot on the corner of Beaufort Street and Chelmsford Road, with an easterly orientation. The office is square-shaped, and consists of an uninterrupted brick wall on the west elevation, and brick walls interrupted by doors and windows on the south and east elevations. The top of the wall declines in height towards the east end, and the top of the east wall is around one metre lower than the west wall as a result. A brick wall measuring approximately five metres in height runs the length of the northern boundary.

The original Certificate of Title for No. 607 Beaufort Street indicates that the property, part of Swan Location 816 being Lot 8 on Deposited Plan 2324, was originally owned by Esther Ashton, married woman. The Perth Metropolitan Sewerage Plan dated 1897 indicates a building was extant at the corner of Beaufort Street and Chelmsford Road at that time. The Metropolitan Sewerage Plan dated 1917 indicates that it was a 'U' shaped brick structure oriented along with a front verandah oriented at an angle to Beaufort Street, and a rear verandah oriented east-west along a brick extension. In 1904 the lot was transferred to Daniel Kenny, and then in 1912 Margaret Kenny, spinster, and in 1921 to Mary Kenny. In 1924 it was transferred to Margaret Anketell: in 1953 a change of name to Madge Anketell was registered. In 1964 it was transferred to Donato Diflorio. The following year a Building Licence was issued to Mr De Florio [sic] for a brick office and workshop at No. 607 Beaufort Street.

In 2003 the premises were used as a car sales yard, trading under the name 'Aussie Motors'. The proprietor at that time, Mr Donato Diflorio, supported this use. The property is still owned by Mr Diflorio.

A preliminary heritage check indicates that the subject place at No. 607 Beaufort Street, Mt Lawley, has little aesthetic, historic, scientific or social heritage significance. In accordance with the Town's Policy relating to Heritage Management – Assessment, the place does not meet the threshold for entry on the Town's Municipal Heritage Inventory.

Car Parking

The Town's Policy relating to Parking and Access suggests that the Council may determine to accept a cash-in-lieu payment where the shortfall is greater than 0.5 car bay to provide and/or upgrade parking in other car parking areas. In this instance, the resultant car parking shortfall of 5.32 car bays would equate to a payment of \$14,896. The parking shortfall is not considered excessive given its locational context, and is therefore supported subject to a cash-in-lieu payment.

Conclusion

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

9.1.10 Vincent Accord – Launch

Ward:	Both	Date:	3 February 2009
Precinct:	All	File Ref:	ENS0099
Attachments:	Confidential attachment		
Reporting Officer:	A Giles, S Teymant		
Checked/Endorsed by:	R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

(i) **ACKNOWLEDGES** the:

- (a) *strategic initiatives of the Vincent Accord as outlined in the confidential attachment 'Statement of Purpose' and 'Party Bus Code of Conduct' documents, and the Vincent Accord logo recently adopted by the Accord; and*
- (b) *contribution of the working groups involved in development of the Vincent Accord 'Statement of Purpose' and 'Party Bus Code of Conduct', respectively;*

(ii) **NOTES** that:

- (a) *a formal launch of the Vincent Accord initiatives has been scheduled for 25 February 2009 at 2.00pm; and*
- (b) *the Mayor currently attends Vincent Accord meetings as a Council Member representative when available; and*

(iii) **APPOINTS** Mayor Catania as the designated Council Member representative, Cr as Deputy Council Member, Manager Health Services and Senior Environmental Health Officer as the Town's Officer representatives to the Vincent Accord.

Moved Cr Farrell, Seconded Cr Youngman

That the recommendation be adopted.

Debate ensued.

Cr Youngman nominated for clause (iii) – designated Council Member representative as Deputy Council Member.

Council agreed unanimously. No other nominations were received.

Debate ensued.

MOTION PUT AND CARRIED (8-0)

(Cr Burns on approved leave of absence.)

COUNCIL DECISION ITEM 9.1.10

That the Council;

- (i) **ACKNOWLEDGES** the:
- (a) *strategic initiatives of the Vincent Accord as outlined in the confidential attachment 'Statement of Purpose' and 'Party Bus Code of Conduct' documents, and the Vincent Accord logo recently adopted by the Accord; and*
 - (b) *contribution of the working groups involved in development of the Vincent Accord 'Statement of Purpose' and 'Party Bus Code of Conduct', respectively;*
- (ii) **NOTES** that:
- (a) *a formal launch of the Vincent Accord initiatives has been scheduled for 25 February 2009 at 2.00pm; and*
 - (b) *the Mayor currently attends Vincent Accord meetings as a Council Member representative when available; and*
- (iii) **APPOINTS** Mayor Catania as the designated Council Member representative, Cr Youngman as Deputy Council Member, Manager Health Services and Senior Environmental Health Officer as the Town's Officer representatives to the Vincent Accord.
-

PURPOSE OF REPORT:

The purpose of the report is to inform the Council of recently developed initiatives and future direction with respect to the *Vincent Accord*. The Accord initiatives will be officially launched on 25 February 2009, demonstrating the hard work and commitment of local Licensed Premises, Town of Vincent, WA Police, and related agencies who are collectively and proactively addressing issues such as responsible service of alcohol, public health, transport, local amenity and safety.

BACKGROUND:

The Town of Vincent is relatively unique, hosting a number of well known, vibrant entertainment precincts in areas such as Leederville, Mount Lawley, Mount Hawthorn and Perth, within a relatively small area (11.4 square kilometres). The entertainment precinct of Northbridge is also in close proximity, located in the City of Perth (which borders the Town's southern boundary).

The Town is broken into the policing districts of Central Metropolitan Area and West Metropolitan area, and overseen by the Wembley, Perth and Mirrabooka sub-districts. Licensees within the Town of Vincent are also serviced by the wider reaching Perth City and Western Accords. The *Vincent Accord* provides a localised approach beneficial to all signatories within the Town, and acknowledges the Perth and Western Accords as playing an important role in the Central Perth and West Metropolitan Areas.

The *Vincent Accord* was established on 8 June 2005, and with the financial assistance from the Office of Crime Prevention and a renewed focus over the past 18 months, the *Vincent Accord* has developed a number of strategic initiatives to ensure measurable and meaningful outcomes are achieved, as detailed below.

DETAILS:

The Town was successful in obtaining a \$5000 grant from the Office of Crime Prevention, to develop an education and awareness campaign, including the development of signage to encourage responsible patron behaviour.

Vincent Accord Working Group

In order to render the *Vincent Accord* relevant, a working group was established to develop a strategic document/framework. The working group comprised of the following representatives:

- Town of Vincent - Manager Health Services, Alison Giles; Senior Environmental Health Officer, Scott Teymant, Environmental Health Officer, Mark Fallows; and Coordinator Safer Vincent, Michael Wood.
- Wembley Police – OIC Senior Sergeant Mike Green (*Vincent Accord* Chairperson); Sergeant Mark Tobiassen.
- Licensed Premises representatives – Brisbane Hotel, Mark Patterson; Leederville Hotel, Mark Delane; Paddington Alehouse, Damien Forsyth; Queens Hotel, Kim Tierney; Hip-E-Club, Craig Belcher.

The working group researched the process being implemented by other Liquor Accords from across the Perth metropolitan area and interstate. Research of Liquor Accords across the Perth metropolitan area revealed that all other Accords were similarly structured to the Town's. Findings from interstate were similar, with the exception of the City of Sydney who has formalised their Accord through a strategic publication.

The *Vincent Accord* collectively acknowledged the benefit of a strategic document, which was developed and recently adopted at the *Vincent Accord* meeting held on 21 January 2009 (refer to confidential attachment at Appendix 9.1.10). The only items in the attached document to be finalised are the list of committee members, and approval for the WA Police logo on the document. These items will be addressed prior to the formal launch and release of the document on 25 February 2009.

In addition, the *Vincent Accord* agreed on a number of signage and education initiatives to target patrons of licensed premises, and to provide to the community. The services of a graphic designer were obtained. The posters will also be launched on 25 February 2009, and licensed premises will display these within their premises. A *Vincent Accord* section of the Town's webpage is being developed, as are information pamphlets for local residents.

Party Bus Working Group

A further working group was simultaneously established to devise strategies of dealing with problems identified with Party Bus patrons embarking on licensed premises en masse. This working group comprised the Town's representatives, WA Police, and a number of Party Bus operators.

The Town has since developed a *Party Bus Code of Conduct* that sets out minimum standards which must be adhered to by licensed premises, Accord members and Party Buses that transport groups of people to licensed venues throughout the Town. The code of conduct includes, pre-booking with licensed venues, dropping off of patrons at designated set-down areas, licensed premises only accepting Town of Vincent registered party buses with a valid registration sticker, as well as a range of other requirements.

CONSULTATION/ADVERTISING:

During the development of the above initiatives, extensive consultation has occurred between the Town's Officers, WA Police, Licensed Premises, Drug and Alcohol Office, Department of Racing Gaming and Liquor, at Accord Meetings and Working Party meetings.

More recently, the Town also consulted with the business and residential community in close proximity to Licensed Premises by means of a survey. Responses assisted in the development of further strategies and information for the community, and the feedback was extremely positive. All respondents were entered into the draw to win a \$100 food and beverage voucher donated by the Brisbane Hotel, and one of two \$50 taxi vouchers.

The collective consultation with the above groups has also lead to the development of a community pledge, which reflects the 'whole of community approach' and emphasises the role of all stakeholders. Vincent Accord pledge: *"Together, residents, businesses, licensed premises and patrons, WA Police and the Town of Vincent will work cooperatively to provide the community with an enjoyable and safe place to live, work and socialise."*

LEGAL/POLICY:

- Health Act 1911 (as amended); and
- Liquor Control Act 1988.

STRATEGIC IMPLICATIONS:

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

1.1.3 Minimise negative impacts on the community and environment.

Strategic Plan 2006-2011 – "Community Development":

3.1.2 Provide and develop a range of community programs and community safety initiatives.

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

4.1.4 Deliver services in ways that accord with the expectations of the community, whilst maintaining statutory compliance.

SUSTAINABILITY IMPLICATIONS:

The goal is to create a sustainable and meaningful *Vincent Accord* that will minimise negative impacts on the community and deliver outcomes in accordance with the expectations of the community.

FINANCIAL/BUDGET IMPLICATIONS:

The Town was successful in receiving a grant of \$5000 from the Office of Crime Prevention, which has been utilised to develop the signage and information for patrons and residents alike.

Funds will also be included in the 2009/2010 Draft Budget, to ensure that initiatives such as signage and posters are sustainable.

COMMENTS:

Whilst the *Vincent Accord* strategic document and *Party Bus Code of Conduct* have no statutory power, the collaborative approach by which they have been developed by all stakeholders is expected to deliver positive outcomes. Licensed premises, particularly large licensed premises, are often the subject of considerable criticism, and will continue to be the subject of criticism, due to the actions of some patrons.

However, the participation and contribution made by all Licensed Premises Accord Members in the development of the new look *Vincent Accord* and *Party Bus Code of Conduct* has been commendable.

9.1.11 Vincent Accord Party Bus Registration to operate within the Town of Vincent

Ward:	Both	Date:	3 February 2009
Precinct:	All	File Ref:	ENS00095
Attachments:	001		
Reporting Officer:	M Wood		
Checked/Endorsed by:	J MacLean, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) **RECIEVES** the report on the Draft Vincent Accord Party Bus Registration to operate within the Town of Vincent;
- (ii) **APPROVES:**
 - (a) a three (3) month trial period, for the implementation of the Party Bus Strategy, as outlined in the Draft Vincent Accord Party Bus Registration, as attached at Appendix 9.1.11;
 - (b) the introduction of dedicated Party Bus 'pick up/set down' areas at Frame Court Car Park, Leederville and ~~Auckland~~ Hobart Street, Mount Hawthorn, adjacent to Axford Park, as attached at Appendix 9.1.11; and
 - (c) the introduction of a dedicated Party Bus 'Lay-over' area at Cleaver Street, West Perth, to enable Registered Party Buses to park for around an hour;
- (iii) **ACKNOWLEDGES** the collaborative and positive efforts of the Party Bus industry, WA Police, Town of Vincent staff and Vincent Accord members, working together to address concerns, such as anti-social behaviour and contravention of Local Laws, within the Town's entertainment precincts; and
- (iv) **NOTES** that the development of the Vincent Accord Party Bus Registration is the first of its kind to be developed within Australia and, as such, may require refinement, to allow for improvements and to ensure continued effectiveness.

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

COUNCIL DECISION ITEM 9.1.11

Moved Cr Farrell, Seconded Cr Youngman

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED (8-0)

(Cr Burns on approved leave of absence.)

PURPOSE OF REPORT:

The purpose of the report is to gain approval from the Council for the implementation of the *Draft Vincent Accord Party Bus Registration*.

BACKGROUND:

For some time, there have been regular and increasing complaints from residents, businesses and visitors to the Town, about anti-social behaviour, street drinking, excessive noise from venues and street fighting. The Town, in conjunction with WA Police and the Liquor Licensing Department have undertaken partnership initiatives, including joint patrols and targeted intervention measures, to try to reduce the incidence of this behaviour. The matter has been discussed, on a number of occasions, at the Vincent Accord Meetings and licensees have been supportive of the measures that have been put in place.

At the Safer Vincent Crime Prevention Partnership on 16 April 2008, the Partnership approved, by a majority, the following Recommendation:

"That the Vincent Accord seeks the approval of the Council for the implementation of a comprehensive Party Bus Strategy, to assist in the reduction in the number of complaints, emanating from the public, regarding patrons of licensed premises."

DETAILS:

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

The Town has a number of "Entertainment Precincts", where the public can go to enjoy restaurants, hotels, cafés, clubs and bars. These premises are well patronised by the public, but in recent years, there has been a marked increase in the number of complaints from local residents and businesses.

The Town recognised that the complaints tended to be confined to a limited area in each of the "Entertainment Precincts" and appeared to be related to location-specific issues. As a result, the Accord has developed a number of programmes, including the Party Bus Strategy, which is designed to reduce the impact on the surrounding areas. It is suggested that a 3 month trial period of the *Draft Vincent Accord Party Bus Registration* should be implemented, as soon as possible and a survey should be undertaken at the end of the trial, to establish whether the programme should be made permanent.

It was acknowledged that "Party Buses" fulfilled a community need, in that they could transport large numbers of people, usually in the 20 to 35 year-old bracket, to and from a licensed venue, thereby reducing the likelihood of people driving while under the influence of alcohol, or drugs. However, unless the "drop-off" and "pick-up" was appropriately controlled and managed, the problem could increase. To meet this need, Party Buses would be required to sign a "Party Bus Strategy" agreement, which would result in them being issued with a parking permit, to use the set-aside areas. Rangers would enforce this requirement and, any bus that uses the facility, without displaying the relevant permit, would be issued with an infringement notice.

As a result, in consultation with the bus operators and the licensed premises, it was decided that, if an appropriate location to allow patrons to embark and disembark could be found, the collateral impact on local residents and businesses could be reduced. However, it was also acknowledged that the maximum benefit could be derived, if patrons did not need to walk for a long distance to and from the buses.

Two locations were considered for the party bus "pick-up" and "drop-off" points, one in ~~Auckland~~ Hobart Street, opposite the Paddington Alehouse and the other in the Frame Court Car Park, adjacent to the Hip-E Club. It was established that the buses could park for an hour in ~~Auckland~~ Hobart Street, without creating a problem, but it was impractical for them to do so in Frame Court Car Park, so the suggested "lay-over" area, in Cleaver Street, West Perth was selected. This location is within the commercial area, so there should be no adverse impact on local residents and, since it is little used at night, there is unlikely to be any parking problems created.

The following is a Summary of matters discussed at the Vincent Accord Meeting on 16 April 2008:

- *"The Town of Vincent will become the catalyst for change. The Town is starting to be given a "bad name", as a result of complaints about party buses, and antisocial behaviour in general; this needs to be reversed as soon as possible.*
- *Everyone wants the Town to be a place where everyone can come to enjoy themselves.*
- *There is community concern that the licensed premises and those that service the licensed premises may not be doing the "right thing".*
- *If the party bus operators and licensees do the "right thing" and patrons behave in an appropriate manner, the Town would have very few issues.*
- *There have been identified problems with property damage, throwing of bottles and other antisocial behaviour, which needs to stop.*
- *Party Buses should consider employing security personnel on the buses, to screen people before they get on the bus, and to assist the driver to enforce the rules.*
- *The Accord should develop a code of conduct/policy for the "Party Bus" Operators and the licensees who accept "Party-Bus" patronage.*
- *The resources of the Town of Vincent could be used to assist the party buses and licensees – The Town's Officers would organise some behaviour codes, drop off zones and develop a way forward.*
- *The Town, in conjunction with the OIC of Leederville/Wembley Police Stations, worked on this type of strategy, about 18 months ago and it should be resurrected and progressed. Letters were previously sent to all party bus companies, advising them that all Vincent Accord licensed premises would uphold an agreement to refuse entry to occupants of party bus groups, who were demonstrating anti-social behaviour, carrying or drinking of alcohol on buses and who had not arranged a prior booking.*
- *The members present suggested further criteria, such as illegal parking; littering; drunkenness, shouting/swearing behaviour, which should also result in refusal of entry.*
- *The Town will explore the feasibility of the proposal to change the taxi rank outside the Hip-E Club to allow buses to stop there, to pick up and drop off patrons."*

On 2 July 2008, a "Party Bus Working Group" comprising of party bus operators, Vincent Accord members, Town Officers and WA Police representatives met and they developed 15 statements, to be considered by the Vincent Accord. It was explained that the main concept of the Party Bus Code of Conduct was to encourage good patron behaviour. The Vincent Accord Meeting, on 9 July 2008 endorsed all recommendations in the *Draft Party Bus Code of Conduct* and agreed to uphold bookings only of Party Bus companies who are Signatories to the Code of Conduct.

CONSULTATION/ADVERTISING:

It will be necessary to advertise the proposal, particularly in the areas that are likely to be affected, but this can be accomplished during the trial period. It will also be appropriate to undertake a localised survey of all stakeholders, to confirm whether the Strategy has achieved the anticipated outcomes. This survey can be undertaken by the participants in the Party Bus Strategy, who are:

- Party Bus Working group-comprising of Party Bus industry and operators;
- Vincent Accord Members, including Local Licensees;
- Town of Vincent Officers; and
- Local residents in the various locations.

The *Safer Vincent Crime Prevention Partnership* have provided an in-principle support for the proposed strategy and will assist in the assessment process, at the conclusion of the trial period.

LEGAL/POLICY:

There is no legal impediment to the above recommendation being approved. The following legislation relates to the expected outcomes of the approval:

- Health Act 1911;
- Liquor Control Act 1988;
- Local Government Act 1995;
- Environmental Protection Act 1986;
- Town of Vincent Local Government Property Local Law; and
- Town of Vincent Parking and Parking Facilities Local Law.

STRATEGIC IMPLICATIONS:

The above is in keeping with the *Town of Vincent Strategic Plan 2006-2011* in the following areas:

Community Development

3.1 Enhance community development and wellbeing

3.1.2 Provide and develop a range of community programs and community safety initiatives.

3.1.5 Focus on community and customer needs, values, engagement and involvement.

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

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

FINANCIAL/BUDGET IMPLICATIONS:

There will be a need to provide some resources to the project, for areas such as parking signage costs, information stickers, line marking and administration costs. However, the Town was successful in obtaining grant funding to increase community awareness of appropriate behaviour in and around licensed premises and this will be used to offset much of these costs.

SUSTAINABILITY IMPLICATIONS:

There are no sustainability implications associated with this report.

COMMENTS:

The above initiative has been developed to try to improve the quality of life, for those residents and businesses that occupy property close to licensed venues. It is acknowledged that, while it may not completely resolve the current problems, it is expected that there will be a measurable reduction in the current anti-social behaviour and criminal problems. The report is recommended for approval by the Council.

9.2.2 Proposed 'No Parking' Restriction – Alma Road, Mount Lawley

Ward:	South	Date:	3 February 2009
Precinct:	Norfolk (P10)	File Ref:	PKG0110
Attachments:	001		
Reporting Officer(s):	T Blankenburg		
Checked/Endorsed by:	R Lotznicker	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the introduction of a 'No Parking' restriction in Alma Road, between Hutt and Walcott Streets;*
- (ii) *ACCEPTS the introduction of the 'No Parking' restrictions to be in place at all times on the south side of Alma Road, as illustrated on Plan No. 2637-PP-1 attached; and*
- (iii) *ADVISES the residents of the Council's decision.*

COUNCIL DECISION ITEM 9.2.2

Moved Cr Messina, Seconded Cr Youngman

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED (7-1)

For
Mayor Catania
Cr Doran-Wu
Cr Farrell
Cr Ker
Cr Lake
Cr Maier
Cr Messina

Against
Cr Youngman

(Cr Burns on approved leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to inform the Council of the outcome of consultation with residents in Alma Road, to determine the support for the introduction of a 'No Parking' restriction on one side of the street between Hutt and Walcott Streets and seek the Council's direction on the introduction of this restriction.

BACKGROUND:

The Town received correspondence from residents living in Alma Road expressing concern about the potential for parked vehicles to block access to the section of Alma Road between Hutt and Walcott Streets. In order to address this situation, the residents requested the removal of parking availability on one side of the road.

DETAILS:

On 7 January 2009, twenty (20) letters were distributed to the residents of this section of Alma Road, requesting them to provide comments regarding the proposed removal of the parking amenity from one side of the road.

At the close of the consultation period, five (5) responses were received from the surveyed properties (25% response). The responses to the proposal were four (4) in favour of removing parking from the south side and one (1) in favour of removing parking from the north side. There were no responses against the proposal. Of the comments received, mention was made that the side of the street available for parking was of less concern than the removal of parking to allow unobstructed access through the street. A summary of comments received is attached at appendix 9.2.2.

The section of Alma Road between Hutt and Walcott Streets is approximately 6.5m wide, with unrestricted parking for most of the length of the street. Access to this section of street is available only from the Hutt Street end, as the Walcott Street intersection is designated for exiting onto Walcott Street only.

The combination of this width of 6.5m and accessibility to this section of Alma Road results in a situation that if two vehicles park in the street opposite each other the traffic lane is reduced to a point where it is too narrow to allow vehicles to traverse the street. This potentially prevents vehicular access to properties in Alma Road.

Along this section of street there are a number of 'No Stopping' sections placed on the road at the request of residents. These restricted areas were implemented at the request of individual residents to be placed in front of their properties to allow access and egress. The majority of these restrictions are on the south side of the street. Should a 'No Parking' restriction be introduced and these 'No Stopping' restrictions removed, this will allow residents to stop in front of their properties for the purpose of setting down or picking up pedestrians and goods.

CONSULTATION/ADVERTISING:

Residents were consulted via a letter drop in relation to the proposed parking restriction in Alma Road.

LEGAL/POLICY:

There is no legal consequence of the recommendation.

STRATEGIC IMPLICATIONS:

In accordance with the objective of Strategic Plan 2006-2011 – 1.1.6 Enhance and maintain the Town's infrastructure to provide a safe, healthy and functional environment. "*9e) Review, implement and promote the Car Parking Strategy*";

SUSTAINABILITY IMPLICATIONS:

N/A.

FINANCIAL/BUDGET IMPLICATIONS:

Implementing parking restrictions in Alma Road will require the manufacture and installation of four (4) new signs and will cost approximately \$500.00.

COMMENTS:

The majority of respondents were in favour of the proposed removal of parking facilities on one side of the road. As there is approximately the same amenity for parking on the south side of the street as the north side before taking into consideration the additional 'No Stopping' sections it is recommended that the 'No Parking' restriction be introduced on the south side of the street.

9.3.2 Financial Statements as at 31 December 2008

Ward:	Both	Date:	13 January 2009
Precinct:	All	File Ref:	FIN0026
Attachments:	001 ; 002		
Reporting Officer(s):	B Tan		
Checked/Endorsed by:	M Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That the Council RECEIVES the Financial Statements for the month ended 31 December 2008 as shown in Appendix 9.3.2.

COUNCIL DECISION ITEM 9.3.2

Moved Cr Farrell, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

Cr Messina departed the Chamber at 9.20pm.

Debate ensued.

MOTION PUT AND CARRIED (7-0)

(Cr Burns on approved leave of absence. Cr Messina was absent from the Chamber.)

PURPOSE OF REPORT:

The purpose of this report is to present the financial statements for the month ended 31 December 2008.

BACKGROUND:

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

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

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

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

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

DETAILS:

The following documents represent the Statement of Financial Activity for the period ending 31 December 2008.

- Income Statement
- Summary of Programmes/Activities (pages 1-17)
- Capital Works Schedule (pages 18-24)
- Balance Sheet and Statement of Changes in Equity (pages 25-26)
- Reserve Schedule (page 27)
- Debtor Report (page 28)
- Rate Report (page 29)
- Statement of Financial Activity (page 30)
- Net Current Asset Position (page 31)
- Beatty Park Report – Financial Position (page 32)
- Variance Comment Report (page 33-36)

Comments on the financial performance are set out below.

Income Statement and Detailed Summary of Programmes/Activities

Operating Result

The operating result is Operating Revenue – Operating Expenses

YTD Actual	-	-\$11.0 million
YTD Budget	-	-\$9.4 million
Variance	-	-\$1.6 million
Full Year Budget	-	-\$4.9 million

Summary Comments:

The current favourable variance is due to increase revenue received as outlined below.

Operating Revenue

YTD Actual	-	\$26.7 million
YTD Budget	-	\$26.0 million
YTD Variance	-	\$0.7 million
Full Year Budget	-	\$32.8 million

Summary Comments:

The total operating revenue is currently 2% over the year to date budget.

Major variances are to be found in the following programmes.

Governance - 25% over budget
Law Order & Public Safety – 19% over budget
Education and Welfare - 42% under budget
Community Amenities – 19% over budget
Transport - 17% over budget
Other Property & Services - 12% over budget

More details variance comments are included on the page 33 – 36 of this report.

Operating Expenditure

YTD Actual	-	\$16.5 million
YTD Budget	-	\$17.1 million
YTD Variance	-	-\$0.6 million
Full Year Budget	-	\$33.7 million

Summary Comments:

The operating expenditure is currently operating at 4% under the first quarter year to date budget.

The major under expenditure is located in the following programmes.

Education & Welfare – 28% below budget
Community Amenities – 12% below budget
Economic Services – 8% below budget

Detailed variance comments are included on the page 33 – 36 of this report.

Capital Expenditure Summary

The Capital Expenditure summary details projects included in the 2008/09 budget and reports the original budget and compares actual expenditure to date against these.

Capital Works shows total expenditure including commitment for year to date at the 31 December 2008 of \$3,927,174 which represents 28 % of the revised budget of \$14,099,686.

	Budget	Revised Budget	Actual to Date	%
Furniture & Equipment	163,850	198,207	90,856	46%
Plant & Equipment	1,520,700	1,232,450	107,485	9%
Land & Building	3,952,834	4,435,917	1,127,993	25%
Infrastructure	8,502,612	8,233,112	2,600,840	32%
Total	14,139,996	14,099,686	3,927,174	28%

Summary Comments:

There was only small account activity in the first quarter of the financial year. However the Capital Works activity has increased during second quarter with the receipt of the Rates in September.

Balance Sheet and Statement of Changes in Equity

The statement shows the current assets of \$24,173,544 and non current assets of \$141,556,792 for total assets of \$165,730,336.

The current liabilities amount to \$7,282,637 and non current liabilities of \$13,931,834 for the total liabilities of \$21,214,470. The net asset of the Town or Equity is \$144,515,886.

Restricted Cash Reserves

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

The balance as at 31 December 2008 is \$7.5m. The balance as at 30 June 2008 was \$6.8m.

General Debtors

Other Sundry Debtors are raised from time to time as services are provided or debts incurred. Late payment interest of 11% per annum may be charged on overdue accounts. Sundry Debtors of \$499,676 is outstanding at the end of December 2008.

Of the total debt \$266,781 (53.4%) relates to debts outstanding for over 60 days, of which \$125,890 is related to Cash in lieu Parking.

The Debtor Report identifies significant balances that are well overdue.

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

Rate Debtors

The notices for rates and charges levied for 2008/09 were issued on the 6 August 2008.

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

First Instalment	25 August 2008
Second Instalment	27 October 2008
Third Instalment	5 January 2009
Fourth Instalment	3 March 2009

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

Instalment Administration Charge (to apply to second, third, and fourth instalment)	\$5.00
Instalment Interest Rate	5.5% per annum
Late Payment Penalty Interest	11% per annum

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

Rates outstanding as at 31 December 2008 was \$3,421,723 which represents 18% of the outstanding collectable income compared to 23% at the same time last year.

Summary Comments:

The reduced percentage amount of outstanding rates in comparison to last year is due to the fact that the Rates Notices were distributed approximately one (1) month earlier than last year and a more efficient debt collection process.

The minimum rates are under budget due to increased valuations following the revaluation which has reduced the number of minimum rates assessments and resulted in the increased number of general rates.

The Interim rates are under budget due to significant refunds of contested valuation with the Valuer General Office.

Statement of Financial Activity

The closing surplus carry forward for the year to date 31 December 2008 was \$10,255,051.

Net Current Asset Position

The net current asset position \$10,255,051.

Beatty Park – Financial Position Report

As at 31 December 2008 the operating deficit for the Centre was \$186,688 in comparison to the annual budgeted deficit of \$532,109.

The cash position showed a current cash surplus of \$31,389 in comparison annual budget estimate of a cash deficit of \$73,080. The cash position is calculated by adding back depreciation to the operating position.

Variance Comment Report

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

The Chief Executive Officer advised that Mayor Catania and Cr Messina had declared a financial interest in Item 9.3.3. The departed the Chamber at 9.20pm and Cr Messina was already absent from the Chamber, they did not speak or vote on this matter.

Deputy Mayor, Cr Steed Farrell assumed the chair at 9.20pm.

9.3.3 Investment Report as at 31 December 2008

Ward:	Both	Date:	5 January 2009
Precinct:	All	File Ref:	FIN0033
Attachments:	001 ; 002		
Reporting Officer(s):	N Makwana		
Checked/Endorsed by:	B C Tan	Amended by:	

OFFICER RECOMMENDATION:

That the Council RECEIVES the Investment Report for the month ended 31 December 2008 as detailed in Appendix 9.3.3.

COUNCIL DECISION ITEM 9.3.3

Moved Cr Ker, Seconded Cr Youngman

That the recommendation be adopted.

MOTION PUT AND CARRIED (6-0)

(Cr Burns on approved leave of absence. Mayor Catania and Cr Messina were absent from the Chamber and did not vote on this matter.)

Cr Messina returned to the Chamber at 9.21pm.

PURPOSE OF REPORT:

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

BACKGROUND:

Interest from investments is a significant source of funds for the Town, where surplus funds are deposited in the short term money market for various terms. Details are attached in Appendix 9.3.3.

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

DETAILS:

Total Investments for the period ended 31 December 2008 were \$16,973,265 compared with \$17,473,265 at 30 November 2008. At 31 December 2007, \$19,235,726 was invested.

Total accrued interest earned on Investments as at 31 December 2008:

	Budget	Actual	%
	\$	\$	
Municipal	650,000	313,956	48.30
Reserve	485,710	289,082	59.52

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 report comprises:

Investment Report

Investment Fund Summary

Investment Earnings Performance

Percentage of Funds Invested

Graphs

9.4.4 Delegations for the Period 1 October 2008 to 31 December 2008

Ward:	Both	Date:	20 January 2009
Precinct:	All	File Ref:	ADM0018
Attachments:	001		
Reporting Officer(s):	J MacLean, S Beanland, P Morrice, M Bowen		
Checked/Endorsed by:	R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *ENDORSES the Ranger Services delegations for the period 1 October 2008 to 31 December 2008 as shown at Appendix 9.4.4; and*
- (ii) *APPROVES BY AN ABSOLUTE MAJORITY to write-off infringement notices/costs to the value of \$51,506.00 for the reasons as detailed below:*

<u>Description</u>	<u>Amount</u>
<i>Breakdown/Stolen (Proof Produced)</i>	<i>\$1,030.00</i>
<i>Details Unknown/Vehicle Mismatched</i>	<i>\$2,940.00</i>
<i>Equipment Faulty (Confirmed by Technicians)</i>	<i>\$800.00</i>
<i>Failure to Display Resident or Visitor Permit</i>	<i>\$12,805.00</i>
<i>Interstate or Overseas Driver</i>	<i>\$13,545.00</i>
<i>Ranger/Clerical Error</i>	<i>\$11,550.00</i>
<i>Signage Incorrect or Insufficient</i>	<i>\$2,005.00</i>
<i>Ticket Purchased but not Displayed (Valid Ticket Produced)</i>	<i>\$1,560.00</i>
<i>Other (Financial Hardship, Disability, Police On-duty, Etc)</i>	<i>\$4,395.00</i>
<i>Penalties Modified</i>	<i>\$205.00</i>
<i>Litter Act</i>	<i>\$350.00</i>
<i>Dog Act</i>	<i>\$100.00</i>
<i>Pound Fees Modified</i>	<i>\$221.00</i>
TOTAL	\$51,506.00

COUNCIL DECISION ITEM 9.4.4

Moved Cr Youngman, Seconded Cr Ker

That the recommendation be adopted.

MOTION PUT AND CARRIED
BY AN ABSOLUTE MAJORITY (7-0)

(Cr Burns on approved leave of absence. Mayor Catania was absent from the Chamber.)

PURPOSE OF REPORT:

The purpose of this report is to provide a quarterly progress report of the delegations exercised by the Ranger and Community Safety Services for the period 1 October 2008 to 31 December 2008 and to obtain the Council's approval to write-off Infringement Notices.

BACKGROUND:

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

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

DETAILS:

The area which results in most Infringement Notices being withdrawn for this quarter is that of *"Interstate or Overseas Driver"*. This is where the Town is unable to proceed with an Infringement Notice through the enforcement procedures, due to the driver not holding, nor possibly intending to hold a Western Australian Drivers Licence. The Town is also limited on the information available of vehicles being driven with interstate registration plates.

Other than the above category, the next most prevalent withdrawal class is that of where a resident or visitor was not displaying the necessary permits. While the offence is *"Failure to Display a Valid Permit"*, it is not considered appropriate to penalise residents and their visitors, since the primary purpose of introducing Residential Parking Zones is to provide respite to them. The other area of withdrawal which shows a high balance of written-off penalties is that of *"Ranger/Clerical Error"*; however, it should be noted that in most cases the Infringement Notices were reissued to the offending vehicle, on the spot, when the error was identified. It should also be noted that the Town has engaged a number of new Rangers, in the past few months.

ADVERTISING/CONSULTATION:

Not applicable.

LEGAL/POLICY:

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

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

STRATEGIC IMPLICATIONS:

The above is in accordance with Strategic Objective 4.1.4(a) *"Achieve best Practice corporate governance standards and statutory compliance including effective delegations and independent review of processes."*

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

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

The details of the Infringement Notices are as follows:

<u>Description</u>	<u>Amount</u>
Breakdown/Stolen (Proof Produced)	\$1,030.00
Details Unknown/Vehicle Mismatched	\$2,940.00
Equipment Faulty (Confirmed by Technicians)	\$800.00
Failure to Display Resident or Visitor Permit	\$12,805.00
Interstate or Overseas Driver	\$13,545.00
Ranger/Clerical Error	\$11,550.00
Signage Incorrect or Insufficient	\$2,005.00
Ticket Purchased but not Displayed (Valid Ticket Produced)	\$1,560.00
Other (Financial Hardship, Disability, Police On-duty, Etc)	\$4,395.00
Penalties Modified	\$205.00
Litter Act	\$350.00
Dog Act	\$100.00
Pound Fees Modified	\$221.00
TOTAL	\$51,506.00

COMMENTS:

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

9.4.5 Information Bulletin

Ward:	-	Date:	3 February 2009
Precinct:	-	File Ref:	-
Attachments:	001		
Reporting Officer(s):	A Radici		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Information Bulletin dated 10 February 2009, as distributed with the Agenda, be received.

COUNCIL DECISION ITEM 9.4.5

Moved Cr Ker, Seconded Cr Youngman

That the recommendation be adopted.

Debate ensued.

Cr Doran-Wu departed the Chamber at 9.24pm.

Debate ensued.

MOTION PUT AND CARRIED (6-0)

(Cr Burns on approved leave of absence. Mayor Catania and Cr Doran-Wu were absent from the Chamber.)

Mayor Catania returned to the Chamber at 9.25pm.

Mayor Catania, assumed the Chair.

DETAILS:

The items included in the Information Bulletin dated 10 February 2009 are as follows:

ITEM	DESCRIPTION
IB01	Letter of appreciation from Workability regarding Be Active Friendly Games
IB02	Letter from Community Arts Network WA regarding Band Development Workshops
IB03	Letter from the Department of the Environment, Water, Heritage and the Arts regarding funding application
IB04	Healthway Grant - Healthy Eating Options Initiative - 'healthy +' (ENS0017)
IB05	Progress Report - Update on the Implementation of the Food Act 2008 (LEG0049)
IB06	Ranger Services Statistics for October, November and December 2008 (PER0018)

ITEM	DESCRIPTION
IB07	Discontinuation of 'Nexus' Car Sharing in the Town (PLA0140)
IB08	Vincent Accord ' <i>Socialise with Safety</i> ' Minutes of Meeting held on 19 November 2008
IB09	Safer Vincent Crime Prevention Partnership (SVCPP) Minutes of Meeting held on 1 October 2008
IB10	Safer Vincent Crime Prevention Partnership (SVCPP) Minutes of Meeting held on 5 November 2008
IB11	Register of Petitions - Progress Report - February 2009
IB12	Register of Notices of Motion - Progress Report - February 2009
IB13	Register of Reports to be Actioned - Progress Report - February 2009
IB14	Register of Legal Action - Progress Report - February 2009
IB15	Register of State Administrative Tribunal Appeals - Progress Report - February 2009
IB16	Forum Notes - 22 December 2008
IB17	Forum Advice - 17 February 2009

9.4.6 LATE ITEM: Town of Vincent Trading in Public Places Local Law 2008 – Adoption of Amendment (2009)

Ward:	Both Wards	Date:	10 February 2009
Precinct:	All Precincts	File Ref:	LEG0026
Attachments:	-		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report relating the statutory review of the Town of Vincent Trading in Public Places Amendment Local Law 2009 and NOTES that no submissions were received during the statutory consultation period; and*
- (ii) *pursuant to Section 3.12 of Division 2 of Part 3 of the Local Government Act 1995, APPROVES BY AN ABSOLUTE MAJORITY to ADOPT the Town of Vincent Trading in Public Places Amendment Local Law 2009 as follows:*

In this local law, the Town of Vincent Trading in Public Places Local Law 2008 as published in the Government Gazette on 15 April 2008 is amended as follows;

- 1. *The following Table of Contents be deleted –*

“Division 4 – Display of Advertising Signs on a Footpath

- 2.22 Definitions*
- 2.23 Permit period*
- 2.24 Sign permit*
- 2.25 Matters to be considered in determining application*
- 2.26 Obligations of permit holder*
- 2.27 Safety of persons*
- 2.28 Removal of sign for works*
- 2.29 Removal of sign or item*
- 2.30 Unlawful placement of sign or item”;*

and substituted with the following –

“Division 4 – Display of Goods on a Footpath

- 2.22 Definitions*
- 2.23 Permit period*
- 2.24 Goods permit*
- 2.25 Matters to be considered in determining application*
- 2.26 Obligations of permit holder*
- 2.27 Safety of persons*
- 2.28 Removal of goods for works*
- 2.29 Removal of goods*
- 2.30 Unlawful placement of goods”*

2. *The Division 4, Clauses 2.22 to 2.30 inclusive be deleted and substituted with the following –*

“Division 4 - Display of Goods on a Footpath

2.22 Definitions

In this Division, unless the context otherwise requires:

“permit holder” means the person to whom a goods permit has been issued;

“goods permit” means a permit to display goods; and

“goods” has the meaning given to it in the Act.

2.23 Permit period

The local government may grant approval for the display of goods for one year or three years, whichever the applicant chooses on the application for a goods permit.

2.24 Goods permit

(1) A person shall not display goods on a footpath unless that person is the holder of a valid goods permit.

(2) Every application for a goods permit shall –

(a) state the full name and address of the applicant;

(b) specify the proposed permitted area of the goods;

(c) be accompanied by an accurate plan and description of:

(i) the proposed goods; and

(ii) the proposed location of the goods and the area in a radius of approximately 10 metres around that location showing on a scale of approximately 1:100 the location of all carriageways, footpaths, verges, street furniture, bins, light poles, parking signs, traffic lights, other impediments to pedestrian traffic and premises abutting any verge or footpath; and

(d) a colour photograph or similar representation of the goods.

2.25 Matters to be considered in determining application

In determining an application for a permit for the purpose of this Division, the local government may consider in addition to any other matter it considers relevant, whether or not –

(a) the goods would –

(i) obstruct the visibility or clear sight lines of any person at an intersection of thoroughfares; or

(ii) impede pedestrian access; and

(b) the goods, may obstruct or impede the use of the footpath for the purpose for which it was designed.

2.26 Obligations of permit holder

The permit holder shall –

- (a) maintain the goods or goods display in a safe condition at all times;*
- (b) display the permit number provided by the local government in a conspicuous place on or near the goods or goods display and whenever requested by an authorised person to do so, produce the goods permit to that person;*
- (c) ensure that the goods are of a stable design and is not readily moved by the wind, and do not cause any hazard or danger to any person using a thoroughfare;*
- (d) only display goods on a footpath which immediately abuts and not extending more than 1 metre from the building, which is occupied by the owner of the goods or in a location approved by the local government and specified in the permit; and*
- (e) ensure the free passage of persons using the footpath.*

2.27 Safety of persons

A person shall not cause or permit goods to be displayed in such a condition, which in the opinion of an authorised person, causes or is likely to cause injury or danger to any person or damage to the clothing or possessions of any person.

2.28 Removal of goods for works

A permit holder shall ensure that goods are removed from any footpath to permit the footpath to be swept or to permit any other authorised work to be carried out when directed to do so by an authorised person.

2.29 Removal of goods

A person shall remove goods which do not comply with the requirements of this local law, from any footpath when directed to do so by an authorised person.

2.30 Unlawful placement of goods

- (1) A person who places, causes or permits to be placed on any footpath any goods which do not comply with the requirements of this local law, commits an offence.*
- (2) A person who places, causes or permits to be placed on any footpath any goods which obstructs or may obstruct the use of the footpath commits an offence, unless the person proves they had lawful authority to so place the goods.”*

3. *The existing Schedule 1 be deleted and substituted with the following –*

“SCHEDULE 1

PRESCRIBED OFFENCES

<i>Clause No</i>	<i>Description of Offence</i>	<i>Modified Penalty \$</i>
2.2 (1)	<i>Conducting stall in public place without a permit</i>	250
2.3 (1)	<i>Trading without a permit</i>	250
2.8(1)(a)	<i>Failure of stallholder or trader to comply with terms or conditions of permit</i>	250
2.8 (1)(b)	<i>Failure of stallholder or trader to display or carry permit</i>	100
2.8 (1)(c)	<i>Stallholder or trader not displaying valid permit</i>	100
2.8 (1)(d)	<i>Stallholder or trader not carrying certified scales when selling goods by weight</i>	100
2.8 (3)	<i>Stallholder or trader engaged in prohibited conduct</i>	250
2.10 (1)	<i>Performing in a public place without a permit</i>	250
2.11 (2)	<i>Failure of performer to move onto another area when directed</i>	100
2.14	<i>Failure of performer to comply with obligations</i>	100
2.16	<i>Establishment or conduct of outdoor eating area without a permit</i>	250
2.18	<i>Failure of permit holder of outdoor eating area to comply with obligations</i>	250
2.20 (1)	<i>Use of furniture of outdoor eating area without purchase of food or drink from permit holder</i>	100
2.20 (2)	<i>Failure to leave outdoor eating area when requested to do so by permit holder</i>	100
2.24 (1)	<i>Displaying goods on a footpath without a permit</i>	250
2.26 (a)	<i>Failing to maintain goods in a safe and serviceable condition at all times</i>	100
2.26 (b)	<i>Refusing to conspicuously display the permit number on or near the goods or goods display</i>	50
2.26 (c)	<i>Failure to display goods in accordance with conditions of permit</i>	100
2.26 (d)	<i>Displaying the goods more than 1 metre from the adjacent building or in a location not approved by the local government</i>	100
2.26 (e)	<i>Failing to ensure the free passage of persons using the footpath</i>	100
2.27	<i>Permitting goods to be displayed in an unsafe or dangerous manner</i>	250
2.28	<i>Refusing or failing to remove goods to allow sweeping or cleaning</i>	100
2.29	<i>Refusing or failure to remove goods when requested to do so</i>	250
2.30 (1)	<i>Placing or permitting goods contrary to the requirements of the local law</i>	250

2.30 (2)	<i>Placing or permitting goods so as to obstruct a footpath without lawful authority</i>	250
3.7 (1) & (2)	<i>Failure to comply with a condition of a permit</i>	250
3.12	<i>Failure to produce a permit when requested to do so</i>	100
5.3	<i>Carrying out works in thoroughfare without permission</i>	250
6.1 (1)	<i>Failure to obey a lawful direction of an authorised person</i>	250
6.2	<i>Failing to leave local government property when directed to do so</i>	250
7.1 (2)	<i>Failure to comply with notice</i>	250
7.1	<i>All other offences not described above</i>	100

”

COUNCIL DECISION ITEM 9.4.6

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

Cr Doran-Wu returned to the Chamber at 9.26pm.

Debate ensued.

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

(Cr Burns on approved leave of absence.)

PURPOSE OF REPORT:

To obtain the Council’s approval for an amendment to the Trading in Public Places Local Law 2008.

BACKGROUND:

At the Council Meeting held on 2 December 2008, the Council considered this matter and resolved to amend the Local Law as shown in the Officer Recommendation.

CONSULTATION/ADVERTISING:

The proposed amendments were advised on a Statewide basis on 11 December 2008 and on a local basis on 9 December 2008. At the close of the six week statutory consultation period, no submissions were received.

At the recommendation of the Department of Local Government minor formatting changes have been made. These do not affect the content of the Local Law.

Section 3.16 of the Local Government Act 1995 states:

- “3.16 (2) *The local government is to give Statewide public notice stating that:*
- (a) *the local government proposes to review the local law;*

- (b) *a copy of the local law may be inspected or obtained at any place specified in the notice; and*
- (c) *submissions about the local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given.”*

FINANCIAL/BUDGET IMPLICATIONS

The cost of an advertisement will be approximately \$250.

LEGAL/POLICY

Section 3.12 of the Local Government Act 1995 prescribes the method for amending a Local Law.

SUSTAINABILITY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

The matter is in keeping with the Council’s Strategic Plan 2006-2011 – *Key Result Area 4.2 – “Manage the organisation in a responsible, efficient and accountable manner”*.

COMMENTS

As no submissions have been received, it is recommended that the Council approve of the Officer Recommendation.

9.4.7 LATE ITEM: Town of Vincent Local Government Property Local Law 2008 – Adoption of Amendment (2009)

Ward:	Both Wards	Date:	10 February 2009
Precinct:	All Precincts	File Ref:	LEG0063
Attachments:	-		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report relating the statutory review of the Town of Vincent Trading in Public Places Amendment Local Law 2009 and NOTES that no submissions were received during the statutory consultation period; and*
- (ii) *pursuant to Section 3.12 of Division 2 of Part 3 of the Local Government Act 1995, APPROVES BY AN ABSOLUTE MAJORITY to ADOPT the Town of Vincent Trading in Public Places Amendment Local Law 2009 as follows:*

In this local law, the Town of Vincent Local Government Property Local Law 2008 as published in the Government Gazette on 15 April 2008 is amended as follows;

- 1. *“PART 3 – PERMITS” of the Table of Contents be amended as follows –*
 - (a) *after “3.2 Application for permit”, insert “3.2A Relevant considerations in determining application for permit”;*
 - (b) *after “3.3 Decision on application for permit”, insert “3.3A Grounds on which an application may be refused”;*
 - (c) *after “3.11 Cancellation of permit”, insert “3.11A Suspension of permit holders rights and privileges”;*
 - (d) *after “3.11A Suspension of permit holders rights and privileges”, insert “3.11B Planning approval”;*
 - (e) *after “6.1 Definitions”, insert “6.1A Permit period”;*
- 2. *“PART 6 – ADVERTISING SIGNS ON THOROUGHFARES” of the Table of Contents be amended as follows:*
 - (a) *after “6.1A Permit period”, insert “6.1B Sign permit”;*
 - (b) *after “6.5 Conditions on election sign”, insert:*
 - “6.6 Obligations of permit holder;*
 - 6.7 Safety of persons;*
 - 6.8 Removal sign for works;*
 - 6.9 Removal of sign which does not comply; and*
 - 6.10 Unlawful placement of signs.”;*

3. *Part 3 Clause 3.2(5) be deleted and substituted with the following –*
- “(5) The local government may refuse to consider an application for a permit –*
- (a) which is not in accordance with subclause (2);*
 - (b) which, in the case of an application for a sign permit, is not in accordance with clause 3.2(2);*
 - (c) which is not accompanied by the plans and specification and the application fee;*
 - (d) which is not properly completed; or*
 - (e) where any required plan, specification or photograph does not in the opinion of the CEO or an authorised person, contain sufficient information or is not sufficiently clear to enable the local government to properly consider the application.”;*
4. *after Clause 3.2, insert the following –*
- “3.2A Relevant considerations in determining application for permit*
- (1) Where a clause of this local law refers to matters which the local government is to have regard to in determining an application for a permit, the local government shall have regard to those matters prior to making a decision on an application for a permit under clause 3.5 and, in addition, may have regard to the following matters:*
- (a) the desirability of the proposed activity;*
 - (b) the location of the proposed activity;*
 - (c) the principles set out in the Competition Principles Agreement; and*
 - (d) such other matters as the local government may consider to be relevant in the circumstances of the case.”;*
5. *Clause 3.3 be amended to insert the following new subclauses –*
- “(4) Where a clause of this local law refers to conditions which may be imposed on a permit or which are to be taken to be imposed on a permit, the clause does not limit the power of the local government to impose other conditions on the permit under subclause (1) (a).*
 - (5) Where a clause of this local law refers to the grounds on which an application for a permit may be or is to be refused, the clause does not limit the power of the local government to refuse the application for a permit on other grounds under subclause (1) (b).”;*

6. *after Clause 3.3, insert the following new Clause –*

“3.3A Grounds on which an application may be refused

The local government may refuse to approve an application for a permit under this Division on any one or more of the following grounds –

- (a) that within the preceding 5 years the applicant has committed a breach of any provision of this local law, or of any other written law relevant to the activity in respect of which the permit is sought;*
- (b) that the applicant is not a fit and proper person to hold a permit;*
- (c) that –*
 - (i) the applicant is an undischarged bankrupt or is in liquidation;*
 - (ii) the applicant has entered into any composition or arrangement with creditors; or*
 - (iii) a manager, an administrator, a trustee, a receiver, or a receiver and manager has been appointed in relation to any part of the applicant's undertakings or property; or*
- (d) such other grounds as the local government may consider to be relevant in the circumstances of the case.”;*

7. *after Clause 3.11, insert the following new Clauses –*

“3.11A Suspension of permit holder rights and privileges

- (1) The rights and privileges granted to a permit holder on the issue of a permit, shall be automatically suspended, where the public liability insurance required as a condition of a permit, lapses, is cancelled or is no longer current.*
- (2) The rights and privileges granted to a permit holder on the issue of a permit, may be suspended by the local government for the purpose of and during the carrying out of any works by or on behalf of the State, or an agency or instrumentality of the Crown, or the local government, in or adjacent to the area the subject of the permit.*

3.11B Planning approval

The requirement for a permit under this local law, is additional to the requirement if any, for a planning approval.”

8. *Clause 6.1 be amended as follows:*
- (a) *delete the existing definition of “advertising sign” and substitute with the following new definition of “advertising sign” –*
- ““advertising sign” means a free-standing sign which may or may not be permanently attached to a structure or fixed to the ground, and includes a ground based sign, a sandwich board sign and an “A” frame sign, that is used or intended to be used for the purpose of advertising any premises, services, business, function, event, product or thing;”*
- (b) *after the definition of “advertising sign”, insert the following new definition –*
- “““A” frame sign” means a folding sign which is hinged at the top to provide a stable structure when open;”*
- (c) *after the definition of “election sign”, insert the following new definition –*
- ““permit holder” means the person to whom a sign permit has been issued;”*
- (d) *after the definition of “sign”, insert the following new definition –*
- ““sign permit” means a permit to display a sign.”;*
9. *after Clause 6.1 insert the following new clauses –*
- “6.1A Permit period*
- The local government may grant approval for the erection or display of an advertising sign for one year or three years, whichever the applicant chooses on the application for a sign permit.*
- 6.1B Sign permit*
- (1) *A person shall not display an advertising sign on a footpath unless that person is the holder of a valid sign permit.*
- (2) *Every application for a sign permit shall –*
- (a) *state the full name and address of the applicant;*
- (b) *specify the proposed permitted area of the advertising sign;*
- (c) *be accompanied by an accurate plan and description of:*
- (i) *the proposed advertising sign; and*

- (ii) *the proposed location of the proposed advertising sign and the area in a radius of approximately 10 metres around that location showing on a scale of approximately 1:100 the location of all carriageways, footpaths, verges, street furniture, bins, light poles, parking signs, traffic lights, other impediments to pedestrian traffic and premises abutting any verge or footpath.*
- (d) *a colour photograph or similar representation of the advertising sign.”;*
10. *Clause 6.3 be amended to insert the following new subclauses –*
- “(f) *the advertising sign would –*
- (i) *obstruct the visibility or clear sight lines of any person at an intersection of thoroughfares; or*
- (ii) *impede pedestrian access; and*
- (g) *the advertising sign, may obstruct or impede the use of the footpath for the purpose for which it was designed.”;*
11. *after Clause 6.5 insert the following new clauses –*
- “6.6 *Obligations of permit holder*
- The permit holder shall –*
- (a) *maintain the advertising sign in a safe and serviceable condition at all times;*
- (b) *display the permit number provided by the local government in a conspicuous place on the advertising sign and whenever requested by an authorised person to do so, produce the sign permit to that person;*
- (c) *ensure that the sign is of a stable design and is not readily moved by the wind, and does not by the nature of its design or anything else cause any hazard or danger to any person using a thoroughfare;*
- (d) *display an advertising sign on a footpath in the location approved by the local government and as specified by the permit; and*
- (e) *ensure the free passage of persons using the footpath at all times.*

6.7 Safety of persons

A person shall not cause or permit an advertising sign to be erected or displayed in such a condition, which in the opinion of an authorised person, causes or is likely to cause injury or danger to any person or damage to the clothing or possessions of any person.

6.8 Removal of sign for works

A permit holder shall ensure that an advertising sign, is removed from any footpath to permit the footpath to be swept or to permit any other authorised work to be carried out when directed to do so by an authorised person.

6.9 Removal of sign which does not comply

A person shall remove any advertising sign which does not comply with the requirements of this local law, from any footpath when directed to do so by an authorised person.

6.10 Unlawful placement of signs

A person who places, causes or permits to be placed on any footpath any advertising sign or item which does not comply with the requirements of this local law, commits an offence.”;

12. Schedule 1 be amended to insert the following new penalty clauses in the table in their correct numerical order –

“

CLAUSE	DESCRIPTION	MODIFIED PENALTY \$
6.1B (1)	<i>Displaying advertising sign on a footpath without a permit</i>	250
6.6 (a)	<i>Failing to maintain an advertising sign in a safe and serviceable condition at all times</i>	100
6.6 (b)	<i>Refusing to conspicuously display the permit number on an advertising sign</i>	50
6.6 (c)	<i>Failure to display a sign in accordance with conditions of permit</i>	100
6.6 (d)	<i>Failing to display the advertising sign in the approved location</i>	100
6.6 (e)	<i>Failing to ensure the free passage of persons using the footpath</i>	100
6.7	<i>Permitting an advertising sign to be displayed in an unsafe or dangerous manner</i>	250
6.8	<i>Refusing or failing to remove an advertising sign to allow sweeping or cleaning</i>	100

6.9	<i>Refusing or failure to remove an advertising sign or item when requested to do so</i>	250
6.10	<i>Placing or permitting an advertising sign contrary to the requirements of the local law</i>	250

”

COUNCIL DECISION ITEM 9.4.7

Moved Cr Farrell, Seconded Cr Youngman

That the recommendation be adopted.

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

(Cr Burns on approved leave of absence.)

PURPOSE OF REPORT:

To obtain the Council's approval for an amendment to the Local Government Property Local Law 2008.

BACKGROUND:

At the Council Meeting held on 2 December 2008, the Council considered this matter and resolved to amend the Local Law as shown in the Officer Recommendation.

CONSULTATION/ADVERTISING:

The proposed amendments were advised on a Statewide basis on 11 December 2008 and on a local basis on 9 December 2008. At the close of the six week statutory consultation period, no submissions were received.

At the recommendation of the Department of Local Government minor formatting changes have been made. These do not affect the content of the Local Law.

Section 3.16 of the Local Government Act 1995 states:

“3.16 (2) The local government is to give Statewide public notice stating that:

- (a) the local government proposes to review the local law;*
- (b) a copy of the local law may be inspected or obtained at any place specified in the notice; and*
- (c) submissions about the local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given.”*

FINANCIAL/BUDGET IMPLICATIONS

The cost of an advertisement will be approximately \$250.

LEGAL/POLICY

Section 3.12 of the Local Government Act 1995 prescribes the method for amending a Local Law.

SUSTAINABILITY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

The matter is in keeping with the Council's Strategic Plan 2006-2011 – *Key Result Area 4.2 – “Manage the organisation in a responsible, efficient and accountable manner”*.

COMMENTS

As no submissions have been received, it is recommended that the Council approve of the Officer Recommendation.

9.4.8 LATE ITEM: Town of Vincent Parking and Parking Facilities Local Law 2007 – Adoption of Amendment (2009)

Ward:	Both Wards	Date:	10 February 2009
Precinct:	All Precincts	File Ref:	LEG0047
Attachments:	-		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report relating the statutory review of the Town of Vincent Trading in Public Places Amendment Local Law 2009 and NOTES that no submissions were received during the statutory consultation period; and*
- (ii) *pursuant to Section 3.12 of Division 2 of Part 3 of the Local Government Act 1995, APPROVES BY AN ABSOLUTE MAJORITY to ADOPT the Town of Vincent Trading in Public Places Amendment Local Law 2009 as follows:*

**“LOCAL GOVERNMENT ACT 1995 (as amended)
TOWN OF VINCENT PARKING AND PARKING FACILITIES AMENDMENT
LOCAL LAW 2009**

AMENDS the Town of Vincent to Parking and Parking Facilities Local as follows:

- (a) *The existing subclause 5.1(1) be deleted and replaced with the following:*

“(1) No stopping

A driver shall not stop on any part of a carriageway, or in an area;

- (a) *to which a “no stopping” sign applies; or*
- (b) *during the times a sign specifies a “no stopping” restriction is in operation.”*

- (b) *The existing Schedule 2 is deleted and replaced by the Schedule 2, as shown below:*

“SCHEDULE 2

PRESCRIBED OFFENCES

ITEM NO.	CLAUSE NO.	NATURE OF OFFENCE	MODIFIED PENALTY \$
<i>1</i>	<i>2.2(1), (2)</i>	<i>Failure to comply with signs</i>	<i>50</i>
<i>2</i>	<i>2.3(a)</i>	<i>Unauthorised display, marking, setting up, exhibiting of a sign</i>	<i>125</i>
<i>3</i>	<i>2.3(b)</i>	<i>Unauthorised removal, defacing or misuse of a sign</i>	<i>70</i>
<i>4</i>	<i>2.3(c)</i>	<i>Unauthorised affixing anything to a sign</i>	<i>60</i>
<i>5</i>	<i>3.2(1)(a)</i>	<i>Failure to park parallel to and as close to the kerb as practicable in a parking stall</i>	<i>60</i>
<i>6</i>	<i>3.2(1)(b)</i>	<i>Failure to park wholly within parking stall</i>	<i>60</i>

ITEM NO.	CLAUSE NO.	NATURE OF OFFENCE	MODIFIED PENALTY \$
7	3.2(1)(c)	<i>Failure to park in the direction of the movement of traffic in a parking stall</i>	60
8	3.2(4)	<i>Failure to park wholly within parking area</i>	50
9	3.3(1)(a)	<i>Causing obstruction in parking station</i>	125
10	3.3(1)(b)	<i>Parking contrary to sign in parking station</i>	50
11	3.3(1)(c)	<i>Parking contrary to directions of authorised person</i>	150
12	3.3(1)(d)	<i>Parking or attempting to park a vehicle in a parking stall occupied by another vehicle</i>	50
13	4.1(1)(a)	<i>Parking by vehicles of a different class</i>	85
14	4.1(1)(b)	<i>Parking by persons of a different class</i>	85
15	4.1(1)(c)	<i>Parking during prohibited period</i>	85
16	4.1(3)(a)	<i>Parking in no parking area</i>	85
17	4.1(3)(b)	<i>Parking contrary to signs or limitations</i>	50
18	4.1(3)(c)	<i>Parking vehicle in motor cycle only area</i>	50
19	4.1(4)	<i>Parking motor cycle in stall not marked 'M/C'</i>	50
20	4.1(5)	<i>Parking without permission in an area designated for 'Authorised Vehicles Only'</i>	85
21	4.2(1)(a)	<i>Failure to park on the left of two-way carriageway</i>	60
22	4.2(1)(b)	<i>Failure to park on boundary of one-way carriageway</i>	60
23	4.2(1)(a) or 4.2(1)(b)	<i>Parking against the flow of traffic</i>	60
24	4.2(1)(c)	<i>Parking when distance from farther boundary less than 3 metres</i>	100
25	4.2(1)(d)	<i>Parking closer than 1 metre from another vehicle</i>	50
26	4.2(1)(e)	<i>Causing obstruction</i>	125
27	4.3(b)	<i>Failure to park at approximate right angle</i>	50
28	4.4(2)	<i>Failure to park at an appropriate angle</i>	50
29	4.5(2)(a)	<i>Double parking</i>	125
30	4.5(2)(b)	<i>Parking on or adjacent to a median strip</i>	60
31	4.5(2)(c)	<i>Denying access to private drive or right of way</i>	125
32	4.5(2)(d)	<i>Parking beside excavation or obstruction so as to obstruct traffic</i>	125
33	4.5(2)(e)	<i>Parking within 10 metres of traffic island</i>	60
34	4.5(2)(f)	<i>Parking on footpath/pedestrian crossing</i>	150
35	4.5(2)(g)	<i>Parking closer than 3 metres to double longitudinal lines</i>	125
36	4.5(2)(h)	<i>Parking on intersection</i>	150
37	4.5(2)(i)	<i>Parking within 1 metre of fire hydrant or fire plug</i>	50
38	4.5(2)(j)	<i>Parking within 3 metres of public letter box</i>	50
39	4.5(2)(k)	<i>Parking within 10 metres of intersection</i>	60
40	4.5(3)(a) or (b)	<i>Parking vehicle within 10 metres of departure side of bus stop, children's crossing or pedestrian crossing</i>	50
41	4.5(4)(a) or (b)	<i>Parking vehicle within 20 metres of approach side of bus stop, children's crossing or pedestrian crossing</i>	50
42	4.5(5)	<i>Parking vehicle within 20 metres of approach side or departure side of railway level crossing</i>	50
43	4.6	<i>Parking contrary to direction of authorised person</i>	150
44	4.7(1), (2) or (3)	<i>Moving vehicle to avoid time limitation</i>	85
45	4.8(a)	<i>Parking in thoroughfare for purpose of sale</i>	125
46	4.8(b)	<i>Parking unlicensed vehicle in thoroughfare</i>	100
47	4.8(c)	<i>Parking a trailer/caravan on a thoroughfare</i>	100
48	4.8(d)	<i>Parking in thoroughfare for purpose of repairs</i>	125
49	4.9(2)	<i>Parking on land that is not a parking facility without consent</i>	125

ITEM NO.	CLAUSE NO.	NATURE OF OFFENCE	MODIFIED PENALTY \$
50	4.9(3)	<i>Parking on land not in accordance with consent</i>	125
51	4.10	<i>Driving or parking on a reserve</i>	125
52	4.11	<i>Parking on a verge</i>	60
53	4.13(1)	<i>Failure to display an unexpired parking ticket (Parking Station)</i>	60
54	4.13(2)(a)	<i>Deface, alter, add to, erase, obliterate or otherwise interfere with a parking ticket</i>	150
55	4.13(2)(b)	<i>Display a defaced, altered obliterated or otherwise interfered with parking ticket</i>	150
56	4.13(2)(c)	<i>Produce a defaced, altered obliterated or otherwise interfered with parking ticket</i>	150
57	5.1(1)(a)	<i>Stopping contrary to a no stopping sign</i>	125
58	5.1(1)(b)	<i>Stopping during the times a sign specifies a "no stopping" restriction is in operation</i>	125
59	5.1(2)	<i>Parking contrary to a no parking sign</i>	85
60	5.1(3)	<i>Stopping within continuous yellow lines</i>	125
61	5.2	<i>Stopping unlawfully in a loading zone</i>	85
62	5.3	<i>Stopping unlawfully in a taxi zone or bus zone</i>	100
63	5.4	<i>Stopping unlawfully in a mail zone</i>	70
64	5.5	<i>Stopping in a zone contrary to a sign</i>	50
65	5.6	<i>Stopping in a shared zone</i>	50
66	5.7(1)	<i>Double parking</i>	125
67	5.8	<i>Stopping near an obstruction</i>	125
68	5.9	<i>Stopping on a bridge or tunnel</i>	100
69	5.1	<i>Stopping on crests/curves etc</i>	100
70	5.11	<i>Stopping near fire hydrant</i>	70
71	5.12(1)	<i>Stopping near bus stop</i>	85
72	5.13	<i>Stopping on path, median strip or traffic island</i>	125
73	5.14(1)	<i>Stopping on verge</i>	60
74	5.15	<i>Obstructing path, a driveway etc</i>	125
75	5.16	<i>Stopping near letter box</i>	50
76	5.17	<i>Stopping heavy or long vehicles on carriageway</i>	85
77	5.18	<i>Stopping in bicycle parking area</i>	60
78	5.19	<i>Stopping in motorcycle parking area</i>	60
79	5.20	<i>Stopping or parking in a stall set up as an eating area</i>	85
80	5.21	<i>Stopping or parking contrary to requirements of a permit</i>	60
81	5.22	<i>Stopping or parking a vehicle (other than a bicycle or motor cycle) in a parking stall approved for motor cycles</i>	60
82	6.1(1)	<i>Damaging or interfering with ticket issuing machine</i>	150
83	6.1(2)	<i>Affixing a board, sign, placard or notice or marking any ticket issuing machine</i>	60
84	6.1(3)	<i>Inserting other than a coin in a ticket issuing machine</i>	50
85	6.1(4)	<i>Operating a ticket issuing machine contrary to instructions</i>	50
86	6.2(2)	<i>Failure to pay appropriate fee</i>	60
87	6.3(1)(a)	<i>Failure to display an unexpired parking ticket</i>	60
88	6.3(1)(b)	<i>Failure to display a valid parking ticket</i>	60
89	6.4(1)	<i>Stopping or parking for longer than the maximum period</i>	60
90	6.5(1)(a)	<i>Failure to stop or park parallel to the kerb in a ticket machine zone</i>	60
91	6.5(1)(b)	<i>Failure to stop or park as close to the kerb as practicable in a ticket machine zone</i>	60
92	6.5(1)(c)	<i>Failure to stop or park wholly within a parking stall in a ticket machine zone</i>	60
93	6.5(1)(d)	<i>Failure to stop or park in direction of movement of traffic in a ticket machine zone</i>	50

ITEM NO.	CLAUSE NO.	NATURE OF OFFENCE	MODIFIED PENALTY \$
94	7.9	<i>Failure to display a valid permit</i>	85
95	8.3	<i>Failure to comply with a lawful direction of an authorised person</i>	150
96	8.4	<i>Failure to leave local government property when lawfully directed to do so by an authorised person</i>	150
97	8.5(2)	<i>Removing or interfering with a lawful mark on a tyre</i>	150
98	8.6	<i>Removing a notice on a vehicle</i>	125
99	8.8(1)	<i>Leaving a vehicle in a public place or thoroughfare so as to cause an obstruction</i>	125
100	8.9	<i>Attempting to or removing, damaging, defacing, misusing or interfering with any part of a parking station or parking facility</i>	150
101		<i>All other offences not specified</i>	85

”

COUNCIL DECISION ITEM 9.4.8

Moved Cr Farell, Seconded Cr Ker

That the recommendation be adopted.

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

(Cr Burns on approved leave of absence.)

PURPOSE OF REPORT:

To obtain the Council’s approval for an amendment to the Parking and Parking Facilities Local Law 2007.

BACKGROUND:

At the Council Meeting held on 2 December 2008, the Council considered this matter and resolved to amend the Local Law as shown in the Officer Recommendation.

CONSULTATION/ADVERTISING:

The proposed amendments were advised on a Statewide basis on 11 December 2008 and on a local basis on 9 December 2008. At the close of the six week statutory consultation period, no submissions were received.

At the recommendation of the Department of Local Government minor formatting changes have been made. These do not affect the content of the Local Law.

Section 3.16 of the Local Government Act 1995 states:

“3.16 (2) *The local government is to give Statewide public notice stating that:*

- (a) *the local government proposes to review the local law;*

- (b) *a copy of the local law may be inspected or obtained at any place specified in the notice; and*
- (c) *submissions about the local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given."*

FINANCIAL/BUDGET IMPLICATIONS

The cost of an advertisement will be approximately \$250.

LEGAL/POLICY

Section 3.12 of the Local Government Act 1995 prescribes the method for amending a Local Law.

SUSTAINABILITY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

The matter is in keeping with the Council's Strategic Plan 2006-2011 – *Key Result Area 4.2 – "Manage the organisation in a responsible, efficient and accountable manner"*.

COMMENTS

As no submissions have been received, it is recommended that the Council approve of the Officer Recommendation.

10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

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

Nil.

12. REPRESENTATION ON COMMITTEES AND PUBLIC BODIES

Nil.

13. URGENT BUSINESS

13.1 URGENT BUSINESS: Donation and Offers of Assistance – Victorian Bushfires

Ward:	-	Date:	9 February 2009
Precinct:	-	File Ref:	FIN0008
Attachments:	-		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council:

- (i) *EXPRESSES its condolences and deepest sympathy to the victims and all those affected by the Victorian Bushfires;*
- (ii) *APPROVES a donation of \$10,000 (ten thousand) to the Red Cross Victorian Bushfire Appeal 2009 Fund;*
- (iii) *AUTHORISES the Chief Executive Officer to determine and approve offers of assistance concerning Town of Vincent professional and technical staff (Environmental Health Officers, Building Surveyors, and staff with Emergency Management experience) which may be required to assist in fire affected Local Governments in Victoria.*

COUNCIL DECISION ITEM 13.1

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED (8-0)

(Cr Burns on approved leave of absence.)

PURPOSE OF REPORT:

To approve of a financial donation and Town of Vincent professional and technical staff (if required) to the Red Cross Victorian Bushfire Appeal 2009 Fund to support communities impacted by devastating fires which have ravaged many parts of Victoria.

BACKGROUND:

Communities across Victoria have been devastated by more than 400 bushfires that have swept through the State leaving a rising death toll, annihilating homes and businesses, wiping out entire towns and leaving many families homeless and destitute.

The Country Fire Authority has said that 31 fires (as at 9 February 2009) are still raging throughout Victoria. It is estimated that the fires will take weeks to contain.

Most of the deaths have occurred in the largest blaze, in the Kinglake region, that has cut a vast swath across the central highlands from Wandong, south to Kinglake and nearby Saint Andrews, and north-east towards the upper Goulburn Valley. The Kinglake fire, which sprawls across 220,000ha – about two-thirds of the area destroyed by fires across Victoria – has all but consumed towns including Kinglake and Marysville.

All fire-devastated areas will be treated as crime scenes to determine if arson was involved.

At the time of writing this report the death toll from the Victorian bushfires had reached 130 and authorities were warning the number of fatalities was likely to rise even further. At least 750 homes have been destroyed and more than 330,000 hectares burnt out in what is now being called Australia's deadliest disaster.

The death toll surpasses that from the 1983 Ash Wednesday bushfires, in which 75 people died in Victoria and South Australia, and the Black Friday bushfires of 1939, which killed 71.

DETAILS:

On 8 February 2009 the Victorian Premier John Brumby launched the 2009 Victorian Bushfire Appeal Fund in partnership with the Australian Government and Red Cross to support fire victims through the collection of cash donations and distribution of assistance to individuals and communities in towns and suburbs affected by the fires.

"Communities across Victoria have been devastated by more than 400 bushfires that have swept across the state in the most severe weather conditions we've seen in our history", Mr Brumby said.

"The human cost of these fires has been horrific – in many parts of our state so many lives have been lost, so many people left with severe injuries, so many houses and possessions wrecked and whole communities almost completely destroyed."

Red Cross Response

Around 20 evacuation centres are being run by over 400 Red Cross volunteers and staff to:

- register the names of people affected by the fires so that family and friends can contact Red Cross to check that they are ok;
- provide meals for fire fighters, police and other emergency services personnel, as well as people in relief centres;
- provide first aid to assist emergency services personnel and affected people; and
- provide personal support to volunteers – emotional support, information and referrals to recovery services.

The donations will assist individuals, organisations and communities who meet the criteria set up by an independent panel of community leaders who will oversee the Appeal Fund's operation. Criteria for assistance will include the extent of the hardship covered and the extent to which a person's livelihood and infrastructure has been impacted.

Previous Donations

The Town of Vincent has previously provided donations for disaster relief as follows:

Date	Details	Amount
January 1998	Lord Mayor's Distress Relief Fund for the Brookton/Pingelly Bush Fire	\$ 500
April 1999	<ul style="list-style-type: none">• Lord Mayor's Moora Flood Appeal• Lord Mayor's Exmouth Cyclone Appeal	\$1,000 \$1,000
November 2002	Lord Mayor's Distress Relief Fund for the Victims of the Bali Bombing	\$5,000
January 2005	Tsunami Appeal to CARE Australia	\$5,000
November 2005	Earthquake Relief Appeal - Afghanistan, India, Pakistan and Kashmir	\$2,500
March 2006	Lord Mayor's Distress Disaster Relief Fund (General request for Donations)	\$ 500
April 2006	Premier's Disaster Relief Appeal Fund for the communities affected by Cyclone Larry in North Queensland	\$2,500
June 2006	Australian Red Cross - Indonesian Earthquake Appeal Fund	\$2,000
February 2007	Lord Mayor's Disaster Relief Fund – Dwellingup Fires Appeal	\$2,500
May 2008	CARE Australia – Myanmar (Burma) Cyclone Nargis Appeal	\$,3500
May 2008	Australian Red Cross - China Sichuan Earthquake Appeal 2008	\$3,500

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

The Town's Policy No. 4.1.27 - "Disaster Appeals - Donations and Assistance" states;

"OBJECTIVES

To provide guidance to the Council when considering requests for the provision of financial assistance and other support to alleviate the impact of disasters and other significant emergencies.

POLICY STATEMENT***1. Council to Approve Requests***

All requests to provide financial assistance and other support to alleviate the impact of disasters and other significant emergencies shall be in response to an appeal launched by the Federal, State, Local Government or other bona fide agency and shall be reported to the Council for consideration and determination.

2. *Financial Support*

- (a) *Financial support shall be limited to a maximum of \$5,600 to any one disaster or other significant emergency appeal.*
- (b) *In the event of more than one relief organisation/agency being involved in the Disaster Appeal, the Council shall determine the most appropriate relief organisation to receive the support.*
- (c) *Financial support will only be made to approved agencies/organisations and cash donations will not be made directly to individuals."*

3. *Non-Financial Support.*

The Council will consider support, other than financial, which includes but is not limited to:

- (a) *the provision and use of the Town's resources, machinery, vehicles, equipment for disasters which occur within Australia;*
- (b) *the use of the Town's buildings and facilities for emergency accommodation and other approved purposes;*
- (c) *support for employees with professional expertise who wish to assist in the disaster by releasing the person on payment of their current salary and conditions, assistance to travel costs and incidental costs, provision of emergency clothing, equipment and the like which is necessary for the duration of the employees absence to a maximum of \$5,000;*
- (d) *the use of Town as a receiving agent for any donations by the public; and*
- (e) *any other bona fide requests which may arise from a disaster or emergency.*

STRATEGIC IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

An amount of \$10,000 (ten thousand) would be expended from the Donation account.

COMMENTS:

The Victorian Local Government Association has issued an email to all Local Governments in Australia outlining how assistances may be provided. They have advised that the first priority is for cash donations. The need for professional and technical staff has been identified, however details are still being compiled. As details concerning the use of professional and technical staff is unknown at this stage, it is recommended that the Chief Executive Officer be authorised to determine and approve of any offers of assistance concerning Town of Vincent Employees.

The Town has a number of suitably qualified and experienced Environmental Health Officers, Building Surveyors and a Senior Employee with extensive emergency management experience who have indicated their willingness to assist, if required.

The recommended donation of \$10,000 is outside the Town's Policy, however given the magnitude of the devastation, the amount is considered appropriate.

PROCEDURAL MOTION

At 9.30pm **Moved Cr Farrell, Seconded Cr Ker**

That Council proceed "behind closed doors" to consider confidential item 14.1, as this matter relates to the personal affairs of a person.

PROCEDURAL MOTION PUT AND CARRIED (8-0)

(Cr Burns on approved leave of absence.)

Journalist Andrei Buters departed the Chamber. No members of the public were present.

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

14.1 CONFIDENTIAL REPORT – No. 71 (Lot: 199 D/P: 93039) Edward Street, East Perth - Proposed Storage Silo Addition to Existing General Industry (Hanson Concrete Batching Plant) - State Administrative Tribunal (SAT) Review Matter No. DR 405 of 2008

Ward:	South	Date:	2 February 2009
Precinct:	Claisebrook North	File Ref:	PRO4024; 5.2008.377.1
Attachments:	-		
Reporting Officer(s):	R Rasiah		
Checked/Endorsed by:	H Smith; R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) ***RECEIVES*** the report relating to No. 71 (Lot: 199 D/P: 93039) Edward Street, East Perth - proposed Storage Silo Addition to Existing General Industry (Hanson Concrete Batching Plant) - State Administrative Tribunal (SAT) Review Matter No. R 405 of 2008;
- (ii) ***FILES and SERVES*** the following draft "without prejudice" conditions if the SAT is inclined to approve the above proposal and in response to the SAT Orders dated 29 December 2008:
 - (a) *prior to the commencement of the operation of the new silo, an updated management plan shall be submitted to and approved by the Town, which includes addressing the following matters:*
 - (i) *noise management for on-site activities;*
 - (ii) *dust and cement waste management including regular washing down of trucks before exiting the site, dust control on-site and regular sweeping and cleaning of materials spilled on surrounding roads;*
 - (iii) *a traffic management plan with regard to all vehicles entering and exiting the site, including vehicles delivering raw materials, Monday to Saturday, driver education in regard to truck routes, vehicle speeds, and operations to minimise disturbance and public safety concerns;*

- (iv) *methods for notifying affected properties along Claisebrook Road, Edward Street and other internal streets used to access Lord Street on occasions when unusually high truck movements are likely to occur Monday to Saturday;*
 - (v) *the implementation of a complaint handling system that includes a procedure to log and deal with complaints from residents and owners allegedly affected by the concrete batching plant's operations, including a manned compliant line, details of which is to be annually forwarded to the Town of Vincent for consideration; and*
 - (vi) *a review of the above management plan after the first 12 months of operation;*
- (b) *no special one off applications for extended operating hours shall be applied for on Sundays and public holidays;*
 - (c) *there shall be no increase in truck movements as a result of the proposed additional silo; and*
 - (d) *the above use shall cease operations as of 26 June 2012; and*
- (iii) *INVITES MAYOR Catania. to submit a written submission (witness statement) on behalf of the Council on the Review (appeal), which is to be determined by way of a "Final Hearing".*

COUNCIL DECISION ITEM 14.1

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

MOTION PUT AND CARRIED (8-0)

(Cr Burns on approved leave of absence.)

DETAILS:

The Chief Executive Officer is of the opinion that this report is of a confidential nature as it relates to the Town's position regarding a review application to the State Administrative Tribunal, contains legal advice obtained, or which may be obtained by the local government and which relates to a matter to be discussed at this meeting. In accordance with Section 5.23 of the Local Government Act the report is to be kept confidential until determined by the Council to be released for public information.

LEGAL:

The Local Government Act 1995, Section 5.23(2) prescribes that a meeting or any part of a meeting may be closed to the public when it deals with a range of matters.

The Town of Vincent Local Law Relating to Standing Orders states the following:

“2.15 Confidential business

- (1) All business conducted by the Council at meetings (or any part of it) which are closed to members of the public is to be treated in accordance with the Local Government (Rules of Conduct) Regulations 2007.*

The confidential report is provided separately to Council Members, the Chief Executive Officer and Directors.

At the conclusion of these matters, the Council may wish to make some details available to the public.

PROCEDURAL MOTION

At 9.03pm Moved Cr Ker, Seconded Cr Farrell

That an “open meeting” be resumed.

PROCEDURAL MOTION PUT AND CARRIED (8-0)

(Cr Burns on approved leave of absence.)

15. CLOSURE

The Presiding Member, Mayor Nick Catania, declared the meeting closed at 9.38pm with the following persons present:

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

No Members of the Public or journalists present.

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 10 February 2009.

Signed:Presiding Member
Mayor Nick Catania

Dated this day of 2009