



TOWN OF VINCENT

"Enhancing and celebrating our diverse community"

MINUTES

11 MARCH 2008

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15. CLOSURE 101

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 11 March 2008, commencing at 6.00pm.

1. DECLARATION OF OPENING

The Presiding Member, Mayor Nick Catania, JP, declared the meeting open at 6.06pm.

2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE

(a) Apologies:

Cr Helen Doran-Wu North Ward (Arriving late due to personal commitments)

(b) Present:

Mayor Nick Catania, JP	Presiding Member
Cr Anka Burns	South Ward
Cr Helen Doran-Wu	North Ward (from 6.08pm)
Cr Steed Farrell	North Ward
Cr Ian Ker	South Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr 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
Gillian van den Bok	A/Executive Assistant/Minutes Secretary
Paul Morrice	Employee of the Month Recipient (until 6.35pm)
Jacqui Bahr	Journalist - <i>"The Perth Voice"</i> (until approx 7.30pm)

Approximately 12 Members of the Public

(c) Members on Leave of Absence:

Cr Izzi Messina South Ward (Approved Leave of Absence)

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

1. Ms Tiffany Laurie of 1 Woodstock Street, Mount Hawthorn spoke on Item 10.1.6 expressing her opposition to the renumbering of Woodstock Street. Ms Laurie is concerned that these changes will be to the detriment of the long term residents of Woodstock Street. The following questions were asked:

Q: What happens to her mail after the 3 month redirection notice expires?

Q: Who is going to take responsibility to advise all the necessary authorities?

Q: Why is consideration being given to developers over the long term residents of the street?

2. Mr Ian Merker of 104 Broome Street, Highgate spoke on Item 10.1.2. Mr Merker advised that he has submitted a letter presenting his objections to the proposal and that he has put a considerable amount of work into establishing the extent to which they as immediate neighbours will be affected by overshadowing throughout the year, not just at midday on the shortest day of the year.

He advised that his submission outlines the main reasons why he asks Council to reject this development proposal. He stressed that he is not against two storey developments, but asks Council to give him an opportunity to show the impact that such a large development will have on his garden and to suggest measures to find a mutually acceptable compromise.

3. Ms Elizabeth Darby of 3 Woodstock Street, Mount Hawthorn spoke on Item 10.1.6. Ms Darby advised that she accepted the item in principle with some reservations as there is no doubt it will cause some chaos. Ms Darby requested Council to look at the whole street, i.e. both North and South sides.
4. Mr Nick Granger of 367 Stirling Street, Perth spoke on Item 10.1.2. Mr Granger advised that the reduction of setbacks is the main problem imposing on neighbour's gardens. Requested Council defer this item to allow for a review of the development plans.
5. Mr Gowinda Gorgon from 560 Beaufort Street, Mount Lawley spoke on his application that had been withdrawn from the Agenda.

The Chief Executive Officer advised that the item was not included in the Agenda as it was dealt with under Delegated Authority.

6. Mr Paul Everall of 1A Woodstock Street, Mount Hawthorn spoke on Item 10.1.6. Mr Everall advised that he has no objection to the renumbering as it would resolve the current issues of inconsistency. Mr Everall advised that he is not aware of the implications this would have on Title Deeds. Mr Everall also felt that the whole street number system needs to be considered as it could become confusing for services like taxi drivers. Believes Council needs to consider numbering of both sides for potential future development.
7. Mr Brian Fleay of 59 View Street, North Perth spoke on Item 10.2.1. Mr Fleay advised that he was representing Smiths Lake Precinct Group. Mr Fleay informed Council that following their Community Meeting it is advised that 13 members supported the Plan with some modifications i.e. the BBQ is not supported without adjacent toilets and should be deleted. Requested the cost be reduced.
8. Mr Matt Thyer of 141 Joel Terrace, Mount Lawley spoke on Item 10.1.3 regarding his development application for a proposed double garage and brick and wrought iron fence. Mr Thyer advised that this application is consistent with 9 other properties in the block and asked the following question:

Q: Would Council consider allowing them to build up to the right-of-way?

There being no further questions from the public, the Presiding Member, Mayor Nick Catania, JP, closed Public Question Time at 6.32pm.

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Refer to IB04.

4. APPLICATIONS FOR LEAVE OF ABSENCE

Cr Steed Farrell applied for Approved Leave of Absence for the Ordinary Meeting of Council 25 March 2008 for work reasons.

Moved Cr Youngman, Seconded Cr Doran-Wu

That Cr Farrell's request for Leave of Absence for the Ordinary Meeting of Council 25 March 2008 for work reasons be approved.

CARRIED (8-0)

(Cr Messina was on approved leave of absence for the meeting.)

5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND MEMORIALS

The Chief Executive Officer advised the following:

- 5.1 A petition was received from Ms Helen Marthins of 5B Coogee Street, Mount Hawthorn on behalf of the Parents at Aranmore Primary School objecting to a proposal to move Margaret Kindergarten to Braithwaite Park together with 19 signatories.

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

Moved Cr Youngman, Seconded Cr Ker

That the Petition be received and referred to the Director Development Services for investigation and report.

CARRIED (8-0)

(Cr Messina was on approved leave of absence for the meeting.)

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Minutes of the Ordinary Meeting of Council held on 26 February 2008.

Moved Cr Farrell, Seconded Cr Ker

That the Minutes of the Ordinary Meeting of Council held on 26 February 2008 be confirmed as a true and correct.

CARRIED (8-0)

(Cr Messina was on approved leave of absence for the meeting.)

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

7.1 Employee of the Month Award for the Town of Vincent for March 2008

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 MARCH 2008, the award is presented to Paul Morrice, Customer Service Officer in the Town's Ranger & Community Safety Services Section. Paul was nominated by the Co-ordinator/Prosecutions Officer, John McGee and Senior Ranger, Peter Cicanese for his excellent customer service skills and helpfulness, whenever required.

When dealing with difficult people, Paul has shown an ability to defuse potential unpleasant situations. Paul is a very knowledgeable person in the Ranger & Community Safety Section and understands all core functions of the Section, relating to them when required.

During the recent Rod Stewart Concert held at Members Equity Stadium, as several rostered staff were unavailable at late notice, Paul immediately volunteered to work as a Cashier on the night, even though he had been working all day.

He is an extremely valued employee in the Section and always gives 100% effort. His work ethic is beyond reproach.

Congratulations to Paul - and well done!!

8. DECLARATIONS OF INTERESTS

- 8.1 Mayor Catania declared a financial interest in Item 10.3.1 Investment Report as at 29 February 2008. The extent of his interest being that he is Chairman of the Board of Directors of the North Perth Community Bank.
- 8.2 Cr Burns declared a financial interest in Item 10.3.1 Investment Report as at 29 February 2008. The extent of her interest being that she is a shareholder and her father is on the Board of Directors of the North Perth Community Bank.
- 8.3 Cr Lake declared an interest affecting impartiality in Item 10.2.2 – Mindarie Regional Council Project – Earth Carers. She disclosed that she has been invited to participate in the Project.
- 8.4 Cr Maier declared an interest affecting impartiality in Item 10.2.2 – Mindarie Regional Council Project – Earth Carers. He disclosed that his partner has been invited to participate in the Project.
- 8.5 Cr Doran-Wu declared an interest affecting impartiality in Item 14.1 – Confidential Report – 71 Edward Street. She disclosed that she has a close family member who is an employee of Hanson's.

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

Nil.

10. REPORTS

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

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

Items 10.1.6, 10.1.2, 10.2.1 and 10.1.3

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

Items 10.4.3

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

Items 10.3.1

Presiding Member, Mayor Nick Catania JP, 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	On Approved Leave of Absence
Cr Youngman	Nil
Cr Ker	10.1.1
Cr Doran-Wu	Nil
Cr Lake	Nil
Cr Burns	Nil
Cr Maier	Nil
Mayor Catania	Nil

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

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

Items 10.1.4, 10.1.5, 10.2.2, 10.4.1, 10.4.2 and 10.4.4

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 10.1.4, 10.1.5, 10.2.2, 10.4.1, 10.4.2 and 10.4.4

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

Items 10.1.6, 10.1.2, 10.2.1 and 10.1.3

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

Moved Cr Farrell, Seconded Cr Ker

That the following unopposed items be approved, as recommended, en bloc;

Items 10.1.4, 10.1.5, 10.2.2, 10.4.1, 10.4.2 and 10.4.4

CARRIED (8-0)

(Cr Messina was on approved leave of absence for the meeting.)

10.1.4 Nos. 252-254 (Lot: 7 D/P: 106) Fitzgerald Street, Perth - Proposed Demolition of Existing Buildings and Construction of Three-Storey Mixed Use Development Comprising Offices, Two (2) Grouped Dwellings and Associated Car Parking

Ward:	South	Date:	28 February 2008
Precinct:	Hyde Park; P12	File Ref:	PRO0173; 5.2007.496.1
Attachments:	001		
Reporting Officer(s):	D Pirone		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Bollig Design Group on behalf of the owner Winsport Pty Ltd for proposed Demolition of Existing Buildings and Construction of Three-Storey Mixed Use Development Comprising Offices, and Two (2) Grouped Dwellings and Associated Car Parking, at Nos. 252-254 (Lot: 7 D/P: 106) Fitzgerald Street, Perth, and as shown on plans stamp-dated 30 November 2007 (excluding floor plans) and 7 February 2008 (floor plans), subject to the following conditions:

- (i) 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;*
- (ii) the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (iii) 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 public art contribution of \$20,000 for the equivalent value of one per cent (1%) of the estimated total cost of the development (\$2,000,000); OR*
 - (b) lodge an appropriate public art assurance bond/ bank guarantee of a value of \$20,000 with the Town. The assurance bond / bank guarantee will only be released to the owner(s)/ applicant in the following circumstances:*
 - (1) Designs for art work(s) valued at one per cent (1%) of the estimated total cost of the development (\$2,000,000) have been submitted to*

and approved by the Town. The art work(s) shall be in accordance with the Town's Policy relating to Percent for Art Scheme and be developed in full consultation with the Town's Community Development Services with reference to the Percent for Art Scheme Policy Guidelines for Developers. The art work(s) shall be installed prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s); or

- (2) *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,' have been submitted to and approved by the Town; or*
- (3) *The subject 'Approval to Commence Development' did not commence and subsequently expired.*

In the circumstance where the owner(s)/ applicant has elected clause (b)(1) and there has been no submission or approval of the design for art work within six (6) months from the date of issue of the Building Licence, the Town may claim the monies assured to them in the above bond or bank guarantee without further notice to the owner(s)/ applicant for the provisions of art works in the Town.

The Town's Chief Executive Officer has the discretion to extend the six (6) month deadline that applies to clause (b) (1) under this condition of approval if:

- (aa) *a formal request has been submitted to the Town in writing for such an extension before the date of the six (6) month deadline; and*
 - (bb) *the Town is satisfied that significant negotiations have been entered into by the owner(s) /applicant to provide the art work;*
- (iv) *prior to the issue of the Building Licence, revised plan shall be submitted to and be approved demonstrating the following:*
- (a) *a bin compound being provided in accordance with the Town's Health Services Section's Specifications, divided into commercial and residential areas and sized to contain:-*
 - *Residential*
1 x mobile garbage bin per unit; and
1 x general recycle bin per 2 units.
 - *Commercial*
1 x mobile garbage bin per unit; and
1 x paper recycle bin per unit, or per 200 square metres of floor space;
and
 - (b) *compliance with the 'end of trip facilities' as outlined in the Town's Parking and Access Policy:*
 - (1) *a minimum of one male shower and one female shower being located in separate change rooms;*

- (2) *the change room facilities being secure and capable of being locked; and*
- (3) *a minimum of one locker being provided for every bicycle parking bay provided.*

The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes;

- (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 Nos. 250 and 256-262 Fitzgerald Street and Nos. 60-62 Randell 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. 250 and 256-262 Fitzgerald Street and Nos. 60-62 Randell Street in a good and clean condition;*
- (vii) *prior to the first occupation of the development, two (2) class one or two bicycle parking facilities, shall be provided at a location convenient to the entrance of the development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to the installation of such facilities;*
- (viii) *all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (ix) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (x) *the doors, windows and adjacent floor areas on the ground floor and first floor fronting Fitzgerald Street shall maintain an active and interactive relationship with this street;*
- (xi) *the maximum total gross floor area of the offices shall be limited to 485 square metres;*
- (xii) *prior to the first occupation of the development, two (2) 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;*
- (xiii) *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;*
- (xiv) *the on-site car parking area for the offices/non-residential component shall be available for the occupiers of the residential component outside normal business hours;*

- (xv) *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;*
- (xvi) *prior to the issue of a Building Licence, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property of the following:*
- (a) *the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities; and*
 - (b) *the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the units. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development.*

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

- (xvii) *the proposed vehicular entry gate adjacent to the car parking area and right of way 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;*

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

- (xix) *prior to the first occupation of the development, each multiple grouped dwelling shall be provided with a screened outdoor area for clothes drying or clothes tumbler dryer;*

- (xx) *the proposed car stacking facility does not form part of this approval and any further consideration of a car stacking facility at the subject property will require a separate planning application to be submitted to and approved by the Town;*

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

- (a) *pay a cash-in-lieu contribution of \$3,024 for the equivalent value of 1.12 car parking spaces, based on the cost of \$2,700 per bay as set out in the Town's 2007/2008 Budget; OR*
- (b) *lodge an appropriate assurance bond/ bank guarantee of a value of \$3,024 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;*
- (xxii) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site; and*
- (xxiii) *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.*

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

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED "EN BLOC" (8-0)

(Cr Messina was on approved leave of absence for the meeting.)

COUNCIL DECISION ITEM 10.1.4

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 Bollig Design Group on behalf of the owner Winsport Pty Ltd for proposed Demolition of Existing Buildings and Construction of Three-Storey Mixed Use Development Comprising Offices, and Two (2) Grouped Dwellings and Associated Car Parking, at Nos. 252-254 (Lot: 7 D/P: 106) Fitzgerald Street, Perth, and as shown on plans stamp-dated 30 November 2007 (excluding floor plans) and 7 February 2008 (floor plans), subject to the following conditions:

- (i) *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;*

- (ii) *the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (iii) *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 public art contribution of \$20,000 for the equivalent value of one per cent (1%) of the estimated total cost of the development (\$2,000,000); OR*
- (b) *lodge an appropriate public art assurance bond/ bank guarantee of a value of \$20,000 with the Town. The assurance bond / bank guarantee will only be released to the owner(s)/ applicant in the following circumstances:*
- (1) *Designs for art work(s) valued at one per cent (1%) of the estimated total cost of the development (\$2,000,000) have been submitted to and approved by the Town. The art work(s) shall be in accordance with the Town’s Policy relating to Percent for Art Scheme and be developed in full consultation with the Town’s Community Development Services with reference to the Percent for Art Scheme Policy Guidelines for Developers. The art work(s) shall be installed prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s); or*
- (2) *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,’ have been submitted to and approved by the Town; or*
- (3) *The subject ‘Approval to Commence Development’ did not commence and subsequently expired.*

In the circumstance where the owner(s)/ applicant has elected clause (b)(1) and there has been no submission or approval of the design for art work within six (6) months from the date of issue of the Building Licence, the Town may claim the monies assured to them in the above bond or bank guarantee without further notice to the owner(s)/ applicant for the provisions of art works in the Town.

The Town’s Chief Executive Officer has the discretion to extend the six (6) month deadline that applies to clause (b) (1) under this condition of approval if:

- (aa) *a formal request has been submitted to the Town in writing for such an extension before the date of the six (6) month deadline; and*
- (bb) *the Town is satisfied that significant negotiations have been entered into by the owner(s) /applicant to provide the art work;*
- (iv) *prior to the issue of the Building Licence, revised plan shall be submitted to and be approved demonstrating the following:*

- (a) *a bin compound being provided in accordance with the Town's Health Services Section's Specifications, divided into commercial and residential areas and sized to contain:-*
- *Residential*
1 x mobile garbage bin per unit; and
1 x general recycle bin per 2 units.
 - *Commercial*
1 x mobile garbage bin per unit; and
1 x paper recycle bin per unit, or per 200 square metres of floor space;
and
- (b) *compliance with the 'end of trip facilities' as outlined in the Town's Parking and Access Policy:*
- (1) *a minimum of one male shower and one female shower being located in separate change rooms;*
 - (2) *the change room facilities being secure and capable of being locked;*
and
 - (3) *a minimum of one locker being provided for every bicycle parking bay provided.*

The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes;

- (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 Nos. 250 and 256-262 Fitzgerald Street and Nos. 60-62 Randell 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. 250 and 256-262 Fitzgerald Street and Nos. 60-62 Randell Street in a good and clean condition;*
- (vii) *prior to the first occupation of the development, two (2) class one or two bicycle parking facilities, shall be provided at a location convenient to the entrance of the development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to the installation of such facilities;*
- (viii) *all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (ix) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*

- (x) *the doors, windows and adjacent floor areas on the ground floor and first floor fronting Fitzgerald Street shall maintain an active and interactive relationship with this street;*
 - (xi) *the maximum total gross floor area of the offices shall be limited to 485 square metres;*
 - (xii) *prior to the first occupation of the development, two (2) 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;*
 - (xiii) *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;*
 - (xiv) *the on-site car parking area for the offices/non-residential component shall be available for the occupiers of the residential component outside normal business hours;*
 - (xv) *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;*
 - (xvi) *prior to the issue of a Building Licence, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property of the following:*
 - (a) *the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities; and*
 - (b) *the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the units. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development.*
- This notification shall be lodged and registered in accordance with the Transfer of Land Act prior to the first occupation of the development;*
- (xvii) *the proposed vehicular entry gate adjacent to the car parking area and right of way 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;*
 - (xviii) *prior to the first occupation of the development, each grouped dwelling shall be provided with a screened outdoor area for clothes drying or clothes tumbler dryer;*
 - (xix) *the proposed car stacking facility does not form part of this approval and any further consideration of a car stacking facility at the subject property will require a separate planning application to be submitted to and approved by the Town;*

- (xx) *within twenty-eight (28) days of the issue date of this 'Approval to Commence Development', the owner(s) or the applicant on behalf of the owner(s) shall comply with the following requirements:*
- (a) *pay a cash-in-lieu contribution of \$3,024 for the equivalent value of 1.12 car parking spaces, based on the cost of \$2,700 per bay as set out in the Town's 2007/2008 Budget; OR*
- (b) *lodge an appropriate assurance bond/ bank guarantee of a value of \$3,024 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;*
- (xxi) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site; and*
- (xxii) *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.*

Landowner:	Winsport Pty Ltd
Applicant:	Bollig Design Group
Zoning:	Metropolitan Region Scheme: Urban and Other Regional Road Town Planning Scheme No.1 (TPS 1): Commercial and Other Regional Road
Existing Land Use:	Light Industry and Warehouse
Use Class:	Grouped Dwelling and Offices
Use Classification:	"AA" and "P"
Lot Area:	626 square metres
Access to Right of Way	East side, 4 metres wide, sealed, Town owned

BACKGROUND:

- 9 July 1996 The Council at its Ordinary Meeting granted conditional approval for an application for change of use to shop (florist and giftware).
- 5 January 2006 The Town under delegated authority from the Council, granted conditional approval for the change of use from shop (florist and giftware) to recreational facility (dance studio) and associated alterations and signage at the subject property.
- 23 May 2006 The Council at its Ordinary Meeting granted conditional approval for the change of use from recreational facility (dance studio) to light industry and warehouse (coffee processing, wholesale and distribution) and associated signage.

DETAILS:

The proposal involves the demolition of the existing light industrial and warehouse building and the construction of a three-storey mixed use development comprising of the car parking and office on the ground floor, office on the first floor and two grouped dwellings on the second floor.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density:	3.48 dwellings at R60	2 dwellings	Noted – no variation. The Town’s Policy relating to the Hyde Park Precinct states that all residential development is to be in accordance with the R80 standards. However, the residential component of the subject application is for a grouped dwelling, therefore, the R60 standards apply.
Plot Ratio:	0.65 or 406.9 square metres	1.0 or 626 square metres	Supported – the proposed development is consistent with the bulk and scale of development in the surrounding area and compliant with the three storey height limit for the commercial area in the Hyde Park Precinct.
Building Setbacks: East (Randell Lane - Right of Way)			

Ground Floor	6 metres (required in the Residential/Non-Residential Interface Policy).	1 metre to the rear boundary and 5 metres to the neighbouring property boundary.	Supported – the subject property abuts a right of way that is 4 metres wide, therefore, a ‘buffer’ zone that is required in the Town’s Policy relating to Non-Residential/Residential Development Interface is present in the subject proposal.
First Floor	6 metres (required in the Residential/Non-Residential Interface Policy).	1 metre to the balcony/terrace. 6 metres to the main building.	Supported – the subject property abuts a right of way that is 4 metres wide, therefore, a ‘buffer’ zone that is required in the Town’s Policy relating to Non-Residential/Residential Development Interface is present in the subject proposal.
Commercial Car Parking			
Car parking requirement (nearest whole number) - Office – 1 bay per 50 square metres of gross floor area (GFA) - GFA = 485 square metres - requires 9.7 car bays			10 car bays
Apply the adjustment factors. ▪ 0.85 (within 400 metres of a bus stop) ▪ 0.80 (within 50 metres of a public car parking place with in excess of 50 car parking spaces) ▪ 0.90 (the development provided ‘end of trip’ facilities)			(0.612) 6.12 car bays
Minus the car parking provided on-site Note - 1 car bay for each dwelling is to be provided for the exclusive use of the two (2) dwellings			5 car bays for office use
Minus the most recently approved on-site car parking shortfall.			Nil
Resultant shortfall			1.12 car bays
Bicycle Parking			
Office – GFA = 485 square metres Class 1 or 2 – 1 space per 200 square metres of GFA Requires = 2.425 bicycle spaces			= 2 (class 1 or 2) bicycle spaces
Consultation Submissions			
Support	Nil.	Noted.	
Objection	Nil.	Noted.	
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 within the Other Regional Road Reserve.			
Other Implications			
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes (R Codes).	

Strategic Implications	Nil
Financial/Budget Implications	Nil

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

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

COMMENTS:

Use of the Grouped Dwelling Requirement

The site falls within the Hyde Park Precinct which states that multiple dwellings are not permitted in the area. For mixed use developments within areas where multiple dwellings are not permitted, and where dwellings are proposed above commercial development and not above any other dwellings, these dwellings can be considered as grouped dwellings.

Demolition

The subject places at Nos. 252-254 Fitzgerald Street, Perth, are two single storey detached former shop premises. The former shop at No. 252 Fitzgerald Street was built in 1897 in the Late Colonial Georgian Retail style, and the former shop at No. 254 Fitzgerald Street was built in 1988 in the Late Twentieth Century Retail style. The latter replaced an earlier dwelling built on the site in 1907 which had association with the adjacent former shop.

The former shop and original dwelling were occupied by bakers during the early part of their lifetime. The provision of a linking verandah and stable facilities in the rear yard of the lot suggest that the house and dwelling were tenanted out together, which is supported by information detailed within the Wise Post Office Directories. The former shop at No. 252 Fitzgerald Street was utilised as a delicatessen from around the 1950s to the early 1980s. The adjacent original residence was converted to offices in 1982, and was demolished in the late 1980s at which time the current retail premises were constructed.

A heritage assessment indicates that the subject places at Nos. 252-254 Fitzgerald Street, Perth, have little aesthetic, historic, scientific or social heritage significance. In accordance with the Town's Policy relating to Heritage Management – Assessment, the places do not meet the threshold for entry on the Town's Municipal Heritage Inventory.

Summary

The application is considered acceptable and would not result in any undue impact on the amenity of the surrounding area. The application is therefore supported, subject to standard and appropriate conditions to address the above matters.

10.1.5 Proposed Amendments to Building Regulations – Mandatory Installation of Hardwired Smoke Alarms to Existing Residential Dwellings – Comments for the Western Australian Local Government Association

Ward:	Both Wards	Date:	28 February 2008
Precinct:	All Precincts	File Ref:	ADM0006
Attachments:			
Reporting Officer(s):	B Tran		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the Western Australian Local Government Association Infopage entitled “Mandatory Installation of Hardwired Smoke Alarms to Existing Residential Dwellings” dated 11 February 2008; and*
- (ii) *ADVISES the Western Australian Local Government Association that the Council SUPPORTS the proposed amendments to the Building Regulations 1989 – Smoke Alarms for the following reasons:*
 - (a) *Nationwide support of the mandatory smoke alarms;*
 - (b) *FESA research indicates that fatalities can be reduced by the installation of compliant smoke alarms;*
 - (c) *Smoke alarms are designed to alert the sleeping occupants to safely evacuate the fire; and*
 - (d) *Cost to install, but enormous potential to save lives.*

COUNCIL DECISION ITEM 10.1.5

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED “EN BLOC” (8-0)

(Cr Messina was on approved leave of absence for the meeting.)

PURPOSE OF REPORT:

This report is to inform the Council of the proposed amendments to the Building Regulations 1989 relating to mandatory installation of hardwired smoke alarms to existing residential dwellings.

BACKGROUND:

On 21 February 2008, an Infopage entitled "*Mandatory Installation of Hardwired Smoke Alarms to Existing Residential Dwellings*", was circulated by the Western Australian Local Government Association (WALGA) to Local Governments for comment. WALGA required these comments to be received by 29 February 2008; however, will accept a late submission by the Town.

In order to help reduce the number of deaths occurring in house fires in Western Australia, hardwired mains-powered smoke alarms became mandatory in all new Class 1a (single and grouped) residential dwellings after the adoption of the Building Code of Australia (BCA) 1996 in 1 July 1997. Mandatory smoke alarms or other smoke hazard management have already been required in other classes of residential buildings (apartments and multiple dwellings).

Existing dwellings were exempt unless they were undergoing substantial renovation.

The Fire and Emergency Services Authority (FESA) has supported public education programs advocating smoke alarms since 1997, and although these have resulted in an increase in the number of dwellings with smoke alarms, the majority of smoke alarms in older homes are not mains powered and require regular maintenance to maintain safety.

There have been instances when smoke alarms have not activated because of flat batteries, or smoke alarms have been removed because people found the low battery warning annoying. Additionally, FESA research indicates that rental properties are one of the groups least likely to have smoke alarms fitted, even though they are statistically more likely to be involved in a fatal fire.

The proposed amendments will allow the progressive phasing in of new requirements for mains-powered smoke alarms in existing residences, and primarily target point-of-sale and rental agreement compliance in existing residences.

DETAILS:

In summary, the proposed amendments to the Regulations will provide that:

- sellers of existing residential properties must fit a mains-powered smoke alarm before registration of the transfer of land title to another owner occurs;
- new owners of existing residential properties must fit or maintain alarms in situations in which the seller fails to do so - in such cases, the new owner will be able to recover reasonably incurred costs from the seller;
- landlords must fit a mains-powered smoke alarm in existing residential rental properties before the tenant is entitled to possess vacant properties and must maintain the alarm;
- Local Governments may do things reasonably necessary to ensure that a smoke alarm is fitted or maintained when a person who is required to do so has not complied;
- Local Governments may recover costs, issue infringement notices and modified penalties for breaches;
- smoke alarms must meet prescribed specification standards and fitting requirements; and
- owners will be able to seek approval from Local Government for the installation of battery-powered smoke alarms in situations in which it is impossible or impracticable to install a mains-powered smoke alarm. This will allow for residences in which design or construction would make installation impracticable, such as heritage-listed buildings. In situations where no mains power is supplied to the building, there would be no requirement to seek Local Government approval to fit a battery-powered alarm.

What do smoke alarms cost?

The Housing Industry Association and commercial advertisements have provided the indicative cost for the standard fitting of a compliant hardwired smoke alarm to be not more than \$200.

How does a smoke alarm work?

There are two types of smoke alarms.

Photoelectric:

This type of smoke alarm uses a light source and photocell. As the smoke enters the detection chamber, it interferes with the light beam which in turn causes the alarm to sound.

Ionisation:

A small amount of radioactive material is used to create an electrical current which travels through ionised air. When smoke enters the detection chamber, it impedes the flow of the current and causes the alarm to sound.

Location of smoke alarms

Smoke alarms are intended to detect smoke before it reaches the sleeping occupants of a building. The ensuing alarm is designed to wake the occupants and give them time to evacuate the building.

Smoke alarms should be installed on or near the ceiling with special care being taken to avoid dead air spaces. A dead air space is an area in which trapped hot air will prevent smoke from reaching the alarm. This space generally occurs at the apex of cathedral ceilings, the corner junction of walls and ceilings, between exposed floor joists, etc.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

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

FINANCIAL/BUDGET IMPLICATIONS:

It is anticipated that enforcement of the new legislation will incur a cost to the Town, mainly in terms of inspection/certification and staffing resources of ensuring compliance.

COMMENTS:

Other Australian States have legislation supporting mandatory installation of smoke alarms in residential dwellings.

People have tragically lost their lives in Western Australian house fires. These fatalities are attributed not to the effect of the flames or heat of the fire, but that of smoke and toxic fumes produced by burning furniture, internal fittings and floor coverings in the dwelling.

Details provided by the Fire and Rescue Services of Western Australia indicate that these figures can be drastically reduced by the installation of smoke alarms in every dwelling.

The primary function of smoke alarms is to detect and in turn to “wake” sleeping occupants giving adequate time to safely escape the fire.

Although the financial impact of the new legislation, for the mandatory fitting and maintenance of mains-powered smoke alarms, on the community, including the Town is foreseeable, it will be offset by providing adequate safety protection for the community.

For the above reasons, the Town’s Officers support the proposed amendments to the Building Regulations 1989 and believe it would be advantageous for the Council to take a pro-active stance by encouraging and supporting the proposed mandatory installation of hardwired smoke alarms to existing residential dwellings.

Therefore, it is recommended that the Council receives and supports the proposed amendments to the Building Regulations 1989 relating to mandatory installation of hardwired smoke alarms to existing residential dwellings, inclusive of the abovementioned discussions.

10.2.2 Mindarie Regional Council Project - Earth Carers

Ward:	Both	Date:	11 March 2008
Precinct:	All	File Ref:	ORG0054
Attachments:			
Reporting Officer(s):	J. Lockley;		
Checked/Endorsed by:	R Lotznicker;	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report in relation to a new Earth Carers program that is being set up by the Mindarie Regional Council through the Waste Education Strategy Steering Group initiative;*
- (ii) *NOTES the majority of the Earth Carers program will be conducted by Mindarie Regional Council as an initiative to reduce waste through education and training of volunteers as outlined in the report;*
- (iii) *APPROVES the;*
 - (a) *Town of Vincent, jointly with the Town of Cambridge, to take part in a launch of Earth Carers trial and, if successful, the ongoing program;*
 - (b) *use of the Town's media and its events to advertise the launch and the trial of Earth Carers; and*
- (iv) *RECEIVES a further report on this matter in July 2008.*

COUNCIL DECISION ITEM 10.2.2

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED "EN BLOC" (8-0)

(Cr Messina was on approved leave of absence for the meeting.)

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of the invitation by the Mindarie Regional Council (MRC) through the Waste Education Strategy Steering Group (WESSG) for the Town of Vincent residents, together with residents from the Town of Victoria Park, City of Perth, and the Town of Cambridge to be part of the Earth Carers (EC) trial Launch. The trial will be held to assess the interest of the community in this project. If accepted and well attended, then the program will continue and support from the Council will be required for its continued success.

BACKGROUND:

Mindarie Regional Council's Initiative:

The MRC objectives with waste education are to awaken the community's awareness of sustainable waste management, and to increase the community's active involvement in diverting waste from landfill.

Four strategic components have been identified in the Regional Waste Education Plan:

- A strong regional approach
- A foundation of good generic knowledge
- Targeting individual behavioural change
- A focus on the next generation

The Earth Carers program fits with the strategic components of targeting individual behavioural change and a focus on the next generation. WESSG is supportive of the Earth Carers concept in the Mindarie Region and the MRC is progressing towards implementation of EC in the region. A trial is proposed to be set up with four (4) member Councils (Town of Victoria Park, City of Perth, Town of Cambridge and Town of Vincent) if they accept the invitation to join the EC program. MRC has employed a part time educational officer and part of this position is to coordinate the EC project.

DETAILS:

Waste Education Strategy Steering Group (WESSG)

Established in late 2006, this group comprises representatives from the MRC's seven Member Councils, and meets on a monthly basis to discuss ways to work together across the region to build strong community awareness and participation in better waste management.

The Town's Environmental Officer is part of WESSG and has been attending meetings whereby the concept of the EC was originally investigated.

Earth Carers

The objective of MRC involvement in EC is to achieve awareness, attitudinal and behavioural change in domestic waste minimisation practices among EC volunteers and, through the EC volunteers, to achieve awareness, attitudinal and behavioural changes in domestic waste minimisation practices among the broader community. Specific objectives are:

- To directly induce behavioural change at householder level in relation to organics.
- To educate the community about the significance of removing organics from landfill, and the importance of ensuring the organics are free of contaminants.
- To provide training to householders about how to better manage organic waste and what they can do in their own homes.
- To achieve increased take-up of home composting and worm farm activities.
- To create a better attitude about solid waste disposal.

This would be beneficial to the town to help raise public awareness on reducing waste and how to do it. Volunteers could be involved in the launch of the Town's new recycling service and assist with public place recycling which is yet to be introduced to the Town.

Initially developed by the NSW Environmental Protection Authority, EC (known as Earthworks in NSW) is a proven community-based education program which aims to change people's behaviour to minimise waste generation and disposal.

Since its launch in NSW in 1996, it has been adopted by 70 local government areas in NSW, involving over 7,000 volunteers, and has successfully expanded into South Australia and the Australian Capital Territory.

In WA the EC program has been implemented by the Western Metropolitan Regional Council (WMRC) and the WMRC is happy for the MRC to run with the program and use the same name. The program is supported by the Department of Environment and Conservation.

Proposed Trial

The new EC program for MRC will consist of two (2) launch information sessions where residents from the member Councils will be invited to attend an information session on EC and learn some of the things that would be involved in becoming a volunteer.

Following the launch session, there will be a series of six (6) workshop sessions held for those who expressed interest at the information sessions. These workshops will involve the volunteers learning about waste management practices, including composting and worm farming, excursions to Tamala Park landfill and Balcatta recycling centre. This is expected to be completed by the end of June 2008.

At the end of the six (6) sessions the volunteers will become the official EC for MRC. Their activities will vary, and will include (but not be limited to) attending events held within the MRC where they will assist with recycling programs, demonstrate composting, have information on waste management and may even attend schools to offer assistance with school projects.

The trial of Earth Carers is to gauge the interest of residents in the region for such a program. If there is a reasonable number of residents who are keen to attend the information and workshop session and become the volunteers, then the trial will be a success and MRC will continue with the program. A review of the trial will be carried out by MRC to ensure improvements for the continuation of the program.

If there is little interest and very few attend, then MRC will have to make the decision with regard to the future of the EC program.

Funding

The MRC has received funding from a Strategic Waste Initiatives Scheme (SWIS) grant to launch a trial of the program to gauge if the interest in the MRC region is enough to continue with the EC. Four (4) of the seven (7) member Councils, including Town of Victoria Park, City of Perth, Town of Cambridge and Town of Vincent have been approached by the MRC to take part in the trial.

CONSULTATION/ADVERTISING:

Advertising for the Launch of the EC will be carried out by the Mindarie Regional Council with information on the two (2) information sessions where the Town's residents would be able to attend. Advertising for the EC trial would also be carried out by MRC and have mention of the Town of Vincent and invite its residents to join in.

LEGAL/POLICY:

Nil.

STRATEGIC IMPLICATIONS:

In accordance with the objective of Strategic Plan 2006-2011 – 1.1.4 Minimise negative impacts on the community and environment. *“(g) Minimise the impact of environmental pollution by encouraging householders to reduce hazardous waste in the community.”*

FINANCIAL/BUDGET IMPLICATIONS:

Nil at this stage. Funding will need to be allocated in the 2008/09 draft budget and subsequent budgets if the program is successful to support the volunteers with their EC group. Funding implications will be identified in the next report.

COMMENTS:

The purpose of EC is to actively engage people to make positive environmental changes through waste minimisation and resource conservation. Regular training courses would be conducted and volunteers would share their skills and knowledge with others in their community through education outreach activities, including demonstration and displays working with local schools to "reduce, reuse and recycle" on-site waste etc. Volunteers would also work with the Town to provide community input and support for waste management initiatives.

This coincides with the Town's adoption of the Zero Waste goals for the future.

10.4.1 Use of the Council's Common Seal

Ward:	-	Date:	5 March 2008
Precinct:	-	File Ref:	ADM0042
Attachments:	-		
Reporting Officer(s):	M McKahey		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council ENDORSES the use of the Council's Common Seal on the documents listed in the report, for the month of February 2008.

COUNCIL DECISION ITEM 10.4.1

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED "EN BLOC" (8-0)

(Cr Messina was on approved leave of absence for the meeting.)

BACKGROUND:

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

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

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

Date	Document	No of copies	Details
8/02/08	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta 6021 and Spotless Services Ltd of Gate 7, Subiaco Oval, Subiaco Road, Subiaco 6008 re: Western Power BodyFit Workshop - 12 February 2008 (Gareth Naven Room)
15/02/08	Deed of Easement	4	Town of Vincent and Harry Cohny formerly of N 16, 9 Parker Street, South Perth and now c/o First Floor, Olivier House, 1318 Hay Street, West Perth and Harmin Investments Pty Ltd of First Floor, Olivier House, 1318 Hay Street, West Perth re: Elovalis Lane (Public Access) - <i>To ensure pedestrian</i>

Date	Document	No of copies	Details
			<i>access along Elovalis Lane is maintained, public access easements need to be granted over the encroachment in favour of the Town of Vincent (as the new relevant Local Government Authority)</i>
18/02/08	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta 6021 and Spotless Services Ltd of Gate 7, Subiaco Oval, Subiaco Road, Subiaco 6008 re: Western Power Safety Workshops - 19 and 20 February 2008 (Gareth Naven Room)
18/02/08	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta 6021 and Spotless Services Ltd of Gate 7, Subiaco Oval, Subiaco Road, Subiaco 6008 re: Australian Manufacturing Workers Union Delegates Seminar - 21 February 2008 (Gareth Naven Room and Members Equity Bank Lounge)
20/02/08	Restrictive Covenant	3	Town of Vincent and P and M Della Maddalena of 30 Millerick Way, Noranda re: No. 164 (Lot 68 D/P: 2503) Flinders Street, Mount Hawthorn - <i>To satisfy Condition No. 4 of WAPC approval notice dated 2 July 2007 - "No new development shall occur within 0.485 metres of the right of way abutting the eastern boundary of the lots to accommodate widening of the right-of-way should it be required in the future."</i>
20/02/08	Restrictive Covenant	3	Town of Vincent and P and M Della Maddalena of 30 Millerick Way, Noranda re: No. 164 (Lot 68 D/P: 2503) Flinders Street, Mount Hawthorn - <i>To satisfy Condition No. 5 of WAPC approval notice dated 2 July 2007 relating to "a restrictive covenant preventing motor vehicle access onto Green Street benefiting the local government being lodged on the Certificates of Title of the proposed Lot 682, at the full expense of the applicant."</i>
22/02/08	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta 6021 and Spotless Services Ltd of Gate 7, Subiaco Oval, Subiaco Road, Subiaco 6008 re: Western Power Safety Workshops - 26 February 2008 (Gareth Naven Room)

10.4.2 Loftus Centre Redevelopment, 99 Loftus Street, Leederville - Progress Report No. 24

Ward:	South	Date:	4 March 2008
Precinct:	Oxford Centre; P4	File Ref:	RES0061
Attachments:	001		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

(i) **RECEIVES** the Progress Report No. 24 as at 4 March 2008, relating to the Loftus Centre Redevelopment, 99 Loftus Street, Leederville;

(ii) **APPROVES** funding for the following additional works;

(a)	<i>Painting of external wall cladding</i>	\$27,350
(b)	<i>Electrical modifications and new meter board to Gymnastics Exhibition Hall</i>	\$14,800
(c)	<i>Modifications and silencers to Sports Hall air conditioning exhaust</i>	\$3,800
(d)	<i>Gyprock Cladding to Gymnastics WA Offices</i>	\$3,000
(e)	<i>New Telephone System / Cables - Gymnastics WA</i>	\$2,800
(f)	<i>Modifications to Loftus Community Centre Offices Air Conditioning</i>	\$1,800
(g)	<i>Skylight Diffusers to Gymnastics WA Offices</i>	\$1,200
(h)	<i>New Window to Gymnastics Sports Hall / Offices</i>	\$1,000
	TOTAL	\$55,750

(iii) **NOTES** that;

(a) *to Town of Vincent Library and Local History Centre re-opened and was operational to the public, effective from Monday 18 February 2008; and*

(b) *the Loftus Community Centre was completed by Friday 15 February 2008 and handed over to the Centre and was operational to the public, effective from Monday 18 February 2008; and*

(c) *the Recreation Centre Outdoor Soccer Pitch was completed (and handed over to the Town [and Belgravia Leisure Services]) on Friday 29 February 2008.*

COUNCIL DECISION ITEM 10.4.2

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED “EN BLOC” (8-0)

(Cr Messina was on approved leave of absence for the meeting.)

PURPOSE OF THE REPORT:

The purpose of the report is to update the Council on the progress of the Loftus Centre Redevelopment, 99 Loftus Street, Leederville, as at 4 March 2008.

BACKGROUND:

At the Ordinary Meeting of Council held on 23 January 2007, the Council considered this matter and resolved to award the building tender to Perkins Builders and for the project to proceed.

PROGRESS OF WORKS

Documentation

1. Belgravia Leisure Group Pty Ltd (Belgravia) - Lease and Contract

The Contract and Lease were signed on 23 February 2007 and is still with the Minister for Lands, awaiting consent (as the Loftus land is a Reserve - vested in the control of the Town).

2. Gymnastics WA- Lease

This lease was signed on 16 March 2007 and is still with the Minister for Lands awaiting consent.

Landgate has requested the Town to review the Leederville Oval Reserve cadastral layout and provide comment. This is being carried out and meetings are still being held. A surveyor has now been engaged to prepare the necessary plans and these are being refined for the approval of Landgate. It is anticipated that this will be finalised in early/mid 2008.

3. Loftus Community Centre Lease

A draft lease has been prepared, based on previous discussions held with the Loftus Community Centre and as reported to the Ordinary Meeting of Council held on 12 September 2006. A report has been issued under Delegated Authority to approve of the draft lease and authorise the Chief Executive Officer to finalise the documentation. Awaiting the final lease document from the Town's solicitors.

Program and Progress

Regular site meetings between the Builder, Consultants, Architect and Town are still being held. In addition, site inspections are carried out on a weekly basis and as required. Contact with the Site Supervisor, Architect and Consultants is occurring on a daily basis.

Construction - (See Photographs attached)

Earthworks

The earthworks are completed. The sand on the site has been used to adjust the soil levels. Retaining walls fronting Leederville Oval have been completed. Work has commenced on the walkway between the Centre and the Leederville Early Childhood Centre. Retaining walls to be commenced in early March 2008.

Underground Car Park

The underground car park has been completed. The driveway has been installed. Asphaltting of the ground and line marking are completed. Installation of sensor cards is yet to be carried out.

Paving to the eastern side of the building is well advanced. Staircases and handrails are completed.

The underground car park will not be handed over to the Town until early April 2008, due to this area being part of the builder's compound.

Medibank Stadium (Leederville Oval) Public Open Space

The public open space works immediately adjoining Leederville Oval was approved at the Ordinary Meeting of Council held on 28 August 2007. Works commenced in early October 2007 and are approximately 90% completed. (*See photographs.*) These works will be completed in time for the pre-season WAFL games. The main path road base has been approximately 50% completed. Asphaltting to be carried out in early March 2008.

External Soccer Pitch

All works have been completed (except netting) and the Town took possession on Friday 29 February 2008. Belgravia Leisure Services have commenced scheduling games from Tuesday 4 March 2008.

Netting above the perimeter fencing is yet to be installed. (Quotes currently being obtained.)

Library and Local History Centre

All works were completed and the Town took possession at 3pm on Friday 15 February 2008.

Most of the new furniture was delivered on 14 February 2008.

Balancing and commissioning of the air conditioning has occurred from 15 February to 4 March 2008. External signage is yet to be erected.

Extremely positive comments have been received. Opening on Sundays (1 to 5pm) has commenced and is proving very popular.

Structural and Civil Engineering

All structural works have been completed.

Hydraulic Services

All works have been completed.

Electrical / Data Services

Completed. Investigation of closed circuit television has been carried out and installation plans prepared. Awaiting quotes.

Mechanical Services

All works have been completed.

LOFTUS COMMUNITY CENTRE

All works completed. Playground shade sails installed. Opened to the Public on Monday 18 February 2008.

Public address system - quote approved. Yet to be installed.

"Snag" list of items requiring attention is compiled. Items being progressively attended to.

RECREATION CENTRE

New Gymnasium (Located in former Library)

This is Stage 2 work and is well advanced.

- Walls have been clad. (80% completed.)
- Timber flooring has commenced. (50% completed.)
- Leisure equipment ordered.
- New offices have been commenced.

Café and Reception Upgrade

Work yet to commence.

Crèche

- Air conditioning installed and completed.
- Vinyl installed on 4 March 2008.

Toilet Upgrade / Universal Access Toilet

The toilet upgrade has been delayed due to the exorbitant costs for a universal access toilet (which is well above the budget).

The Architect has prepared a revised layout plan for re-quoting.

Main Sports Hall - Due for handover to Town in April 2008

All works completed, other than;

- Flooring and sports equipment has been ordered.
- Flooring installation is completed. Sealing and line marking yet to be carried out.
- Air conditioning has been completed and will be commissioned in March 2008.
- Carpeting of the viewing area is yet to be completed.
- Spectator seating to be installed.

Additional Works

1. Carpets - quotes currently being obtained.
2. Internal Painting - colour scheme being prepared.
3. Spinning (cycling) Room carpet - quotes currently being obtained.
4. Outdoor Soccer Court netting - design and costings being obtained.
5. Indoor Soccer Court - repairs to wall cladding - quotation currently being obtained.
6. Weights Room - rubber matting - order placed.
7. Creche - vinyl quote obtained and to be laid in early March.
8. Electrical works - scope of work being prepared.
9. Public Address System – Upgrade - scope of works prepared and quote obtained.

STATE GYMNASTICS CENTRE (STAGE 2 WORKS)

Security Partitioning - Recreation Centre / State Gymnastics Centre - work to be carried out as Stage 2 works.

Offices

Office works are well advanced and due for completion well ahead of schedule, by mid/late March 2008 (depending upon hiring of some trades).

Rhythmic Gymnastics Hall - Due for handover to Town on 28 March 2008

All works have been completed, other than;

- Retractable seats have been ordered and are due for delivery in late March 2008.

Unfortunately, whilst the works have been completed, possession cannot be achieved or used by Gymnastics WA, due to the inability to provide safe access for users.

Exhibition / Performance Hall

Work not yet commenced.

LOFTUS CENTRE

1. Refuse Receptacle enclosure - location determined - work to be carried out in March 2008.
2. Street Signage - design currently being prepared.
3. External Painting of existing Centre - colour schedule prepared and quote obtained. Quote for painting of external colorbond cladding is beyond the funds approved by the Town.
4. The car park asphaltting will occur in late April, after the Builders has vacated the site.

Landscape Plan and External Works

The Landscape Plan was approved at the Ordinary Meeting of Council held on 6 November 2007 and works have been completed, except for paving within the Builder's compound.

Opening Ceremonies / "Open Days"

Dates are yet to be determined.

Additional Scope of Works

Painting of External Wall Cladding

The existing "green" colorbond cladding is faded and "touched up" in places. A quote of \$27,350 has been received. The high cost is due to the need for scaffolding and elevated platform hire. The work can be deferred until the 2008/09 budget, if necessary.

Electrical modifications and new Meter Board to Gymnastics Exhibition Hall

The physical separation of the electrical wiring from the remainder of the Centre has identified additional costs. A new meter board and associated works will cost \$14,800.

Modifications and Silencers to Sports Hall air conditioning exhaust

The location of the extraction/exhaust vent is adjacent to the Loftus Community Centre outdoor playground. As the cost to relocate is excessive, modification to the vent and "silencers" to quieten the noise are recommended.

Cost \$3,800.

Gyprock Cladding to Gymnastics WA Offices

The initial proposal to leave the face brickwork in the offices is unacceptable. The walls need to be made presentable and cladding with gyprock has been recommended.

Cost \$2,000 (estimate).

New Telephone System / Cables - Gymnastics WA

A new telephone line and phone system is required, as the existing PABX is at full capacity and in need of upgrade. This will enable Gymnastics WA to be autonomous.

Cost \$2,800 (estimate).

Skylight Diffusers and Associated Works to Gymnastics WA Offices

Existing three (3) skylights have been retained (originally proposed to be removed) as this is a cheaper option. Light diffusers will be provided (and minor works to the skylights). The provision of diffusers will reduce lighting costs.

Cost \$1,200 (estimate).

Modifications to Loftus Community Centre Offices Air Conditioning

The existing air conditioning has been extended into the two new offices, in order to provide comfortable temperatures, together with door vents. The original design was insufficient.

Cost \$1,800 (estimate).

New Window to Gymnastics Sports Hall / Offices

A new window to provide surveillance from the new offices to the main Exhibition Hall has been requested - for safety and security reasons.

Cost \$1,000.

The above additional works have been identified by the Builder, who is now carrying out new and refurbishment works of the existing building.

Matters still to be addressed

Options to minimise the Operating Deficit

The Council requested a report on the findings to minimise the operating deficit to be submitted, however due a lack of resources, investigation of this matter is still in a preliminary stage. Cost options currently being explored include;

- Investigation of energy efficient fixtures and fittings, e.g. lights, hot water, air conditioning. The investigation of the light fittings has been completed.
- Investigation of sponsorship, including naming rights, external signage on the Recreation Centre facing Leederville Oval.
- Investigation of Government grants and funds, e.g. Healthways, Lotteries, Heart Foundation, State Library Services.

Comment:

This matter is still being progressed, however due to a lack of resources and a heavy workload, slow progress is being made.

ADVERTISING/COMMUNITY CONSULTATION:

Not applicable. The Town's Public Relations Officer has created a "Corporate Projects" site on the Town's web page and background information, together with weekly photographs are included on this site. The web-site is being updated on a regular basis.

LEGAL/POLICY IMPLICATIONS:

N/A.

STRATEGIC IMPLICATIONS:

This project is in keeping with the Town's Strategic Plan 2006-2011, Objective 1 - "*Natural and Built Environment*", in particular, 1.1.6(j) - "*Carry out redevelopment of the Loftus Centre....*"

FINANCIAL/BUDGET IMPLICATIONS:

At the Ordinary Meeting of Council held on 23 January 2007, the Council approved this project at a cost of \$13,444,664. The building tender is \$11,901,664 (excluding GST).

Builder Progress Claim Payments

Progress Payment Number	Date Received	Amount Requested (excl GST)	Amount Paid (excl GST)	Date Paid
No. 1	17/04/07	\$247,568.00	\$247,568.00	26/04/07
No. 2	16/05/07	\$979,312.00	\$979,312.00	22/05/07
No. 3	18/06/07	\$1,158,441.86	\$1,158,441.86	25/06/07
No. 4	12/07/07	\$1,072,606.68	\$1,072,606.68	18/07/07
No. 5	10/08/07	\$1,145,259.15	\$1,145,259.15	20/08/07
No. 6	17/09/07	\$1,080,029.70	\$1,080,029.70	25/09/07
No. 7	30/09/07	\$1,345,370.12	\$1,345,370.12	10/10/07
No. 8	14/11/07	\$1,042,313.27	\$1,042,313.27	28/11/07
No. 9	20/12/07	\$1,173,472.88	\$1,173,472.88	30/12/07
No. 10	17/01/08	\$848,772.81	\$848,772.81	22/01/08
No. 11	15/02/08	\$607,033.21	\$607,033.21	20/02/08

Total Paid \$10,700,179.68

Cost Variations/Additional Scope of Works

As expected, a number of cost variations have been received from the Builder for works outside the Project Brief. These mainly relate to unforeseen items relating to Stage 2 works. These are within Project Contingency Funds, except for quotes received, as outlined in this report.

If approved, a source of funds will be identified at the next Budget review.

COMMENTS:

It is pleasing to report that good progress is still being made with the Loftus Centre Redevelopment Project and no major problems have occurred or been identified at this stage. The builder has been most accommodating and has worked with the Town's Officers and the Recreation Centre and Community Centre staff to minimise inconvenience.

Monthly progress reports will be provided to the Council as the project progresses.

10.4.4 Information Bulletin

Ward:	-	Date:	5 March 2008
Precinct:	-	File Ref:	-
Attachments:	001		
Reporting Officer(s):	G van den Bok		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Information Bulletin dated 11 March 2008, as distributed with the Agenda, be received.

COUNCIL DECISION ITEM 10.4.4

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED “EN BLOC” (8-0)

(Cr Messina was on approved leave of absence for the meeting.)

DETAILS:

The items included in the Information Bulletin dated 11 March 2008 are as follows:

ITEM	DESCRIPTION
IB01	Minutes from Vincent Accord Meeting held on 31 October 2007.
IB02	Minutes from Safer Vincent Crime Prevention Partnership (SVCPP) meeting held on 14 November 2007.
IB03	Letter from Telstra regarding Highgate East Mobiles CMTS Installation – 322-324 Lord Street.
IB04	Letter to Ms Maryanne Styles of 71 Harold Street, Mt Lawley – Response to Questions take on Notice at the Council Meeting held on 26 February, 2008.
IB05	Letter from Minister for Sport and Recreation advising of Successful CSRFF Application – North Perth Tennis Courts
IB06	Register of Petitions - Progress Report - March 2008
IB07	Register of Notices of Motion - Progress Report - March 2008
IB08	Register of Reports to be Actioned - Progress Report - March 2008
IB09	Register of Legal Action
IB10	Register of State Administrative Tribunal Appeals
IB11	Forum Notes - 19 February 2008
IB12	Notice of Forum - 18 March 2008

10.1.6 Renumbering of the Properties Along Woodstock Street

Ward:	North	Date:	27 February 2008
Precinct:	Mount Hawthorn, 0.1	File Ref:	PLA 0172
Attachments:	001		
Reporting Officer:	S Kendall		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report relating to the renumbering of the properties along Woodstock Street, Mount Hawthorn;*
- (ii) *APPROVES the proposed renumbering of the following properties along Woodstock Street, Mount Hawthorn, and ADVISES the owners of the following properties that the costs associated with the re-direction of mail for a 3 month period and the re-marking of bins and houses/mailboxes to a value of up to \$75 for each property will be reimbursed by the Town upon the submission of relevant receipts:*
 - (a) *No. 1 (Lot 243) Woodstock Street, to change to No. 31 Woodstock Street, Mount Hawthorn;*
 - (b) *No. 1A (Lot 242) Woodstock Street, to change to No. 33 Woodstock Street, Mount Hawthorn; and*
 - (c) *No. 3 (Lot 24) Woodstock Street, to change to No. 35 Woodstock Street, Mount Hawthorn; and*
- (iii) *APPROVES the proposed renumbering of the following properties along Woodstock Street, Mount Hawthorn, at the owner's cost:*
 - (a) *No. 98A (Lot 36) Flinders Street, to change to No. 23 Woodstock Street, Mount Hawthorn;*
 - (b) *No. 98B (Lot 37) Flinders Street, to change to No. 21 Woodstock Street, Mount Hawthorn; and*
 - (c) *No. 98C (Lot 38) Flinders Street, to change to No. 19 Woodstock Street, Mount Hawthorn.*

Moved Cr Farrell, Seconded Cr Youngman

That the recommendation be adopted.

Debate ensued.

COUNCIL DECISION ITEM 10.1.6

PROCEDURAL MOTION

Moved Cr Farrell, Seconded Cr Youngman

That the item be DEFERRED for further investigation.

PROCEDURAL MOTION PUT AND CARRIED (8-0)

(Cr Messina was on approved leave of absence for the meeting.)

PURPOSE OF REPORT:

The purpose of this report is to present to the Council for approval the proposed new street numbers for the properties along Woodstock Street.

BACKGROUND:

14 September 1998 The Council at its Ordinary Meeting resolved to make the Local Law relating to Property Numbers.

23 May 2006 The Council at its Ordinary Meeting resolved to adopt Policy No.3.5.20 relating to Property Numbering and Addressing.

DETAILS:

A significant number of larger lots are being subdivided into smaller lots within the Town of Vincent, which has resulted in the need for the allocation of additional property numbers. This applies to freehold green title, survey strata and strata lots.

A number of applications for subdivision and development of existing lots along Woodstock Street, Mount Hawthorn have recently been submitted to the Town, which now necessitates the allocation of new property numbers in some instances to cater for the recent and proposed developments and subdivisions. The manner in which the property numbering was allocated in the past has now presented a problem along Woodstock Street, particularly in relation to No. 98 Flinders Street, corner of Woodstock Street.

To address the issue of property numbering in relation to the subdivision at No. 98 Flinders Street and to cater for future subdivision along Woodstock Street, the Town's Officers have initiated a review of the property numbering along Woodstock Street in accordance with the Town's Policy No. 3.5.20 relating to Property Numbering and Addressing.

It is a recommended and accepted method of property numbering to generally allocate a property number to every 16 metres of street frontage. Even and odd numbers are required to be on opposite sides of a street/road to avoid confusion and inconvenience for the delivery of mail, emergency and other services. This has been applied in principle to Woodstock Street; however, some numbers have remained to minimise the inconvenience to owners and costs to the Town.

When applying the above rationale to the properties, which abut Woodstock Street, it was found that six properties along southern side of Woodstock Street between Fairfield and Matlock Streets need to be renumbered to accommodate the existing proposed and potential development of lots. The six properties can be divided into two groups, those which were part of the subdivision of No. 98 Flinders Street and those which were not.

Those properties which were part of the subdivision of No. 98 Flinders Street, Mount Hawthorn are as follows:

- No. 98A (Lot 36) Flinders Street, to change to No. 23 Woodstock Street, Mount Hawthorn;
- No. 98B (Lot 37) Flinders Street, to change to No. 21 Woodstock Street, Mount Hawthorn; and
- No. 98C (Lot 38) Flinders Street, to change to No. 19 Woodstock Street, Mount Hawthorn.

Those properties which were not part of the subdivision of No. 98 Flinders Street, Mount Hawthorn are as follows:

- No. 1 (Lot 243) Woodstock Street, to change to No. 31 Woodstock Street, Mount Hawthorn;
- No. 1A (Lot 242) Woodstock Street, to change to No. 33 Woodstock Street, Mount Hawthorn; and
- No. 3 (Lot 24) Woodstock Street, to change to No. 35 Woodstock Street, Mount Hawthorn.

CONSULTATION/ADVERTISING:

As part of the Town's Property Numbering and Addressing Policy, the owners and occupiers of the affected properties where a change in property address or number is being considered were consulted with. A letter was sent to the affected owners on 25 January 2007 advising of the above proposed property numbers.

One objection was received in response to the Town's letter dated 25 January 2007 and the proposed property numbering. The main points of the objection are summarised below.

- *The proposal is in opposition to clauses (v), (vi) and (vii) of the Town's Policy No. 3.5.20 relating to Property Numbering and Addressing. One of the compromises of purchasing a subdivided block is that the original number will be shared.*

Officer Comment:

Woodstock Street runs in an east to west direction between London and Matlock Streets. All the lots from London Street to the right of way to the west of Coogee Street have a primary frontage to the cross streets (that is, Coogee, Flinders, Fairfield, Edinboro, Shakespeare, Dunedin and London Streets), which has resulted in street numbers only being provided to a small number of dwellings along Woodstock Street between Matlock Street and the right of way west of Coogee Street.

Should a corner lot be subdivided and the Town allocate a suffix to the rear lot, both addresses would retain a street address to the primary street such as Coogee Street. In this instance, it is considered appropriate to provide the rear lot with a street address, which reflects its primary frontage. This requires new numbers being allocated as opposed to the provision of a suffix for the benefit of owners, emergency services and mail delivery. This rationale is consistent with the following provisions of the Town's Policy No. 3.5.20 relating to Property Numbering and Addressing:

“(ii)(e) Where a lot has two road frontages and the orientation of the dwelling/ building has not yet been determined then the subject property will be allocated a property number for both roads where possible.

(ii)(g) If a new subdivision is being developed in stages and the first stage occurs in the middle portion of what will eventually be a continuous road of dwellings or buildings, an estimate will be made of the total number of lots likely to be created along the entire road. This will be in accordance with the Residential Design Code provisions for density and lot frontage widths for residential properties.”

Clauses (v) and (vi) of the Town's Policy No. 3.5.20 relating to Property Numbering and Addressing are more pertinent to single lot subdivisions, where a whole street will not be impacted upon. Clause (vii) is pertinent to a situation where there is no scope for renumbering an existing street. Woodstock Street predominantly comprises secondary property frontages, which may in the future be further subdivided and developed. Therefore, it is important that a process be endorsed, which ensures that future subdivisions and developments are able to take place without further disruption in terms of renumbering.

- *The proposal is to the detriment of the existing residents and to the benefit of the developer.*

Officer Comment:

The Town's Officers have aimed to structure the renumbering in a manner that would have minimal impact on the residents and also to ensure that there are adequate property numbers for future subdivisions. Due to the lack of existing dwellings, which utilise Woodstock Street as a primary frontage, a renumbering strategy is required.

LEGAL/POLICY

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

STRATEGIC IMPLICATIONS

Strategic Plan 2006-2011 - Key Result Area One: Natural and Built Environment:
"1.1.2 Develop and implement a Town Planning Scheme and associated policies, guidelines and initiatives that deliver the community vision."

FINANCIAL/BUDGET IMPLICATIONS

The total cost to the Town will be \$225, which will be sourced from the 2007/2008 Operating Budget.

COMMENTS

The renumbering of properties along Woodstock Street is necessary to accommodate the new development, which has recently taken place. It also ensures that future subdivisions and developments are able to take place without further disruption in terms of renumbering.

In accordance with clause 4 (vi) of the Town's Policy No. 3.5.20 relating to Property Numbering and Addressing *'the owner or occupier of the development or subdivision requiring new or amended numbers is to meet all costs associated with the numbering and renumbering of properties, including any renumbering of other properties along the road as a result of that development or subdivision.'*

However, in this instance as the subdivision of No. 98 Flinders Street was approved in November 2002, prior to the formulation of the Town's Policy No. 3.5.20 relating to Property Numbering and Addressing and as the newly created lots have since been sold, the Town is not in a reasonable position to request that the former developer meet all costs associated with the property renumbering along Woodstock Street.

As per clause 6 (i) of the Town's Policy No. 3.5.20 relating to Property Numbering and Addressing, the Town will notify the following agencies and organisations:

- Australian Electoral Commission;
- Western Australian Electoral Commission;
- Telstra;
- Alinta Gas;
- Western Power;
- Water Corporation;
- Saint John Ambulance;
- Fire and Emergency Services Authority of Western Australia;
- Australia Post; and
- Western Australian Land Information Authority – Landgate.

Clause 6 (ii) of the above Policy requires that all other costs associated with the change of property address or number remains the responsibility of the property owner. This includes the replacement or relocation of letterboxes, costs of new numbers, amendments to numbers on buildings, notifications to other agencies or organisations, business contacts, family, friends and acquaintances and amendments to business and personal stationary.

In light of the above, the Town's Officers consider it is appropriate to reimburse the money for selected items associated with the property renumbering for the owners, who were not part of the subdivision at No. 98 Flinders Street and have been required to change the existing property number. Based on a recent survey of the subject properties, it is recommended that the owners be reimbursed for the following items:

- re-marking of bins and houses/mailboxes to a value of up to \$50 per property; and
- the re-direction of mail for 3 months at a cost of approximately \$25 per property.

It is recommended that the costs associated with the above items be paid by the owners of the properties, which were part of the original subdivision of No. 98 Flinders Street, Mount Hawthorn as per the Officer Recommendation.

10.1.2 Further Report – No. 110 (Lot: 31 D/P: 18903) Broome Street, Highgate - Proposed Demolition of Existing Single House and Construction of Two (2) Two- Storey Single Houses

Ward:	South	Date:	27 February 2008
Precinct:	Forrest; P14	File Ref:	PRO4049; 5.2007.350.1
Attachments:	001		
Reporting Officer(s):	D Pirone, K Jackson		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by RCI Building Consultants and Brokers on behalf of the owner M J & M C Grealish for proposed Demolition of Existing Single House and Construction of Two (2) Two- Storey Single Houses, at No. 110 (Lot: 31 D/P: 18903) Broome Street, Highgate, and as shown on plans stamp-dated 18 September 2007 (existing dwelling site plan and floor plans) and 18 December 2007, subject to the following conditions:

- (i) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
- (ii) an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (iii) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (iv) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating any new street/front wall, fence and gate between the Broome Street boundary and the main building, including along the side boundaries within this front setback area, complying with the following:*
 - (a) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*

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

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

- (v) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (a) *the balcony to bedroom 1 on the eastern elevation for unit 1 and the balcony to bedroom 1 on the western elevation for unit 2, being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of No. 106 and No. 112 Broome Street stating no objection to the respective proposed privacy encroachments;*
- (b) *the carport being hundred (100) per cent open on all sides and at all times (open type gates/panels are permitted), except where it abuts the main dwelling; and*
- (c) *the owner/applicant is to pay a fee of \$150.00 to the Town's Parks Services for the relocation of the Jacaranda Tree on the street verge of the subject property.*

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

- (vi) *a detailed landscaping plan, including a list of plants and the landscaping of the Broome Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. The landscaping of the verge shall include details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months. The Council encourages landscaping methods which do not rely on reticulation. Where reticulation is not used, the alternative method should be described. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s).*

COUNCIL DECISION ITEM 10.1.2

Moved Cr Farrell, Seconded Cr Burns

That the recommendation be adopted.

Debate ensued.

CARRIED (5-3)

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

(Cr Messina was on approved leave of absence for the meeting.)

FURTHER REPORT:

The Council considered the application at its Ordinary Meeting held on 12 February 2008 and resolved as follows:

“That the item be DEFERRED to allow the applicant and adjoining residents to deal with issues raised during public question time including bulk, scale and overshadowing.”

The applicant does not wish to submit any further justification as the Town’s Officer’s were advised that all variations and issues raised during public question time have previously been addressed in the report to the Ordinary Meeting of Council held on 12 February 2008.

Further to the above, no correspondence or submissions have been received from the owners of the neighbouring properties since the Ordinary Meeting of Council held on 12 February 2008.

The following is a copy of the issues raised by the speakers during Public Question Time, as stated in the Minutes of the Ordinary Meeting held on 12 February 2008.

- “ 7. *Ms Jill Merker of Broome Street, Highgate – Item 10.1.8. Stated that they are concerned with the proposed development. In particular, believes the reduction of the setback to the upper floor will result in a significant loss of natural light to their property. Requested that Council delay a decision on the proposal to allow them time to present an impact analysis if required.*

8. *Mr Nick Granger of 367 Stirling Street, Highgate 10.1.8. Believes that that the size and scale for the area is totally inappropriate and will impact severely on least four residential houses where the gardens back onto one side of the development and their natural light will be reduced significantly. Requested that the Council look at the proposed development in perspective to the area and its location.”*

Any submissions received from the applicant or the owners of the neighbouring property between the date of preparation of this report and the Ordinary Meeting of Council to be held on 11 March 2008 will be tabled at the Meeting.

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

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 12 February 2008.

COUNCIL DECISION ITEM 10.1.8

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

PROCEDURAL MOTION

Moved Cr Messina, Seconded Cr Farrell

That this Item be DEFERRED to allow the applicant and adjoining residents to deal with issues raised during public question time including bulk, scale and overshadowing.

PROCEDURAL MOTION PUT AND CARRIED (7-1)

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

(Cr Doran-Wu was an apology for the meeting.)

<i>Landowner:</i>	<i>M J & M C Grealish</i>
<i>Applicant:</i>	<i>RCI Building Consultants and Brokers</i>
<i>Zoning:</i>	<i>Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R80</i>
<i>Existing Land Use:</i>	<i>Single House</i>
<i>Use Class:</i>	<i>Single House</i>
<i>Use Classification:</i>	<i>"P"</i>
<i>Lot Area:</i>	<i>630 square metres</i>
<i>Access to Right of Way</i>	<i>Not Applicable</i>

BACKGROUND:

28 February 2007

The Western Australian Planning Commission conditionally approved a subdivision of the subject property.

DETAILS:

The proposal involves the demolition of the existing single house and the construction of two, two-storey single houses.

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</i>
<i>Density:</i>	<i>3.5 dwellings at R80 (R60 requirements applies for single houses)</i>	<i>2 dwellings</i>	<i>Noted – no variation.</i>
<i>Plot Ratio:</i>	<i>0.65 or 409.5 square metres</i>	<i>0.64 or 403 square metres</i>	<i>Noted – no variation.</i>
<i>Building Setbacks: Unit 1 Ground Floor</i>			
<i>-South (Broome Street) Carport (Garage)</i>	<i>The proposed carport is essentially a garage, therefore, it is required to be setback 6 metres from Broome Street or behind the main building line.</i>	<i>Proposed to be setback 4.5 metres from Broome Street and in front of the main building line.</i>	<i>Not supported – considered to have an undue impact on the amenity on the area. Condition applied to ensure that the proposed carport be 100 per cent open on all sides except where it abuts the main dwelling.</i>
<i>-East Carport (Garage)</i>	<i>1 metre</i>	<i>Previous Plans: Nil – 1.54 metres</i>	<i>Noted – revised plans have since been submitted to the Town reflecting the a single carport to be placed in the centre of the property with a side setback of 4.083 metres.</i>
<i>Main Building</i>	<i>1.5 metres</i>	<i>1.185 metres – 2.625 metres</i>	<i>Supported – not considered to have an undue impact on the neighbouring property.</i>
<i>Upper Floor -East</i>	<i>5.7 metres</i>	<i>1.545 metres – 3.2 metres</i>	<i>Supported – not considered to have an undue impact on the neighbouring property.</i>
<i>Unit 2 Ground Floor -South (Broome Street) -West Carport (Garage)</i>	<i>1 metre</i>	<i>Previous Plans: Nil – 1.54 metres</i>	<i>Noted – revised plans have since been submitted to the Town reflecting the single carport to be placed in the centre of the property with a side setback of 4.085 metres.</i>

<i>Main Building</i>	<i>1.5 metres</i>	<i>1.185 metres – 2.625 metres</i>	<i>Supported – not considered to have an undue impact on the neighbouring property.</i>
<i>Upper Floor -West</i>	<i>5.7 metres</i>	<i>1.54 metres – 3.2 metres</i>	<i>Supported – not considered to have an undue impact on the neighbouring property.</i>
<i>Buildings on Boundary:</i>	<i>Walls not higher than 3.5 metres with average of 3 metres for 2/3 the length of the balance of the boundary behind the front setback, to one side boundary.</i>	<i>Previous Plans: 2 boundary walls proposed. The height and length of each boundary wall is compliant with the requirements of the R Codes.</i>	<i>Noted – revised plans have since been submitted to the Town reflecting no proposed boundary walls.</i>
<i>Carports and Garages:</i>	<i>The width of a carport is not to exceed 50% of the frontage and the building line and construction should allow unobstructed views between the dwelling and the street.</i>	<i>Previous Plans: The width of the carports (garages) is 78 percent of the frontage. The carports (garages) obstructed the view from the dwelling to the street.</i>	<i>Noted – revised plans have since been submitted to the Town reflecting a single carport (garage) for each dwelling, with a total width of 7.2 metres or 47 per cent of the entire width of the frontage. The proposed carports (garages) are now setback 4.5 metres from the Broome Street boundary and do not unduly obstruct views from the dwelling to the street.</i>
<i>Vehicular Access:</i>	<i>Driveways are not to occupy more than 40 per cent of the frontage of a property.</i>	<i>Previous Plans: The proposed driveways occupy 70 percent of the street frontage.</i>	<i>Noted – revised plans have since been submitted to the Town reflecting a single crossover for each dwelling, with a total width of 6 metres or 39 per cent of the entire width of the frontage.</i>
<i>Privacy Setbacks: Unit 1 East Balcony</i>	<i>7.5 metres</i>	<i>2.625 metres to the eastern boundary.</i>	<i>Not supported – considered to have an undue impact on neighbouring properties. Condition applied for the balcony to be screened on the eastern elevation.</i>

<i>Unit 2 West</i>			
<i>Balcony</i>	<i>7.5 metres</i>	<i>2.625 metres to the western boundary.</i>	<i>Not supported – considered to have an undue impact on neighbouring properties. Condition applied for the balcony to be screened on the western elevation.</i>
<i>Consultation Submissions</i>			
<i>Support (2)</i>	<i>No Comments.</i>		<i>Noted.</i>
<i>Objection (6)</i>	<ul style="list-style-type: none"> • <i>The required setbacks should be applied for the side boundaries.</i> 		<ul style="list-style-type: none"> • <i>Not supported – the proposed setbacks, as amended, are not considered to have an undue impact on the neighbouring properties.</i> •
	<ul style="list-style-type: none"> • <i>The windows to bedroom 2 and 3 will overlook the neighbouring properties.</i> • <i>Effective screening should be provided as the ground level is retained to more than 0.5 metre above the natural ground level.</i> 		<ul style="list-style-type: none"> • <i>Not supported – these windows are proposed to have a sill height of 1.64 metres from the finished floor level, therefore, complying with the privacy requirements of the R Codes.</i> • <i>Not supported – the retaining wall does not exceed 0.5 metres above the natural ground level; therefore, no undue privacy implications occur.</i>
	<ul style="list-style-type: none"> • <i>The building is bulky and non-consistent with the surrounding dwellings.</i> • <i>The building is too high.</i> • <i>The roof of the alfresco is too high.</i> • <i>Overshadowing onto the neighbouring properties.</i> • <i>The proposed development is not consistent with the Heritage and Character.</i> 		<ul style="list-style-type: none"> • <i>Not supported – the proposal is compliant with plot ratio requirements of the R Codes.</i> • <i>Not supported – the proposed building height is compliant with the height requirements of the R Codes.</i> • <i>Not supported – the proposed building height is compliant with the height requirements of the R Codes.</i> • <i>Not supported – the proposed overshadowing is compliant with the requirements of the R Codes.</i> • <i>Not supported – Policy 3.3.1 states new contemporary developments are encouraged provided that the design responds to the established character. The proposed development incorporates a pitched roof and setbacks; this will result in a dwelling that will not unduly affect the amenity and streetscape of the area.</i>
	<ul style="list-style-type: none"> • <i>Front setbacks shall not be relaxed.</i> 		<ul style="list-style-type: none"> • <i>Supported – the Town in this instance will not support variations to front setbacks. The applicant has since submitted amended plans reflecting the carport being setback 4.5 metres from Broome Street.</i>

	<ul style="list-style-type: none"> • <i>Shortfall of parking for residents and their visitors.</i> • <i>Balconies will overlook neighbouring properties.</i> 	<ul style="list-style-type: none"> • <i>Not supported – two car bays in tandem have been provided on-site, therefore, compliant with the requirements of the R Codes.</i> • <i>Supported – considered to have an undue impact on neighbouring property. Condition applied for balconies to be screened on the eastern and western elevations.</i>
	<ul style="list-style-type: none"> • <i>The proposed double carport will have a detrimental effect on the streetscape.</i> 	<ul style="list-style-type: none"> • <i>Supported – revised plans have since been submitted to the Town reflecting a single carport with a uncovered car bay in front in a tandem arrangement.</i>
<i>Other Implications</i>		
<i>Legal/Policy</i>	<i>TPS 1 and associated Policies, and Residential Design Codes (R Codes).</i>	
<i>Strategic Implications</i>	<i>Nil</i>	
<i>Financial/Budget Implications</i>	<i>Nil</i>	

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

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

COMMENTS:

Demolition

The property at No. 110 Broome Street, Highgate, is an example of the Federation Georgian style. It was built around 1900 at a time when the development of the Highgate area was occurring as a result of the Gold Rush of the 1890s.

A full heritage assessment was undertaken for No. 110 Broome Street which indicates that the place has little aesthetic, historic, scientific or social heritage significance. In accordance with the Town's Policy relating to Heritage Management – Assessment, the place does not meet the threshold for entry on the Town's Municipal Heritage Inventory.

Summary

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

10.2.1 Further Report No 2 - Smith's Lake Reserve Improvements

Ward:	North	Date:	5 March 2008
Precinct:	Smith's Lake P6	File Ref:	RES0035
Attachments:	001		
Reporting Officer(s):	J Giorgi, R Lotznicker		
Checked/Endorsed by:		Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES further report No 2 in relation to the proposed improvements to Smith's Lake Reserve;*
- (ii) *NOTES that the;*
 - (a) *total estimated cost to implement the Smith's Lake Improvements as shown on attached Plan No. 2346-CP-2C is \$459,500;*
 - (b) *2007/2008 budget includes funds of \$165,000 for Improvements to the Smith's Lake Reserve;*
 - (c) *estimated cost for the demolition of the Len Fletcher Pavilion, removal of the carpark and associated landscaping is \$163,600; and*
 - (d) *estimated funds required to complete the remainder of the upgrade works (as outlined on attached Plan No. 2346-CP-2C) once the Len Fletcher Pavilion has been demolished and the associated works have been completed is \$295,900;*
- (iii) *CARRIES FORWARD the funds totalling \$165,000 (allocated in the 2007/2008 budget) to the 2008/2009 budget and PROCEEDS with the demolition of the Len Fletcher Pavilion and associated works at an estimated cost of \$163,600 in July/August 2008; and*
- (iv) *CONSIDERS listing funds, in the order of \$295,000, in future budgets to complete the remainder of the Smith's Lake Improvements.*

Moved Cr Farrell, Seconded Cr Burns

That the recommendation be adopted.

Debate ensued.

Cr Youngman departed the Chamber at 6.57pm.

Debate ensued.

Cr Youngman returned to the Chamber at 6.58pm.

AMENDMENT

Moved Cr Farrell, Seconded Cr Doran-Wu

That clause (iv) be deleted.

Debate ensued.

The Presiding Member stated that there had been a speaker against the amendment and called for a speaker in favour of the amendment. He further stated that he was going to adopt this procedure. He then stated that he was going to put the amendment.

Cr Maier stated he wished to speak and questioned why he was being prevented from speaking.

The Presiding Member stated that he was not preventing him from speaking, but he had ruled on the procedure for order of debate.

Cr Maier stated that he wished to speak.

The Presiding Member stated that he had made a ruling and that Cr Maier had had sufficient time to make his view known prior to the meeting by sending emails and that his opinion was known.

Cr Maier dissented.

The Presiding Member asked the Chief Executive Officer for a ruling on the Standing Orders.

The Chief Executive Officer read out Standing Order Clause 3.6.1 – Order of Call in Debate.

The Presiding Member then put the amendment.

Cr Maier dissented with the Presiding Members ruling.

PROCEDURAL MOTION

Moved Cr Maier, Seconded Cr Ker

That the Presiding Member's ruling be disagreed with.

PROCEDURAL MOTION PUT AND LOST (3-5)

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

(Cr Messina was on approved leave of absence for the meeting.)

AMENDMENT PUT AND CARRIED (5-3)

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

(Cr Messina was an apology for the meeting.)

AMENDMENT

Moved Cr Maier, Seconded _____

The following amendments be made:

“(a) *Clause (iii) be amended to read as follows:*

(iii) *APPROVES the implementation of Stage 1 of the Smith’s Lake Improvement Works as outlined on attached Plan No. 2346-CP-2D to commence in April 2008; and*

(b) *inserts clause (iv) to read as follows:*

(iv) *which considers the listing of funds.”*

The Presiding Member advised Cr Maier that he would not accept his amendment as he considered it contrary to Standing Orders and goes against the intent of the recommendation. He advised he will accept it as an Alternative Recommendation and if the Officer Recommendation is lost, the Alternative Recommendation can be moved and debated, but at this point of time, the amendment will not be accepted.

Cr Maier dissented.

Cr Maier asked for the Chief Executive Officer’s ruling.

The Presiding Member stated that he had given a ruling.

Cr Maier dissented with the Presiding Member’s ruling.

PROCEDURAL MOTION

Moved Cr Maier, Seconded Cr Lake

That the Presiding Member’s ruling be disagreed with.

PROCEDURAL MOTION PUT AND LOST (3-5)

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

(Cr Messina was on approved leave of absence for the meeting.)

MOTION AS AMENDED PUT AND CARRIED (5-3)

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

COUNCIL DECISION ITEM 10.2.1

That the Council;

- (i) *RECEIVES further report No 2 in relation to the proposed improvements to Smith's Lake Reserve;*
- (ii) *NOTES that the;*
 - (a) *total estimated cost to implement the Smith's Lake Improvements as shown on attached Plan No. 2346-CP-2C is \$459,500;*
 - (b) *2007/2008 budget includes funds of \$165,000 for Improvements to the Smith's Lake Reserve;*
 - (c) *estimated cost for the demolition of the Len Fletcher Pavilion, removal of the carpark and associated landscaping is \$163,600; and*
 - (d) *estimated funds required to complete the remainder of the upgrade works (as outlined on attached Plan No. 2346-CP-2C) once the Len Fletcher Pavilion has been demolished and the associated works have been completed is \$295,900; and*
- (iii) *CARRIES FORWARD the funds totalling \$165,000 (allocated in the 2007/2008 budget) to the 2008/2009 budget and PROCEEDS with the demolition of the Len Fletcher Pavilion and associated works at an estimated cost of \$163,600 in July/August 2008.*

FURTHER REPORT:

The Council considered a report at the Ordinary Meeting held on 26 February 2008 where it decided as follows:

"That the Item be DEFERRED to allow for further clarification of the proposed works and funding requirements."

As outlined in the previous report, the Total funds required to complete the Smith's Lake upgrade as shown on Plan No. 2346-CP-2C are \$459,500 as follows:

Construction of red asphalt paths including lighting	\$228,600
Demolition of the pavilion including removal of carpark and landscaping	\$163,600
Parks furniture	\$22,600
Traffic management measures	\$24,100
Brick paved pathway	<u>\$20,600</u>
TOTAL	\$459,500

As there is currently only \$165,000 allocated in the 2008/2009 budget for the project, in the previous report it was recommended that the project be split into two stages as follows:

Stage 1: Will comprise the works on the north side of the park (north of the Len Fletcher Pavilion) in 2007/2008.

Stage 2: Will comprise the works on the southern portion of the park including the demolition of the pavilion, removal of the carpark etc. in 2008/2009.

If the desire of the Council is to only complete the demolition of the pavilion (and associated works) and defer the remainder of the park upgrade, at this point in time no additional funds will be required to be allocated in the 2008/2009 budget as this cost is estimated at \$163,600.

Should the Council wish to complete the entire project in the future, then an additional \$294,500 will be required to be allocated in future budgets.

Minutes Ordinary Meeting of Council held on 26 February 2008

The following is a verbatim copy of Minutes of the item placed before the Council at its Ordinary Meeting held on 26 February 2008.

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES* the further report in relation to the proposed improvements to Smith's Lake Reserve;
- (ii) *NOTES* that;
 - (a) *funds totalling \$165,000 have been allocated in the 2007/2008 budget for improvements to the Smith's Lake Reserve, comprising the Greenway Link;*
 - (b) *additional funds will be required for the demolition of the Len Fletcher Pavilion (estimated at \$102,000) and the completion of the park upgrade /Greenway link and traffic management (estimated at \$190,500); and*
 - (c) *the proposed funding requirements for the works outlined in clause (ii)(b,) where highlighted, in a report presented to the Ordinary Meeting of Council held on 23 January 2007;*
- (iii) *APPROVES* the implementation of Stage 1 of the Smith's Lake improvement works as outlined on attached Plan No. 2346-CP-2C to commence in April 2008;
- (iv) *NOTES* that subject to the allocation of additional funds in the 2008/2009 budget, Stage 2 of the Smith's Lake improvement works (as outlined on attached Plan No. 2346-CP-2C) will be programmed for August to October 2008; and
- (v) *LISTS* an amount of \$294,500 for consideration in the 2008/2009 draft budget to complete Stage 2 of the Smith's Lake works (as outlined on attached Plan No. 2346-CP-2C) which will include the;
 - (a) *demolition of the Len Fletcher Pavilion/Removal of the carpark;*
 - (b) *completion of the Wetland/Heritage Trail link; and*
 - (c) *associated traffic management on Emmerson Street.*

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

Cr Messina returned to the Chamber at 8.54pm.

Debate ensued.

AMENDMENT

Moved Cr Farrell, Seconded Cr Messina

That the Officer Recommendation be amended as follows;

- (v) *LISTS an amount of \$102,000 for consideration in the 2008/09 Draft Budget to complete demolition of the Len Fletcher Pavilion and removal of the car park; and*
- (vi) *DEFERS allocation of funds totalling \$190,500 for the completion of the wetland and heritage trail link and associated traffic management.*

Cr Messina returned to the Chamber at 8.54pm.

Debate ensued.

Moved Cr Farrell, Seconded Cr Messina

That the Item be DEFERRED to allow for further clarification of the proposed works and funding requirements.

CARRIED (6-3)

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

COUNCIL DECISION ITEM 10.2.4

That the Item be DEFERRED to allow for further clarification of the proposed works and funding requirements.

PURPOSE OF REPORT:

The purpose of this report is to update the Council on the proposal to implement the Smith's Lake Upgrade Project.

BACKGROUND:

At the Ordinary Meeting of Council held on 9 August 2005, a report regarding the revised redevelopment proposal for Smith's Lake Reserve was presented, where the Council approved in principle the revised proposal as outlined on concept plan No. 2346-CP-2A and to advertise the revised plan for a period of 21 days seeking submissions

Following community consultation, the Council considered a further report at its Ordinary Meeting held on 8 November 2005 where it was decided (in part):

"That the Council;

- (ii) ADOPTS the Smith's Lake Reserve Redevelopment plan as outlined on attached Plan No. 2346-CP-2B subject to the path along Farr Avenue being moved away from the kerbline;*
- (iv) LISTS an amount of \$165,000 for consideration in the 2006/07 draft budget to complete the Wetland/Heritage Trail link through Smith's Lake Reserve....."*

DETAILS:

As previously reported to Council, the Smith's Lake revised redevelopment plan was widely advertised, with concept plans being sent to all precinct groups, community groups and service authorities for comment. In addition, 479 letters/plans were distributed around the immediate area, giving owner/occupiers the opportunity to comment.

At the close of the consultation period, forty three (43) submissions were received. Nineteen (19) submissions were in favour of the proposal and provided "no comment", twenty three (23) submissions were in favour of the proposal and provided comments, with only one (1) submission totally against the proposal.

Funds for the upgrade of Smith's Lake were allocated in 2005. Officers have now reviewed the proposal and have updated the costings.

The funds that are currently allocated are not sufficient to complete the entire project. It has therefore being decided to recommend a two (2) stage approach to implement the works as follows:

Stage 1: Will comprise the works on the north side of the park (north of the Len Fletcher Pavilion) in 2007/2008.

Stage 2: Will comprise the works on the southern portion of the park including the demolition of the pavilion, removal of the carpark etc. in 2008/2009.

Proposed Stage 1:

This work will include the following:

- Earth works associated with the construction of the dual use path*
- Construction of flush concrete kerbing*
- Pavement construction*
- Red asphalt overlay*
- Installation of lighting*
- Completion of landscaping*

The estimated cost of these works is \$165,000 – refer attached plan No 2346-CP-2C.

Proposed Stage 2:

This work will include the following:

- *Demolition of Len Fletcher Pavilion*
- *Removal of car park*
- *In-ground reticulation, turfing and landscaping of this area*
- *Traffic islands/plateau at Emmerson Street*
- *Earth works associated with the construction of the dual use path*
- *Construction of flush concrete kerbing*
- *Pavement construction*
- *Red asphalt overlay*
- *Installation of lighting*
- *Brickpaved pathway at rear of Elven Street*

The estimated cost of these works is \$290,500 – refer attached plan No 2346-CP-2C.

*Note: Demolition of the pavilion, making good and removal of the carpark is \$102,000.
Park upgrade component of this cost is \$168,000.
Traffic management component is \$22,500.*

Len Fletcher Pavilion Demolition

As mentioned above, the estimated cost to demolish the pavilion, remove the carpark and make good is \$102,000 and the estimated cost to complete the park upgrade is \$170,000.

At its ordinary meeting held on 23 January 2007, the Council received a report (Item 10.4.5 Approval of Loftus Centre Redevelopment and Tender No 354/06 - Construction of the Loftus Centre, 99 Loftus Street, Leederville) where on page 107 of the minutes in a table it stated as follows:

<i>To be considered in Budget 2008/2009</i>	
<i>Len Fletcher Pavilion - Demolition (cost projected to July 2008)</i>	<i>100,000</i>
<i>Smith's Lake Reserve Upgrade (estimate only)</i>	<i>185,000</i>

The Loftus Centre Redevelopment is progressing very well. The Gymnastics WA offices are due for completion by the end of March 2008 and Gymnastics WA can relocate shortly thereafter. The main exhibition hall is due for completion in April 2008. The builder is confident that all major works will be completed by May 2008. Once vacated, Len Fletcher Pavilion can be demolished and it is envisaged this will occur in July-August 2008.

CONSULTATION/ADVERTISING:

Community consultation was previously undertaken (as reported to the Ordinary Meeting of Council held on 8 November 2005). As is the Town's practice, adjoining residents will be notified of the impending works by the distribution of information bulletins.

LEGAL/POLICY:

N/A

STRATEGIC IMPLICATIONS:

In accordance with the objective of Strategic Plan 2006-2011 – 1.1.5 Enhance and maintain parks and community facilities. "(b) Implement infrastructure improvements for public open space, including the Wetlands Heritage Trail and the Greenway."

FINANCIAL/BUDGET IMPLICATIONS:

Stage 1 Estimated Costs

<i>Item</i>	<i>Estimated Cost</i>
<i>Cut to spoil</i>	<i>\$18,500.00</i>
<i>Trim prepare subgrade</i>	<i>\$8,800.00</i>
<i>Compact and supply limestone</i>	<i>\$5,500.00</i>
<i>Compact and final grade</i>	<i>\$13,000.00</i>
<i>Edge Kerbing on asphalt paths</i>	<i>\$35,200.00</i>
<i>Red Asphalt</i>	<i>\$14,000.00</i>
<i>Supply/install Thorn 'Urbi' Decorative lights with 70 watt lamps</i>	<i>\$52,000.00</i>
<i>Setout</i>	<i>\$1,500.00</i>
<i>Supervision</i>	<i>\$4,500</i>
<i>Contingency</i>	<i>\$12,000</i>
<i>TOTAL</i>	<i>\$165,000</i>

Stage 2 Estimated Costs:

<i>Item</i>	<i>Estimated Cost</i>
<i>Demolish pavilion</i>	<i>\$55,000.00</i>
<i>Remove carpark</i>	<i>\$42,000.00</i>
<i>Cut to spoil</i>	<i>\$16,500.00</i>
<i>Trim prepare subgrade</i>	<i>\$5,500.00</i>
<i>Compact and supply limestone</i>	<i>\$2,000.00</i>
<i>Compact and final grade</i>	<i>\$5,000.00</i>
<i>Edge Kerbing on asphalt paths</i>	<i>\$14,000.00</i>
<i>Red Asphalt</i>	<i>\$8,000.00</i>
<i>Supply/install Thorn 'Urbi' Decorative lights with 70 watt lamps</i>	<i>\$24,000.00</i>
<i>Brickpaved Path way</i>	<i>\$14,000.00</i>
<i>Supply / Install Valve sections @ \$1500 per section</i>	<i>\$6,000.00</i>
<i>Supply and Install reticulation, pipe fittings and sprinklers</i>	<i>\$7,500.00</i>
<i>Sleeves</i>	<i>\$2,500.00</i>
<i>Trees</i>	<i>\$4,000.00</i>
<i>Supply/planting of various groundcovers/shrubs</i>	<i>\$13,000.00</i>
<i>Supply/lay kikuyu turf</i>	<i>\$24,000.00</i>
<i>Supply and Install trees</i>	<i>\$3,000.00</i>
<i>Supply/install seats</i>	<i>\$7,500.00</i>
<i>Supply/install bins</i>	<i>\$3,500.00</i>
<i>BBQ</i>	<i>\$5,000.00</i>
<i>Plateaux</i>	<i>\$10,000.00</i>
<i>Islands</i>	<i>\$6,000.00</i>
<i>Signage / Lines</i>	<i>\$1,500.00</i>
<i>Setout, supervision, contingency</i>	<i>\$15000.00</i>
	<i>\$294,500.00</i>

COMMENTS:

As indicated in the report presented to the Council on 9 August 2005, it was considered prudent that the Smith's Lake Reserve Improvements be implemented as purchasers of the adjoining lots on Elven Street would need some surety regarding the future of the adjoining Reserve and the Len Fletcher Pavilion.

It is therefore recommended that the officers' Recommendation be adopted.

10.1.3 No. 141 (Lot: 330 D/P: 2001) Joel Terrace, Corner Leslie Street, Mount Lawley – Proposed Demolition of Existing Shed, and Garage and Street/Front Fence Additions to Existing Single House – State Administrative Tribunal (SAT) Review Matter No. DR 431 of 2007

Ward:	South	Date:	28 February 2008
Precinct:	Banks; P15	File Ref:	PRO4081; 5.2007.301.1
Attachments:	001		
Reporting Officer(s):	S O'Loughlin, A Munyard, R Rasiah		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report relating to No.141 (Lot: 330 D/P: 2001) Joel Terrace, corner Leslie Street, Mount Lawley – Proposed Demolition of Existing Shed, and Garage and Street/Front Fence Additions to Existing Single House – State Administrative Tribunal (SAT) Review Matter No. DR 431 of 2007;*
- (ii) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, APPROVES as part of the State Administrative Tribunal Review Matter No. DR 431 of 2007, the application submitted by M Thyer on behalf of the owner BH Thyer for Proposed Demolition of Existing Shed, and Garage and Street/Front Fence Additions to Existing Single House at No.141 (Lot: 330 D/P: 2001) Joel Terrace, corner Leslie Street, Mount Lawley, and as shown on plans stamp-dated 13 August 2007, 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) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
 - (iii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating any new street/front wall, fence and gate between the Joel Terrace boundary and Leslie Street boundary and the main building, including along the side boundaries within these front setback areas, complying with the following:*
 - (a) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*

- (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
- (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency;*
- (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level; and*
- (f) *the solid portion adjacent to the Leslie Street boundary from the above truncations, can increase to a maximum height of 1.8 metres, provided that the fence and gate have at least two (2) significant appropriate design features to reduce the visual impact. Examples of design features may include significant open structures, recesses and/or planters facing the street at regular intervals, and varying materials; and the incorporation of varying materials, finishes and/or colours are considered to be one (1) design feature. Details of these design features shall be submitted to and approved by the Town prior to the issue of a Building Licence.*

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

- (iv) *first obtaining the consent of the owners of No.143 Joel Terrace for entry onto their land, the owners of the subject land shall finish and maintain the surface of these boundary (parapet) wall facing No.143 Joel Terrace in a good and clean condition;*
- (v) *the garage structure shall not be used for industrial, commercial or habitable purposes, and is for the sole personal use of the inhabitants of the main dwelling only; and*
- (vi) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating:*
 - (a) *a separator island being constructed between the right-of-way entrance and the crossover to No.141 (Lot: 330 D/P: 2001) Joel Terrace, corner Leslie Street, Mount Lawley, to the Town's specification and at the cost of the property owner; and*
 - (b) *the proposed garage being setback a minimum 0.5 metre from the right-of way to enable future right of way widening.*

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

Moved Cr Farrell, Seconded Cr Youngman

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Ker, Seconded Cr Farrell

That clause (vi)(b) be deleted.

Debate ensued.

AMENDMENT PUT AND CARRIED (8-0)

(Cr Messina was on approved leave of absence for the meeting.)

MOTION AS AMENDED PUT AND CARRIED (8-0)

(Cr Messina was on approved leave of absence for the meeting.)

COUNCIL DECISION ITEM 10.1.3

That the Council;

- (i) *RECEIVES the report relating to No.141 (Lot: 330 D/P: 2001) Joel Terrace, corner Leslie Street, Mount Lawley – Proposed Demolition of Existing Shed, and Garage and Street/Front Fence Additions to Existing Single House – State Administrative Tribunal (SAT) Review Matter No. DR 431 of 2007;*
- (ii) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, APPROVES as part of the State Administrative Tribunal Review Matter No. DR 431 of 2007, the application submitted by M Thyer on behalf of the owner BH Thyer for Proposed Demolition of Existing Shed, and Garage and Street/Front Fence Additions to Existing Single House at No.141 (Lot: 330 D/P: 2001) Joel Terrace, corner Leslie Street, Mount Lawley, and as shown on plans stamp-dated 13 August 2007, 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) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
 - (iii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating any new street/front wall, fence and gate between the Joel Terrace boundary and Leslie Street boundary and the main building,*

including along the side boundaries within these front setback areas, complying with the following:

- (a) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
- (b) decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
- (c) the maximum width, depth and diameter of posts and piers being 350 millimetres;*
- (d) the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency;*
- (e) the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level; and*
- (f) the solid portion adjacent to the Leslie Street boundary from the above truncations, can increase to a maximum height of 1.8 metres, provided that the fence and gate have at least two (2) significant appropriate design features to reduce the visual impact. Examples of design features may include significant open structures, recesses and/or planters facing the street at regular intervals, and varying materials; and the incorporation of varying materials, finishes and/or colours are considered to be one (1) design feature. Details of these design features shall be submitted to and approved by the Town prior to the issue of a Building Licence.*

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

- (iv) first obtaining the consent of the owners of No.143 Joel Terrace for entry onto their land, the owners of the subject land shall finish and maintain the surface of these boundary (parapet) wall facing No.143 Joel Terrace in a good and clean condition;*
- (v) the garage structure shall not be used for industrial, commercial or habitable purposes, and is for the sole personal use of the inhabitants of the main dwelling only; and*
- (vi) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating:*
 - (a) a separator island being constructed between the right-of-way entrance and the crossover to No.141 (Lot: 330 D/P: 2001) Joel Terrace, corner Leslie Street, Mount Lawley, to the Town's specification and at the cost of the property owner; and*

As a result from the Mediation at SAT held on 13 February 2008, the Town has been invited to determine the application for No.141 Joel Terrace, under Section 31 of the State Administrative Tribunal Act 2004, hence, the Agenda Report is not prepared as a “Confidential Report”.

The applicant’s submission, dated 26 February 2008, is “laid on the table” and is summarised below:

The applicant appealed the Town’s decision made under delegated authority to refuse the subject application for demolition of existing shed, and garage and street/front fence additions to existing single house. The applicant has agreed to modify aspects of the proposed development to meet particular requirements of the Town’s Policies. However, the applicant requests that the garage is to be located off Leslie Street and the 0.5 metre right-of-way widening Technical Services requirement to not be provided in this instance for the following reasons;

- to preserve the outdoor toilet (that has heritage value) that is located 6.0 metres from the right-of-way boundary;
- the applicant will build an island-separator designed by the Town’s Technical Services between the proposed crossover and the right-of-way exit onto Leslie Street (at their own expense) to address safety issues;
- the length of the proposed garage has been reduced and all visual truncation requirements have been met to meet the Town’s requirements in regards to visual sight line truncations – driveways and right-of- ways;
- eight of the twelve properties have brick garages up to the right-of-way;
- No.151 Joel Terrace was given approval by the Town to build up to the right-of-way in 2006;
- increasing the right-of-way by 0.5 metre will result in a right-of-way width of 4.5 metres which will not provide enough space for cars to pass each other;
- the property on the opposite side of the right-of-way is built within 1.0 metre of the right-of-way and have no intention to subdivide;
- the Leslie Street end of the right-of-way is not busy enough for widening to be required and there are three access/exit points along the right-of-way; and
- Planning Bulletin 33 suggests that where constraints occur that preclude the widening of a right-of-way traffic may operate one-way.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed	Officer Comments
Building Setbacks: Garage/Outbuilding - North	1.0 metre	Nil	Supported – considered to have no undue impact on directly affected neighbours.
- West	1.0 metre	Nil	Supported – as above.
Garage/Outbuilding Height:	Outbuildings not to exceed a wall height of 2.4 metres	2.6 metres	Supported – minor variation in this instance and no undue impact on directly affected neighbours.

	Outbuildings not to exceed a ridge height of 4.2 metres	5.286 metres	Supported – no undue impact on directly affected neighbours and the roof pitch is characteristic of the existing dwelling.
Street Walls and Fences: East - Joel Terrace	Not to exceed a maximum height of 1.8 metres above the adjacent footpath level. Decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level.	Maximum height of 2.076 metres from the adjacent footpath level. Maximum height 2.228 metres to the top of the decorative capping on top of the posts and piers from the adjacent footpath level.	Not supported – undue impact on the streetscape amenity and conditioned to comply with the requirements of the Town’s Policy relating to Street Walls and Fences. Not supported – as above.
South - Leslie Street	Not to exceed a maximum height of 1.8 metres above the adjacent footpath level within the 6.0 metre setback from Joel Terrace. Decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level.	Maximum height of 2.057 metres from the adjacent footpath level within the 6.0 metre setback area from Joel Terrace. Maximum height 2.228 metres to the top of the decorative capping on top of the posts and piers from the adjacent footpath level.	Not supported – as above. Not supported – as above.
Consultation Submissions			
Not applicable as matter is subject to a review to SAT.			
Other Implications			
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes (R Codes). Planning and Development Act 2005 (WA), State	

	Administrative Tribunal Act 2004 (WA) and Town's Policy No.4.1.25 - Procedure for State Administrative Tribunal.
Strategic Implications	Nil
Financial/Budget Implications	Nil, as all current representations at SAT have been attended by the Town's Officers.

* 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 to be held on 11 March 2008, the Town's Officers and the applicant are to attend a further mediation at SAT on 17 March 2008. If the applicant is satisfied with the determination made by the Council at its Ordinary Meeting on 11 March 2008, the applicant will consider withdrawing the current review application with the State Administrative Tribunal.

Right-of-way Widening

The applicant has claimed in a submission that an approval had been issued by the Town for development abutting the right-of-way at No.151 (Lot: 335 D/P: 2001) Joel Terrace, Mount Lawley in recent years. The applicant states in the submission;

“The most recent of these buildings (151 Joel Tce) was given approval by the Town of Vincent to build up to the ROW in 2006.”

It should be noted that there has been no Planning Approval or Building Licence granted by the Town in 2006 or in any recent preceding or subsequent years for development at No.151 Joel Terrace. In addition, the existing outdoor toilet does not have any recognisable heritage value.

After providing the applicant with 21 days to submit amended plans addressing the Town's concerns raised in the Officer's letters dated 3 September 2007 and 8 October 2008, the application was refused under delegated authority due to its non-compliance with the Town's Policy relating to Street Walls and Fences and the non-compliance with the Town's Policy relating to Visual Sight line Truncations – Driveways and Right of Ways. Variations to street walls, fences and gate requirements are not supported under the Town's Policy relating to Non-Variation to Specific Development Standards and Requirements.

It has been recognised that if the proposed demolition of existing shed, and garage and street/front fence additions had been approved under delegated authority at the time of original application to the Town, then the required 0.5 metre right-of-way widening would have been requested prior to issue of Building Licence.

Technical Services Comments

The Town's Technical Services has provided comments below:

"The original garage and fencing application was lodged on 29 June 2007. Following preliminary assessment, Mr Thyer was advised where the proposal was non compliant with the Town's policies.

On 7 September, Mr Thyer emailed the Town's Technical Services Officer with a revised design addressing the fence truncations, the front boundary offset, and the 0.5m ROW offset. At this time Mr Thyer was prepared to accommodate the ROW widening, albeit with a 30cm brick "planter" bordering the garage wall.

Shortly after this time, Mr Thyer changed his mind and argued that, based on other existing development off the ROW, he no longer wished to accommodate the offset.

At its Ordinary Meeting held on November 8 1999, the Council unanimously approved a report recommending the Town support WAPC's Planning Bulletin Number 33 "Rights of Way or Laneways in Established Areas, Guidelines" as its guide to development off ROWs. The bulletin advises that a minimum width of 5m allows vehicles to pass safely at low speed, but acknowledges that existing development may preclude widening the entire length of the ROW. This is seen not to be a deterrent to seeking widening where possible, with the endeavour to achieve sections of widening which over time may possibly be extended.

"Where particular constraints preclude the widening of a right of way for residential developments, the following alternative design solutions may be acceptable:-

- 1. one-way traffic operation on a right of way less than 5 metres wide;*
- 2. on-site parking bays constructed immediately adjacent and parallel to the right of way (not within the right of way);*
- 3. narrow one-lane sections of right of way with wider sections for vehicles to pass at appropriate locations, and other similar approaches."*

In this particular case, one way traffic is not a viable option. The ROW is only 4m wide, and a number of garages have been constructed on an angle from the boundary so that access is from one direction only. Traffic flow in both directions is necessary for these garages to retain access.

The second option can be implemented; however, this is not relevant to the current application. The third option is the basis for the building set back which has been requested. Although this will only widen the ROW to 4.5m, it is not known what future development may take place on the other side of the ROW, and a further 0.5m setback will be sought in the future if the opportunity arises.

The justification of existing non-compliant development, or development that took place prior to the establishment of policies directed towards improving the amenity and safety of the residential environment would produce an outcome where the most unsatisfactory development in the vicinity would become the yardstick for the Town's future. The 0.5m setback is not an onerous requirement on this development, and was deemed workable to the applicant at one point during the assessment period.”

Summary

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.

10.1.1 Further Report – Third Party Appeal Rights- Draft Planning and Development Amendment (Third Party Appeals) Bill 2007 – Private Member’s Bill – Request for Comments

Ward:	Both Wards	Date:	4 March 2008
Precinct:	All Precincts	File Ref:	PLA0190
Attachments:			
Reporting Officer(s):	E Saraceni		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council,

- (i) *RECEIVES the letter dated 15 October 2007, from Dr Janet Woollard, MLA Member for Alfred Cove, and accompanying explanatory memorandum and Draft Planning and Development Amendment (Third Party Appeals) Bill 2007; and*
- (ii) *ADVISES Dr Janet Woollard, MLA, Member for Alfred Cove, that the Council DOES NOT SUPPORT the Draft Planning and Development Amendment (Third Party Appeals) Bill 2007 for the following reasons:*
 - (a) *creates greater uncertainty and further delays in the planning and development process;*
 - (b) *increases the costs associated with the appeals/review process;*
 - (c) *extensive community consultation process is currently undertaken by the Town as part of its planning process;*
 - (d) *the community is currently involved in the appeal/review process;*
 - (e) *at present, decisions on planning applications are made on the planning merits of the application, which includes taking into consideration those submissions received that are perceived to have planning merit; and*
 - (f) *no documentary evidence is provided to substantiate that third party rights will add real value to the decision-making process or the quality of development that is ultimately approved.*

Moved Cr Farrell, Seconded Cr Burns

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Maier, Seconded Cr Ker

That new clause (iii) be added as follows:

- “(iii) *ADVISES Dr Janet Woollard, MLA, Member for Alfred Cove that should the Draft Planning and Development Amendment (Third Party Appeals) Bill 2007 be proceeded with, the following concerns should be addressed:*

- (a) *section 252D (2) should guarantee a minimum level of appeal/review rights;*
- (b) *section 252E (1) should be amended so that if a third party is given appeal/review rights it should not be subject of a fourth party having put in an objection; and*
- (c) *the proposal does not go far enough to discourage frivolous or vexatious appeals. A mechanism which subjects every appeal/review to an initial prima facie test of validity should be included.”*

AMENDMENT PUT AND LOST (3-5)

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

(Cr Messina was on approved leave of absence for the meeting.)

Debate ensued.

AMENDMENT

Moved Cr Farrell, Seconded Cr Youngman

That new clauses (g), (h) and (i) be added to read as follows:

- (g) *section 252D (2) does not guarantee a minimum level of appeal/review rights;*
- (h) *section 252E (1) should be amended so that if a third party is given appeal/review rights it should not be subject of a fourth party having put in an objection; and*
- (i) *the proposal does not go far enough to discourage frivolous or vexatious appeals. A mechanism which subjects every appeal/review to an initial prima facie test of validity should be included.”*

AMENDMENT PUT AND CARRIED (5-3)

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

(Cr Messina was on approved leave of absence for the meeting.)

MOTION AS AMENDED PUT AND CARRIED (5-3)

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

(Cr Messina was on approved leave of absence for the meeting.)

COUNCIL DECISION ITEM 10.1.1

That the Council,

- (i) *RECEIVES the letter dated 15 October 2007, from Dr Janet Woollard, MLA Member for Alfred Cove, and accompanying explanatory memorandum and Draft Planning and Development Amendment (Third Party Appeals) Bill 2007; and*
- (ii) *ADVISES Dr Janet Woollard, MLA, Member for Alfred Cove, that the Council DOES NOT SUPPORT the Draft Planning and Development Amendment (Third Party Appeals) Bill 2007 for the following reasons:*
 - (a) *creates greater uncertainty and further delays in the planning and development process;*
 - (b) *increases the costs associated with the appeals/review process;*
 - (c) *extensive community consultation process is currently undertaken by the Town as part of its planning process;*
 - (d) *the community is currently involved in the appeal/review process;*
 - (e) *at present, decisions on planning applications are made on the planning merits of the application, which includes taking into consideration those submissions received that are perceived to have planning merit;*
 - (f) *no documentary evidence is provided to substantiate that third party rights will add real value to the decision-making process or the quality of development that is ultimately approved;*
 - (g) *section 252D (2) does not guarantee a minimum level of appeal/review rights;*
 - (h) *section 252E (1) should be amended so that if a third party is given appeal/review rights it should not be subject of a fourth party having put in an objection; and*
 - (i) *the proposal does not go far enough to discourage frivolous or vexatious appeals. A mechanism which subjects every appeal/review to an initial prima facie test of validity should be included.”*

FURTHER REPORT:

The item was included in the Agenda for the Ordinary Meeting held on 26 February 2008.

The item was not considered, due to the lateness of the hour.

The explanatory memorandum and draft bill are “*laid on the table*”

As a result of the above, the item is included in the Agenda.

The Item was previously listed to be considered on a confidential basis. However, the Town has subsequently become aware that another local government has considered the matter in an open meeting. Contact has subsequently been made with Dr Woollard, MLA, Member for

Alfred Cove, and she advises that her original request for the matter to be treated as confidential no longer applies.

Accordingly, the matter is listed in the Agenda.

PURPOSE OF REPORT:

The purpose of this report is to outline to the Council the Draft Planning and Development Amendment (Third Party Appeals) Bill 2007. Dr Janet Woollard, MLA, Member for Alfred Cove is seeking feedback from all Councils with regard to the Private Member's Bill that has been drafted regarding third party appeal rights.

BACKGROUND:

The Council received a letter dated 15 October 2007 from Dr Janet Woollard, MLA, Member for Alfred Cove in relation to the abovementioned Draft Bill, seeking the Council's comments on the proposal. The Draft Bill proposes to amend the Planning and Development Act, 2005 (the Act) to introduce a scheme that allows objectors and third parties to appeal decisions made by the responsible authority, including local governments, with regard to planning applications.

At present in Western Australia only the applicant has the ability to apply to the State Administrative Tribunal (SAT) for a review of the decision made by the responsible authority in relation to the planning application.

DETAILS:

The Draft Bill has been modelled on Victoria's Planning and Environment Act, 1987, which provides for third party rights to appeal to Victoria's version of the SAT in relation to decisions made by local governments regarding the approval of planning applications. The Draft Bill introduces a new Part 5A, which provides a process for applying for and objecting to planning applications, which is aimed at providing consistency in these processes. Currently, under Western Australian legislation, the process for applying for Planning Approvals is not legislated and is a matter for local governments to regulate through Town Planning Schemes, etc.

This Part defines the application process for what has been referred to in the Bill as planning permit applications. An important feature of this Part is the requirement for notice of a planning application that is to be given to the owners of the adjoining properties, those that may be detrimentally affected by the grant of permit, and the public at large. These provisions ensure that interested third parties are informed of applications and provided with the opportunity to object to an application, which therefore establishes the right to appeal.

The abovementioned application process is still facilitated by the responsible local government, who also determines whether or not a planning permit should be granted.

Part 14 of the Act is proposed to be amended to introduce appeal rights for objectors and other third parties to appeal a decision to grant a planning permit. Those persons that did not object to the application, but are still affected by the decision to grant the permit, may also appeal a decision made by a responsible authority if it obtains leave from SAT to do so.

The amended Part 14 also provides additional rights for the applicant, including the entitlement to appeal a decision of a responsible authority to require additional information or additional requirements for notice, or the failure of a responsible authority to grant the permit within the prescribed time.

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It should be noted that under this Part of the Act, Section 252D, sub-section (2) states that a planning scheme may exempt certain classes of application from being appealed by a third party.

The above notion is also reiterated in Section 252E, sub-section (6) of the Draft Bill, which states that the section does not apply if the decision is exempted from an appeal by an objector under a planning scheme. The section will also not apply where a permit has been issued because no objection was received. Therefore, similarly to the Victorian Legislation, the Draft Bill provides scope for local governments to exempt certain appeals under the Town Planning Scheme, which will aid in reducing the amount of trivial and frivolous appeals that may be put forward by third parties.

The full version of the explanatory memorandum provided to the Town, including a detailed explanation of the newly proposed Part 5A and the amended Part 14, and the Draft Bill, are included as an attachment to this report.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

Nil. (If introduced as law, it will affect the Planning and Development Act, 2005, and Town of Vincent Town Planning Scheme No 1 and associated Policies).

STRATEGIC IMPLICATIONS:

If introduced as law, it will have a very significant impact on the way development applications will be considered and determined.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The Draft Bill presents a major overhaul in the appeal/review process in Western Australia, and as a result it will have a major affect on the operation and administration of the Town. As with many amendments to an Act, there are benefits and negative aspects.

The benefit of the Draft Bill is that it will provide the community with a greater opportunity to participate in the Planning Approvals process and make the process more transparent.

The negatives of the Draft Bill are that it will create greater uncertainty for applicants and cause further delays to a process that as a result of market forces already experiences severe delays. The Town will also, more than likely, experience an increase in costs associated with the appeal/review process, as the Bill provides the opportunity for more people to appeal a decision.

The Town is considered to already have one of the most extensive community consultation policies in Western Australia, which sets out detailed guidelines for the consultation process based on the category of development and the impact that a development may have on adjacent properties and the community at large. Therefore, the assessment process undertaken at the Town is already transparent and the community are heavily involved in the decision-making process.

The community also has the opportunity to be involved in the appeal/review process at present, either through being called upon as a witness by the Town or as a party to an appeal/review application. However, the downside to this aspect of community involvement in an appeal/review is that if the applicant does not choose to exercise their rights by appealing a decision made by the Town, the community do not get involved once a decision has been made.

The Town's Officers will always consider community submissions received on the basis of their planning merit. If an objector is stating that the development will have an undue impact on their property and the concern has genuine planning merit (for example, the over shadowing is more than what is allowed under the Residential Design Codes and the Town's Policies), the Officers will give the objection due consideration in the decision-making process.

The Council is also responsible and accountable in the decision-making process and will also give due consideration to the submissions received based on their planning merit and the nature of the application.

Finally, no documentary evidence is provided to substantiate that third party rights will add real value to the decision-making process or the quality of development that is ultimately approved.

In light of the above, it is recommended that Council does not support the Draft Bill, as a result of the undue impact that it will have on the planning process and the administration of the Town, and the fact that the planning process at the Town already involves extensive community consultation and is significantly transparent.

The Chief Executive Officer advised that Mayor Catania and Cr Burns had declared a financial interest in Item 10.3.1. They departed the Chamber at 7.45pm and did not speak or vote on this matter.

Deputy Mayor, Cr Steed Farrell assumed the chair.

10.3.1 Investment Report as at 29 February 2008

Ward:	Both	Date:	4 March 2008
Precinct:	All	File Ref:	FIN0033
Attachments:	001		
Reporting Officer(s):	B Wong		
Checked/Endorsed by:	Bee Choo Tan	Amended by:	

OFFICER RECOMMENDATION:

That the Council RECEIVES the Investment Report for the month ended 29 February 2008 as detailed in Appendix 10.3.1.

COUNCIL DECISION ITEM 10.3.1

Moved Cr Youngman, Seconded Cr Doran-Wu

That the recommendation be adopted.

CARRIED (6-0)

(Cr Messina was on approved leave of absence for the meeting.)

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

Mayor Catania and Cr Burns returned to the Chamber at 7.46pm and were advised that the item was carried.

Mayor Catania assumed the Chair.

PURPOSE OF REPORT:

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

BACKGROUND:

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

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

DETAILS:

Total Investments for the period ended 29 February 2008 were \$17,789,958 compared with \$18,799,958 at 31 January 2008. At 28 February 2007, 18,120,252 were invested.

Total accrued interest earned on Investments as at 29 February 2008:

	Budget	Actual	%
	\$	\$	
Municipal	535,000	456,845	85.39
Reserve	547,600	412,638	75.35

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 decrease in investments for the month of February is as a result of payments for capital projects.

10.4.3 Review of Town of Vincent Car Parking Strategy

Ward:	Both	Date:	6 March 2008
Precinct:	All	File Ref:	PLA0084
Attachments:	-		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:		Amended by:	

OFFICER RECOMMENDATION:

That the Council APPROVES BY AN ABSOLUTE MAJORITY the reallocation of \$30,000 from Parking Income to carry out a review of the Town of Vincent Car Parking Strategy.

COUNCIL DECISION ITEM 10.4.3

Moved Cr Ker, Seconded Cr Farrell

That the recommendation be adopted.

Debate ensued.

Cr Farrell departed the Chamber at 7.47pm.

Debate ensued.

Cr Farrell returned to the Chamber at 7.50pm.

CARRIED BY AN ABSOLUTE MAJORITY (8-0)

(Cr Messina was on approved leave of absence for the meeting.)

PURPOSE OF REPORT:

The purpose of the report is to obtain Council's to approve of funds \$30,000 to carry out a review of the Town's Car Parking Strategy.

BACKGROUND:

At the Council Meeting held on 26 February the Council considered and approved of an additional 16 Key Performance Indicators for the Chief Executive Officer. In particular, the Key Performance Indicator:

6 (n) 2.1.4 (b) *Review and update the Town's Car Parking Strategy, (January 2002) including a timeframe to implement recommendations.* June 2008

DETAILS:

All of the items included in the Key Performance Indicators will be carried out in house or by an external Consultant (e.g. Housing Strategy) if approved by the Council. The review of the Town's Car Parking Strategy is considered to be a comprehensive and significant task. The

Strategy was adopted in January 2002 and a major review is considered necessary, as the Town has changed significantly. To achieve the Council's timeline of June 2008, it will be necessary to engage an external consultant to carry out this review.

In addition, the Town's Directors - Technical Services and Development Services advise that the Town does not have the expertise, capacity or resources to carry out this work, due to the current high work loads and competing priorities.

The Town's Car Parking Strategy is an important document as it has significant impact throughout the Town. However, because parking needs are affected by numerous extraneous factors, all parking management strategies need to be dynamic and must change as a requirement is identified. A number of new and reviewed processes have been put in place since July 2007, in consultation with residents and businesses, with a view to aligning them with community expectations and needs.

Objectives/Terms of Reference

The Car Parking Strategy is to be prepared as a final report and will be used as a reference document for the Town's staff to assist in making informed decisions in regards to parking and transport issues and strategies for car parking.

Objectives

The objectives of the Strategy will be to:

- To examine and review the existing and future car parking supply and demand and to determine whether existing and future car parking supply and demand satisfies the objectives and requirements of the Town of Vincent Town Planning Scheme No.1 and Policies.
- To review the provisions of the Town of Vincent Town Planning Scheme No.1 and Policies relating to car parking in light of the findings of the study and recommend any changes.
- To identify alternative transport initiatives and make recommendations on the feasibility of these within the Town in relation to the existing and future needs of the community.

Terms of Reference

The terms of reference for the review of the Town's Car Parking Strategy are to include but not be limited to the following;

- (i) The Strategy is for a five (5) year period.
- (ii) Review the Town's current Strategy and other associated documents and make recommendations.
- (iii) Investigate existing and future car parking supply and demand in the Town, including the introduction of paid parking and implementation timeline.
- (iv) Review car parking fees for other local governments in Western Australia and make appropriate recommendations.
- (v) Review each district centre in terms of their existing and future peak car parking and traffic generating times including reviewing inventories of the existing car parking

areas in the Town and any proposed major projects/developments which may impact on the centres.

- (vi) Review and address the factors affecting future car parking demands in the Town. Issues such as demographics, recent boundary changes affecting the Town, development and transport initiatives.
- (vii) Review improvements and upgrading requirements for the existing car parking areas in the Town including the management, condition and utilisation of the Town's car parking facilities.
- (viii) Review and identify areas of the Town which are considered to have a shortfall in parking both now and in the future, and identify and investigate potential locations for new car parking areas and other means of meeting this parking shortfall.
- (ix) Review current car parking charges, time limits, enforcement, signage and residential parking permits.
- (x) Consider the Department for Planning and Infrastructure's West Vincent Integrated Transport Plan, TravelSmart, as well as other alternative transport initiatives, current studies and research, and assess their impact on car parking in the Town.
- (xi) Review and make recommendations to address uses and development which generate substantial amount of car parking.
- (xii) Review the efficiency and effectiveness of the Town's existing car parks and make recommendations.
- (xiii) Review the Town's existing Parking and Access Policy, to address and integrate the findings of the Car Parking Strategy.
- (xiv) Consultation with Key Stakeholders.

Timeline

- Finalise Project Brief and send out Invitations to Quote to Consultants – mid March 2008.
- Consideration of Quotations – late March 2008.
- Appoint Consultants – early April 2008.
- Preparation of Report – April – mid May 2008.
- Consultants to present Draft Car Parking Strategy to CEO, Directors and Key Officers - mid May 2008.
- Consultants to present to a Council Member Forum - May 2008.
- The Final Car Parking Strategy/Report to be submitted to the Town by 31 May 2008.
- Report to Council by 30 June 2008.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

Quotations will be called in accordance with the Town's Purchasing Policy.

STRATEGIC IMPLICATIONS:

This matter is contained in the Town's Strategic Plan 2006-2011 :

Economic Development 2.1.4 (b) Review and update the Town's Car Parking Strategy, (January 2002) including a timeframe to implement recommendations. June 2008

FINANCIAL/BUDGET IMPLICATIONS:

There are no funds on the 2007/08 Budget to carry out this review. A re-allocation of funds will therefore be necessary. There are sufficient funds in the Town's Budget as has been reported to the Ordinary Meeting of Council 12 February 2008 Item 20.3.5 - Review of Annual Budget.

It is considered the reallocation can come from the Operating Budget - Parking Revenue - (which was reported to be \$195,000 above budget estimate).

COMMENTS:

The use of an external consultant to review the Town's Car Parking Strategy is considered most important. As stated above, car parking has been identified as a critical issue in the Town and has significant impact in a wide range of spheres. Accordingly, the Council's approval is recommended.

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

11.1 Town Advisory Groups – Proposed Amendment to Terms of Reference

That the COUNCIL amend the Terms of Reference of all of the Town's Advisory Groups to include a requirement for a quorum to include at least one Council Member, where such a provision does not already exist.

Cr Ker spoke to his Motion.

COUNCIL DECISION ITEM 11.1

Moved Cr Ker, Seconded Cr Burns

That the Motion be adopted.

CARRIED (8-0)

(Cr Messina was on approved leave of absence for the meeting.)

11.2 Proposed Design Guidelines for William Street, Perth

That the COUNCIL develop design guidelines for William Street, Perth between Brisbane and Newcastle Streets and receives a report on how this would be most effectively done (including timelines) at the first Ordinary Council Meeting, in April 2008.

Cr Ker spoke to his Motion.

COUNCIL DECISION ITEM 11.2

Moved Cr Ker, Seconded Cr Farrell

That the Motion be adopted.

CARRIED (8-0)

(Cr Messina was on approved leave of absence for the meeting.)

Background

The development approval for 440-444 William Street at the OMC of 26 February 2008 highlighted the lack of specific development guidance for William Street south of Brisbane Street

There are four substantial vacant sites without development approvals in this section of William Street (plus two that are under the development control of EPRA) and many other properties that are underdeveloped for the value of the land.

The Town has invested a large amount of money in the streetscape and public realm, including trees, paving and lighting, in this section of William Street.

It is considered that the Town needs to provide clear guidelines to potential developers and, at the same time, establish clear expectations in the community of what will be expected of future development in this prestigious street.

12. REPRESENTATION ON STATUTORY AUTHORITIES AND PUBLIC BODIES

Nil.

13. URGENT BUSINESS

Nil.

PROCEDURAL MOTION

At 7.55pm **Moved Cr Ker, Seconded Cr Youngman**

That the Council proceed "behind closed doors" to consider confidential item 14.1.

PROCEDURAL MOTION PUT AND CARRIED (8-0)

3 Members of the Public departed the Chamber.

14. CONFIDENTIAL REPORTS (Behind Closed Doors)

At 7.55pm The Chief Executive Officer advised that Cr Doran-Wu had declared an interest affecting impartiality in Item 14.1 – Confidential Report – 71 Edward Street. She disclosed that she has a close family member who is an employee of Hanson's.

14.1 CONFIDENTIAL REPORT - No. 71 (Lot: 199 D/P: 93039) Edward Street, East Perth - Proposed Extension of Operating Hours to Existing General Industry (Hanson Concrete Batching Plant) - State Administrative Tribunal (SAT) Review Matter No. DR 450 of 2007; and No. 120 (Lot: 1001 D/P: 29129) Claisebrook Road, East Perth - Proposed Extension of Operating Hours to Existing General Industry (Readymix Concrete Batching Plant) - State Administrative Tribunal (SAT) Review Matter No. DR 13 of 2008

Ward:	South	Date:	4 March 2008
Precinct:	Claisebrook North	File Ref:	PRO4024; 5.2007.312.1 PRO0733; 5.2007.314
Attachments:	-		
Reporting Officer(s):	R Rasiah		
Checked/Endorsed by:	D Abel, 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 Extension of Operating Hours to Existing General Industry (Hanson Concrete Batching Plant) - State Administrative Tribunal (SAT) Review Matter No. DR 450 of 2007; and No. 120 (Lot: 1001 D/P: 29129) Claisebrook Road, East Perth - Proposed Extension of Operating Hours to Existing General Industry (Readymix Concrete Batching Plant) - State Administrative Tribunal (SAT) Review Matter No. DR 13 of 2008;*
- (ii) *FILES and SERVES the following draft "without prejudice" conditions if the SAT is inclined to approve the Hanson review proposal and in response to the SAT Orders dated 22 February 2008 and for the Readymix Review Matter No. DR 13 of 2008 when required by SAT:*
 - (a) *prior to the commencement of the extended operating times a management plan shall be submitted to and approved by the Town, which includes addressing the following matters:*
 - (1) *noise management for on-site activities;*
 - (2) *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;*

- (3) *a traffic management plan with regard to all vehicles entering and exiting the site, including vehicles delivering raw materials, operations occurring before 6.00am and after 7.00pm Monday to Saturday, driver education in regard to truck routes, vehicle speeds, and operations to minimise disturbance and public safety concerns;*
 - (4) *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 outside of the previously restricted hours of 6.00am to 7.00pm Monday to Saturday;*
 - (5) *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 quarterly forwarded to the Town of Vincent for consideration; and*
 - (6) *a review of the above management plan after the first 12 months of operation of the extended operating times;*
- (b) *no special one off applications for extended operating times shall be applied for on Sundays and public holidays;*
 - (c) *operations between 7pm and 6am are to be limited to a maximum of 10 days per year or alternatively the times of operation may be extended to only between 6 am and 11 pm Monday to Saturday, excluding Sundays and public holidays;*
 - (d) *no delivery/removal of raw materials shall occur from the subject site during the approved extended operating times; and*
 - (e) *the extended operating times shall be for a period not exceeding 12 months;*
- (iii) *AUTHORISES the Town's Chief Executive Officer to;*
 - (a) *defend both SAT Review Matters No. DR 450 of 2007 -Hanson Concrete Batching Plant and No. DR 13 of 2008 - Readymix (Rinker) Concrete Batching Plant with legal representation as outlined in the report; and*
 - (b) *engage Planning Consultant(s) to represent the Town in both SAT Review Matters No. DR 450 of 2007 and No. DR 13 of 2008, as outlined in the report.*

Moved Cr Farrell, Seconded Cr Youngman

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Doran-Wu, Seconded Cr Farrell

That clause (ii)(a)(3) be amended to read as follows:

- (ii) (a) (3) *a traffic management plan with regard to all vehicles entering and exiting the site, all drivers to be educated in regard to truck routes, vehicle speeds, and operations to minimise disturbance and public safety concerns;*

AMENDMENT PUT AND CARRIED (7-1)

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

(Cr Messina was on approved leave of absence for the meeting.)

Debate ensued.

MOTION AS AMENDED PUT AND CARRIED (7-1)

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

(Cr Messina was on approved leave of absence for the meeting.)

COUNCIL DECISION ITEM 14.1

That the Council;

- (i) *RECEIVES the report relating to No. 71 (Lot: 199 D/P: 93039) Edward Street, East Perth - Proposed Extension of Operating Hours to Existing General Industry (Hanson Concrete Batching Plant) - State Administrative Tribunal (SAT) Review Matter No. DR 450 of 2007; and No. 120 (Lot: 1001 D/P: 29129) Claisebrook Road, East Perth - Proposed Extension of Operating Hours to Existing General Industry (Readymix Concrete Batching Plant) - State Administrative Tribunal (SAT) Review Matter No. DR 13 of 2008;*
- (ii) *FILES and SERVES the following draft "without prejudice" conditions if the SAT is inclined to approve the Hanson review proposal and in response to the SAT Orders dated 22 February 2008 and for the Readymix Review Matter No. DR 13 of 2008 when required by SAT:*
 - (a) *prior to the commencement of the extended operating times a management plan shall be submitted to and approved by the Town, which includes addressing the following matters:*
 - (1) *noise management for on-site activities;*
 - (2) *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;*

- (3) *a traffic management plan with regard to all vehicles entering and exiting the site, all drivers to be educated in regard to truck routes, vehicle speeds, and operations to minimise disturbance and public safety concerns;*
 - (4) *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 outside of the previously restricted hours of 6.00am to 7.00pm Monday to Saturday;*
 - (5) *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 quarterly forwarded to the Town of Vincent for consideration; and*
 - (6) *a review of the above management plan after the first 12 months of operation of the extended operating times;*
- (b) *no special one off applications for extended operating times shall be applied for on Sundays and public holidays;*
 - (c) *operations between 7pm and 6am are to be limited to a maximum of 10 days per year or alternatively the times of operation may be extended to only between 6 am and 11 pm Monday to Saturday, excluding Sundays and public holidays;*
 - (d) *no delivery/removal of raw materials shall occur from the subject site during the approved extended operating times; and*
 - (e) *the extended operating times shall be for a period not exceeding 12 months;*
- (iii) *AUTHORISES the Town's Chief Executive Officer to;*
- (a) *defend both SAT Review Matters No. DR 450 of 2007 -Hanson Concrete Batching Plant and No. DR 13 of 2008 - Readymix (Rinker) Concrete Batching Plant with legal representation as outlined in the report; and*
 - (b) *engage Planning Consultant(s) to represent the Town in both SAT Review Matters No. DR 450 of 2007 and No. DR 13 of 2008, as outlined in the report.*

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

PURPOSE OF REPORT:

- To update the Council on the above review application.
- To comply with the requirements of the Town's Policy/Procedure for SAT.
- To file draft "without prejudice" conditions of approval in advance of the hearing concerning the Town's refusal of the above application.

Hanson Concrete Batching Plant

Landowner:	Hanson Construction Materials Pty Ltd
Applicant:	Allerding & Associates
Zoning:	Metropolitan Region Scheme: Urban Town of Vincent Town Planning Scheme No.1 (City of Perth Scheme No. 2)-East Perth Precinct (P15).
Existing Land Use:	Concrete Batching Plant
Use Class:	General Industry
Use Classification:	“Unlisted” under City of Perth Scheme. No.2
Lot Area:	3841 square metres
Access to Right of Way	Not applicable

Readymix Concrete Batching Plant

Landowner:	Readymix Group Australia Ltd
Applicant:	Allerding & Associates
Zoning:	Metropolitan Region Scheme: Urban Town of Vincent Town Planning Scheme No.1 (City of Perth Scheme No. 2)-East Perth Precinct (P15).
Existing Land Use:	Concrete Batching Plant
Use Class:	General Industry
Use Classification:	“Unlisted” under City of Perth Scheme. No.2
Lot Area:	4870 square metres
Access to Right of Way	Not applicable

BACKGROUND

Hanson Concrete Batching Plant

June 1996 The Hanson Concrete Batching Plant (previously Pioneer Constructions Materials) has operated in the area for around 40 years. The East Perth Redevelopment Authority (EPRA) approved the above plant to its current location to make way for the Graham Farmer Freeway for a period 16 years, subject to the hours of operation being limited from 6 am to 7pm, Monday to Saturday.

May 2001 EPRA approved the removal of the restrictions on the hours of operation for a period of 12 months only, to allow a review of the impact of the plant and associated vehicles.

Ongoing approval under delegated authority was issued by the City of Perth on 19 April 2002, 19 March 2003, 30 March 2004 and 6 April 2005, for the on-going removal of the restrictions on the hours of operation, each for a further 12 months, allowing a continued review of the impact of the unrestricted hours given that the area is in a gradual transition towards increased residential development.

19 January 2005 Conditional Planning Approval was granted for the proposed further extension to operating time.

29 August 2006 The City of Perth Council granted approval for the removal of time restrictions for a further period of 12 months.

19 April 2007 A notice was served on Hanson Concrete Batching Plant by the Department of Environment and Conservation (DEC) with a \$250 fine for dust tracking caused by trucks leaving residue on the road.

8 May 2007

The Council considered the extension of time for the operating time of the Hanson Concrete Batching Plant at the above site as part of the advertising process, which at that point in time was under the jurisdiction of the City of Perth and resolved as follows:

“That the Council;

- (i) ADVISES the City of Perth that the Council STRONGLY OBJECTS to the proposed removal of the restrictions on the hours of operation of 6.00 am to 7.00 pm Monday to Saturday (to 24 hour operation) at No. 71 (Lot 199) Edward Street, Perth, in relation to the Hanson Concrete Batching Plant, due to the detrimental impact on nearby residential areas within the Town of Vincent;*
- (ii) REQUESTS the City of Perth to advertise for community consultation in a 250 metre radius the Development Application proposing the removal of restrictions on the hours of operation of 6.00am to 7.00pm Monday to Saturday (to 24-hour operation) at No. 71 (Lot 199) Edward Street, Perth, regarding the Hanson Concrete Batching Plant, for the following reasons:*
 - (a) it is acknowledged that the East Perth Redevelopment Authority (EPRA) in June 1996 approved the current use for a period of sixteen (16) years and that the hours restrictions have been removed on an annual application basis since 2002 however, also acknowledge that the permanent and original approval was subject to the hours of operation being restricted from 6.00am to 7.00pm Monday to Saturday; and*
 - (b) complaints have been lodged with the City of Perth, EPRA, Town of Vincent and Department of Environment and Conservation (DEC) in relation to insufficient community consultation, unreasonable noise, dust emissions, and increased heavy haulage traffic flow; and*
- (iii) in the event of City of Perth deciding to approve the application without Community Consultation on the proposed altered hours of operation, the City of Perth is REQUESTED to INCLUDE the following Conditions of Approval and confirm the conditions in writing to the Town;*
 - (a) prior to changes in operating hours Community Consultation be conducted with residents and business owners in a 250 metre radius around the batching plant to identify and address concerns regarding health, safety, noise, dust, heavy haulage traffic, and relevant amenity issues;*
 - (b) a Complaint Handling System be implemented that includes a procedure to log and deal with complaints from residents and owners allegedly affected within the Town of Vincent;*
 - (c) a Management Plan be required that includes the control and monitoring of dust, unreasonable noise after 7.00pm to 7.00am, and heavy haulage traffic, to the reasonable satisfaction of the City of Perth, residents/businesses in a 250 metre radius, the Department of Environment and Conservation and the Town of Vincent;*
 - (d) a review of conditions by June 2008 including community consultation within a 250 metre radius; and*

- (e) *the removal of restrictions of the hours of operation of 6.00am to 7.00pm Monday to Saturday being limited to a maximum period of twelve (12) months of notification to the applicant by the City of Perth."*

5 June 2007 The City of Perth Council at its meeting resolved as follows, as per the City of Perth's letter (attached) dated 28 June 2007:

"That in accordance with the provisions of the City Planning Scheme No 2 and the Metropolitan Region Scheme, the Council APPROVES the application for the removal of restrictions on the hours of operation of 6.00 am to 7.00 pm Monday to Saturday for the Hanson Concrete Batching Plant at 71 (Lot 199) Edward Street, East Perth as detailed on the Metropolitan Region Scheme Form One dated 22 March 2007 subject to:

- 1. the removal of the operating time restrictions being valid until 4 November 2007, to allow a review of the impact of the plant and associated vehicle movements on the surrounding area, by the relevant authority, at the conclusion of this period;*
- 2. a management plan that addresses community concerns regarding traffic impacts, environmental and health concerns, being submitted to the City and the Town of Vincent prior to 29 June 2007. The management plan should include, but not limited to the following:-*
 - 2.1 noise management for on-site activities;*
 - 2.2 dust and cement waste management including regular washing down of trucks before exiting the site, dust control onsite and regular sweeping and cleaning of materials spilled on surrounding roads;*
 - 2.3 a traffic management plan with particular reference to delivery operations occurring before 6.00am and after 7.00pm Monday to Saturday, and incorporating driver education in regard to truck routes, vehicle speeds, and operations to minimise disturbance and public safety concerns;*
 - 2.4 methods for notifying affected properties along Claisebrook Road and Edward Street on occasions when unusually high truck movements are likely to occur outside of the previously restricted hours of 6.00am to 7.00pm Monday to Saturday;*
 - 2.5 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."*

1 July 2007 The subject site is transferred to the Town of Vincent.

28 September 2007 Additional information as requested received by the Town.

12 October to
9 November 2007 Advertising of application undertaken by the Town (Serial 5.2007.312.1).

5 and
6 November 2007 The Town's administration did not object to the temporary removal of the restriction on the hours of operation on 5 and 6 November 2007.

- 6 November 2007 The Council considered the temporary removal of the restriction on the hours of operation from 7 November 2007 to 20 November 2007 (Serial No. 5.2007.438.1) for the Hanson Concrete Batching Plant at the above site and resolved to refuse the proposal for the following reasons:
1. *Negative impact on residents.*
 2. *Noise.*
 3. *Pollution.*
- 7 November 2007 Letter received from the Department of Environment and Conservation (DEC) (attached) stating that the 24 hours operation of the subject concrete batching plant has the potential to adversely impact the health, welfare, convenience, comfort or amenity of the nearby residents.
- 20 November 2007 The Council considered the application by Hanson Construction Materials Pty Ltd for proposed removal of restrictions on the hours of operation of 7:00pm to 6:00am Monday to Saturday for existing general industry premises (Hanson Concrete Batching Plant), and resolved as follows:
- "That this Item be DEFERRED for further investigation."*
- 18 December 2007 The Council further reconsidered the application by Hanson Construction Materials Pty Ltd for proposed removal of restrictions on the hours of operation of 7:00pm to 6:00am Monday to Saturday for existing general industry premises (Hanson Concrete Batching Plant), and resolved to refuse the proposal for the following reasons:
- (a) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
 - (b) *the significant increase in the adverse impact on the community;*
 - (c) *the excessive noise, dust and traffic impacts caused by the concrete batching facility and the numerous concrete batching trucks and heavy haulage trucks bringing raw materials to the site as a result of operating during the previous extended hours of operation;*
 - (d) *the proposal is not an appropriate compatible activity with the surrounding residential land use in the current location;*
 - (e) *the proposal results in an impediment to appropriate regeneration of the area with further additional residential developments and will further entrench the subject use, thus prejudicing any such regeneration;*
 - (f) *the proposal results in greater disbenefit than benefit to the residents and owners of other businesses in the immediate and surrounding vicinity of the subject development site;*
 - (g) *the concerns raised by the Department of Environment and Conservation (DEC) in its letter dated 7 November 2007, that the 24 hours operation of the concrete batching plant has the potential to adversely impact the health, welfare, convenience, comfort or amenity of the nearby residents;*
 - (h) *consideration of the numerous objections received; and*

- (i) *it is considered that there are alternative concrete batching plants within close proximity of the Perth metropolitan area and CBD to cope with outside business hours demands for concrete;*
- (ii) *the Council ADVISES the owners of the Hanson Concrete Batching Plant that with the preparation of the Town's new Town Planning Scheme, and its intended vision for the area, and the incompatibility of the use, the Council is unlikely to favourably consider a further planning approval at the expiry of the current planning approval in 2012 for the batching plant to operate beyond 2012; and*
- (iii) *the Council ADVISES the owners of the Hanson Concrete Batching Plant that the Town would be prepared to consider after hours operations for concrete deliveries for projects of a Regional and State significance such as bridges, stadiums, railways, and the like, subject to the lodgement of a new planning application and associated procedures for each such project."*

- 23 January 2008 Directions Hearing held at SAT.
- 25 January 2008 Copy of letter to SAT from the Office of Minister for Planning and Infrastructure stating in part as follows:
- "The Minister considers that this matter may be determined in a way which will have a substantial effect on the future planning of the area in which the land the subject of the application is situated.*
- Accordingly, I wish to advise that pursuant to section 245 (2) of the Planning and Development Act 2005 it is the Minister's intention to make a submission on matters she considers relevant to the issues before the Tribunal."*
- 12 February 2008 The Town sent a memorandum to all Council Members inviting them to participate in the appeal process.
- 13 February 2008 The Town sent a letter to those people who objected to the proposal inviting them to participate in the appeal process.
- 21 February 2008 Further Directions Hearing held at SAT.
- 29 February 2008 Further Directions Hearing held at SAT.

Readymix Concrete Batching Plant

- 1987 The Readymix Concrete Batching Plant relocated to current location from its previous site on Trafalgar Road, East Perth. Approval expires in October 2012.
- 1992 to 25
January 2002 East Perth Redevelopment Authority (EPRA) was the responsible planning authority for the subject property.

1996 The Readymix Concrete Batching Plant was rebuilt as a result of land acquired for the Graham Farmer Freeway.

1998 EPRA refused an application for extended hours of operation to "safeguard what remains of the existing amenity of the location, and importantly that envisaged by the Authority for the future of the area." On 25 March 1999, the then Minister for Planning conditionally upheld an appeal against EPRA's refusal for an extension of 12 months of unlimited operating hours.

On 13 April 2000 and 13 March 2001, EPRA granted approval for Readymix for an extension of unlimited hours for a 12 month period. Readymix did not seek a further approval of unlimited hours of operation since the above approval which lapsed in March 2002.

29 August 2006 The City of Perth granted Readymix Concrete Batching Plant a 12 month period of unlimited hours of operation.

13 March 2007 The Council considered the extension of time for the operating time of the Readymix Concrete Batching Plant at the above site as part of the advertising process, which at that point in time was under the jurisdiction of the City of Perth and resolved as follows:

"That the Council;

- (i) ADVISES the City of Perth that the Council strongly OBJECTS to the proposed removal of the restrictions on the hours of operation of 6.00 am to 7.00 pm Monday to Saturday to enable the plant to operate within a 24 hour time frame at No. 120 (Lot 1001) Claisebrook Road, East Perth, in relation to the Ready Mix Concrete Batching Plant, given the undue impact on nearby residential areas within the Town of Vincent;*
- (ii) REQUESTS the City of Perth to advertise for community consultation in a 250 metre radius the Development Application proposing the removal of restrictions on the hours of operation of 6.00am to 7.00pm Monday to Saturday to enable the plant to operate within a 24 hour time frame at No. 120 (Lot 1001) Claisebrook Road, East Perth, regarding the Ready Mix Concrete Batching Plant as the proposal will have an undue impact on nearby residential areas within the Town of Vincent; and*
- (iii) in the event of City of Perth deciding to approve the application without Community Consultation on the proposed altered hours of operation, the City of Perth is REQUESTED to INCLUDE the following Conditions of Approval and confirm the conditions in writing to the Town;*
 - (a) prior to changes in operating hours Community Consultation be conducted with residents and business owners in a 250 metre radius around the batching plant to identify and address concerns regarding health, safety, noise, dust, heavy haulage traffic, and relevant amenity issues;*
 - (b) a Complaint Handling System be implemented that includes a procedure to log and deal with complaints from residents and owners allegedly affected within the Town of Vincent;*

- (c) *a Management Plan be required that includes the control and monitoring of dust, unreasonable noise after 10.00pm to 7.00am, and heavy haulage traffic, to the reasonable satisfaction of the City of Perth, residents/businesses in a 250 metre radius, the Department of Environment and Conservation and the Town of Vincent;*
- (d) *the City of Perth commits to assist Town of Vincent residents with any complaints or queries raised in relation to the Plant and that the City of Perth's Environmental Health Officers undertake noise investigations including attending Town of Vincent properties for the purpose of undertaking sound level measurements; and*
- (e) *a review of conditions by April 2008 including community consultation within a 250 metre radius."*

24 April 2007 The City of Perth Council at its meeting resolved as follows, as per the City of Perth's letter (attached) dated 31 May 2007:

"That in accordance with the provisions of the City Planning Scheme No 2 and the Metropolitan Region Scheme, the Council APPROVES the application for the removal of restrictions on the hours of operation of 6 am to 7 pm Monday to Saturday for the "Readymix" Concrete Batching Plant at 120 (Lot 1001) Claisebrook Road, East Perth as detailed on the Metropolitan Region Scheme Form One dated 4 January 2007 subject to:

"1.the removal of the operating time restrictions being valid for a period of six months only to allow a review of the impact of the plant and associated vehicle movements on the surrounding area, at the conclusion of the six month period;

2. the proponent submitting a management plan to addresses community concerns regarding traffic impacts, environmental and health concerns, to the satisfaction of the City prior to the implementation of condition 1 above. The management plan should include, but not limited to the following:-

2.1 noise management for on-site activities;

2.2 dust and cement waste management including regular washing down of trucks before exiting the site, dust control onsite and regular sweeping and cleaning of materials spilled on surrounding roads;

2.3 a traffic management plan with particular reference to delivery operations occurring before 6.00am and after 7.00pm Monday to Saturday, and incorporating driver education in regard to truck routes, vehicle speeds, and operations to minimise disturbance and public safety concerns;

2.4 methods for notifying affected properties along Claisebrook Road and Edward Street on occasions when unusually high truck movements are likely to occur outside of the previously restricted hours of 6.00am to 7.00pm Monday to Saturday;

2.5 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."

The above approval expired on 4 November 2007.

- 1 July 2007 The subject site is transferred to the Town of Vincent.
- 12 October to
9 November 2007 Advertising of application undertaken by the Town (Serial
5.2007.314.1).
- 5 and
6 November 2007 The Town's administration did not object to the temporary removal
of the restriction on the hours of operation on 5 and 6 November
2007.
- 6 November 2007 The Council considered the temporary removal of the restriction on
the hours of operation from 7 November 2007 to 20 November 2007
(Serial No. 5.2007.437.1) for the Readymix Concrete Batching Plant
at the above site and resolved to refuse the proposal for the following
reasons:
- "1. *Negative impact on residents.*
2. *Noise.*
3. *Pollution.*"
- 7 November 2007 Letter received from the Department of Environment and
Conservation (DEC) (attached) stating that the 24 hours operation of
the subject concrete batching plant has the potential to adversely
impact the health, welfare, convenience, comfort or amenity of the
nearby residents.
- 20 November 2007 The Council considered the application by Readymix Group
Australia Ltd for proposed removal of restrictions on the hours of
operation of 7:00pm to 6:00am Monday to Saturday for existing
general industry premises (Readymix Concrete Batching Plant), and
resolved as follows:
- "That this item be DEFERRED for further investigations."*
- 18 December 2007 The Council further reconsidered the application by Readymix Group
Australia Ltd for proposed removal of restrictions on the hours of
operation of 7:00pm to 6:00am Monday to Saturday for existing
general industry premises (Readymix Concrete Batching Plant), and
resolved to refuse the proposal for the following reasons:
- "(a) the development is not consistent with the orderly and proper
planning and the preservation of the amenities of the locality;*
(b) the significant increase in the adverse impact on the community;
*(c) the excessive noise, dust and traffic impacts caused by the
concrete batching facility and the numerous concrete batching
trucks and heavy haulage trucks bringing raw materials to the
site as a result of operating during the previous extended hours
of operation;*
*(d) the proposal is not an appropriate compatible activity with the
surrounding residential land use in the current location;*
*(e) the proposal results in an impediment to appropriate
regeneration of the area with further additional residential
developments and will further entrench the subject use, thus
prejudicing any such regeneration;*

- (f) the proposal results in greater disbenefit than benefit to the residents and owners of other businesses in the immediate and surrounding vicinity of the subject development site;*
- (g) the concerns raised by the Department of Environment and Conservation (DEC) in its letter dated 7 November 2007, that the 24 hours operation of the concrete batching plant has the potential to adversely impact the health, welfare, convenience, comfort or amenity of the nearby residents;*
- (h) consideration of the numerous objections received; and*
- (i) it is considered that there are alternative concrete batching plants within close proximity of the Perth metropolitan area and CBD to cope with outside business hours demands for concrete;*
- (ii) the Council ADVISES the owners of the Readymix Concrete Batching Plant that with the preparation of the Town's new Town Planning Scheme, and its intended vision for the area, and the incompatibility of the use, the Council is unlikely to favourably consider a further planning approval at the expiry of the current planning approval in 2012 for the batching plant to operate beyond 2012; and*
- (iii) the Council ADVISES the owners of the Readymix Concrete Batching Plant that the Town would be prepared to consider after hours operations for concrete deliveries for projects of a Regional and State significance such as bridges, stadiums, railways, and the like, subject to the lodgement of a new planning application and associated procedures for each such project."*

23 January 2008	Directions hearing at SAT.
25 January 2008	The Hon Minister for Planning and Infrastructure has made direction to the State Administrative Tribunal pursuant to section 246 (2)(b) of the Planning and Development Act 2005 that the application for review to be heard by the Tribunal and for the Tribunal recommendation be referred to the Minister for final determination.
12 February 2008	The Town sent a memorandum to all Council Members inviting them to participate in the appeal process.
13 February 2008	The Town sent a letter to those people who objected to the proposal inviting them to participate in the appeal process.
21 February 2008	Directions hearing at SAT.
28 March 2008	Further directions hearing at SAT.

DETAILS

Approval is sought for the continued removal of restrictions on the hours of operation of 7.00 pm to 6.00 am from 20 November 2007 to 26 June 2012. The above extension of time is sought by the Hanson and Readymix Concrete Batching Plants to continue its obligation to its customers and cope with current industry demands for the supply of concrete to CBD locations and also other sites within close proximity of the plant. The proposal does not involve any changes to the plant itself.

CONSULTATION/ADVERTISING

Not applicable.

LEGAL/POLICY

Planning and Development Act 2005 (WA), State Administrative Tribunal Act 2004 (WA) and Town's Policy No. 4.1.25 - Procedure for State Administrative Tribunal.

STRATEGIC IMPLICATIONS

Below is an extract from the Minutes of the Ordinary Meeting of Council held on 18 December 2007, when the above proposal was refused.

."The land recently transferred to the Town of Vincent is located on its eastern boundary and acts as a gateway into the Town of Vincent. Accordingly, the visual and general amenity of the area should be of a high standard and improved where possible. The land also adjoins the Beaufort Precinct which is undergoing transformation alongside New Northbridge. Evidence of this transformation is occurring within the immediate area with significant recent mixed-use and residential developments.

The industrial use on the subject site detrimentally impacts on the amenity of the immediate and surrounding area and there is concern that further extensions of operating hours of the use will further entrench the use, thus prejudicing any improvements which have been taking place in the general locale.

Accordingly, for the reasons outlined above, it is considered that an extension of the hours of operation of the subject use will have a detrimental impact on the amenity of the area. It is therefore recommended that the application be refused on strategic planning grounds."

FINANCIAL/BUDGET IMPLICATIONS

Hanson Review Matter

The approximate cost of services of the Town's Lawyers, Downings Legal and Planning Consultant, Simon Bain of SJB, Town Planning and Urban Design for the Hanson review only is as follows:

Downings Legal:

The previous principal Lawyers, Mathew Handcock and Barbara Callanan who were with William Handcock Lawyers, one of the Town's Panel of Solicitors have since moved to Downings Legal during February 2008. The Town sought the services of Downings Legal in this instance as the above two solicitors have acted on behalf of the Town on numerous local government matters.

The quote provided for the Hanson review matter is capped at \$25,000 exclusive of GST and disbursements, based on \$260 per hour excluding GST.

Simon Bain of SJB, Town Planning and Urban Design:

Cost is based on \$1,000 for the witness statement and \$75 per hour, excluding GST. Approximate cost per review not involving a full hearing, is around \$2,150 per Review and could go up to \$5,000 if the review involves a full hearing that last 2 full days, conferring of expert witnesses, and also Council Members and ratepayer witnesses appearing on behalf of the Town.

Readymix Review Matter

The quote for the legal cost for the Readymix (Rinker) review has not been received by the Town, at the time this Agenda Report was finalised, as parties involved in the review are required to attend a further direction hearing to programme for submissions and hearing dates.

Current funds

The current balance of funds in the 2007/2008 Budget is \$10,120.34 in the Legal Expenses Account and \$31,235 in the SAT Review Consultant Account.

It is to be noted that to date, the Town has been represented by Downings Legal for their preliminary attendances at SAT for both the above SAT matters with Simon Bain. Any further legal cost is subject to authorisation from the Town/Council due to the substantial cost quoted for the above legal representation.

COMMENTS:

The SAT Order No. 13 dated 22 February 2008 requires the Town to provide draft conditions to SAT and the applicant by 18 March 2008. The SAT has previously advised that the draft conditions would be "*without prejudice*" and "*is not a concession by the decision-maker that approval of the application is appropriate*". The SAT has introduced the above practice for the following two reasons:

- (1) Under Section 9 of the State Administrative Tribunal Act 2004 (WA), the objectives include "*to act as speedily and with as little formality and technicality as practicable, and minimise the costs to the parties*".
- (2) The SAT needs to have a full appreciation of all conditions applicable prior to making a reliable decision.

Should the above development be allowed by SAT, it is recommended that the following conditions are imposed:

- (a) prior to the commencement of the extended operating times a management plan shall be submitted to and approved by the Town, which includes addressing the following matters:
 - (1) noise management for on-site activities;
 - (2) 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;
 - (3) a traffic management plan with regard to all vehicles entering and exiting the site, including vehicles delivering raw materials, operations occurring before 6.00am and after 7.00pm Monday to Saturday, driver education in regard to truck routes, vehicle speeds, and operations to minimise disturbance and public safety concerns;
 - (4) 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 outside of the previously restricted hours of 6.00am to 7.00pm Monday to Saturday;

- (5) 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 quarterly forwarded to the Town of Vincent for consideration; and
 - (6) a review of the above management plan after the first 12 months of operation of the extended operating times;
- (b) no special one off applications for extended operating times shall be applied for on Sundays and public holidays;
 - (c) operations between 7pm and 6am are to be limited to a maximum of 10 days per year or alternatively the times of operation may be extended to only between 6 am and 11 pm Monday to Saturday, excluding Sundays and public holidays;
 - (d) no delivery/removal of raw materials shall occur from the subject site during the approved extended operating times; and
 - (e) the extended operating times shall be for a period not exceeding 12 months;

Legal Representation

Due to the high cost of legal representation for the Hanson review as per the quote provided by Downings Legal and the resultant budget implications, which does not include the cost for the Readymix Review, it is the Town Officers recommendation that the Town be represented only by Mr Simon Bain in both the Hanson and Readymix review matters at SAT in this instance.

The Town is aware that the Minister for Planning and Infrastructure has directed SAT to hear both matters and submit their findings/orders to her, so she can make her submission at the appropriate time (refer letter at Appendix 14.1). It is the Chief Executive Officer's view that the ultimate decision will be made by the Minister, therefore the high cost involved to engage Solicitors cannot be justified at this stage.

Furthermore, it is considered that most of the Town's defence would be based on planning arguments and merits of the extended operating hours being sought. Should legal matters arise, than the Town would seek individual legal advice if it is deemed necessary and appropriate.

In light of the above, it is recommended that the Council receive the report relating to the SAT review matter and advise the Tribunal of the above draft conditions.

PROCEDURAL MOTION

At 8.23pm **Moved Cr Ker, Seconded Cr Youngman**

That the Council resume an “open” meeting.

PROCEDURAL MOTION PUT AND CARRIED (8-0)

15. CLOSURE

The Presiding Member, Mayor Catania, declared the meeting closed at 8.23pm with the following persons present:

Mayor Catania, JP	
Cr Steed Farrell (Deputy Mayor)	North Ward
Cr Anka Burns	South Ward
Cr Helen Doran-Wu	North Ward
Cr Ian Ker	South Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North 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
Gillian van den Bok	A/Executive Assistant/Minutes Secretary

No media representatives or members of the public were present.

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 11 March 2008.

Signed:Presiding Member
Mayor Nick Catania, JP

Dated this day of 2008