

**INDEX  
(12 SEPTEMBER 2006)**

<b>ITEM</b>	<b>REPORT DESCRIPTION</b>	<b>PAGE</b>
<b>10.1 ENVIRONMENTAL AND DEVELOPMENT SERVICES</b>		
10.1.1	Further Report - No. 27 (Lot: 43 D/P: 1661) Kadina Street, North Perth - Proposed Two (2) Three (3) Storey Grouped Dwellings (Charles Centre Precinct) PRO2082 (5.2005.3355.1)	15
10.1.2	Further Report- Nos. 208-212 (Lot 123 D/P: 9320) Beaufort Street, corner Parry Street, Perth- Proposed Change of Use to Warehouse and Fee Paying Car Park (Beaufort Precinct) PRO3329 (5.2006.74.1)	21
10.1.3	Further Report - No. 69 (Lot 551 D/P: 92765) Barlee Street, Mount Lawley - Proposed Permanent Change of Use to Office (Property Developer, Financial Planning and Architects) Building (Forrest Precinct) PRO1205 (5.2005.3183.1)	111
10.1.4	Nos.337-343 (Lot 5 D/P: 4802, Lot 4 D/P: 4802, Lot 3 D/P: 4802, Lot 2 D/P: 4802) Lord Street, Highgate- Proposed Four (4) Storeys plus Basement Multiple Dwellings Comprising Twenty-Six (26) Multi-Bedroom Dwellings and Two (2) Single Bedroom Dwellings (Forrest Precinct) PRO3586 (5.2006.276.1)	133
10.1.5	No. 24 (Lot 20) Daphne Street, North Perth - Proposed Partial Demolition of and Additions and Alterations to Existing Single House (North Perth Precinct) PRO3258 (5.2006.300.1)	25
10.1.6	Nos. 148-158 (Lots 13, 31 & 121) Scarborough Beach Road corner Flinders Street and Fairfield Street, Mount Hawthorn - Proposed Signage to Existing Shopping Centre and Car Park (Mount Hawthorn Precinct) PRO0266 (5.2006.411.1)	160
10.1.7	No. 38 (Lot 2 D/P: 1049) Galwey Street, Dual Frontage with Tennyson Street, Leederville - Proposed Subdivision (Leederville Precinct) 131628 (7.2006.45.1)	164
10.1.8	No.103 (Lot 10 D/P: 56012) Harold Street, corner Stirling Street, Highgate - Proposed Change of Use from Motel to Motel and Office and Associated Alterations and Relocation of Swimming Pool (Forrest Precinct) PRO0308 (5.2006.268.1)	148
10.1.9	Nos. 416-418 (Lot 300 D/P: 30854) Oxford Street, corner Scarborough Beach Road, Mount Hawthorn - Proposed Three-Storey Plus Basement Mixed Use Development Comprising Shops, Offices, Consulting Rooms and Four (4) Multiple Dwellings (Mount Hawthorn Centre Precinct) PRO1767 (5.2006.159.1)	120
10.1.10	No. 9 (Lot 35) Clarence Street, Mount Lawley - Proposed Partial Demolition of and Alterations and Additions to Existing Single House and One (1) Additional Two (2) Storey Single House (Forrest Precinct) PRO3491 (5.2006.94.1)	168

10.1.11	Further Report - Amendment No. 31 to Planning and Building Policies – Consulting Rooms (All Precincts) PLA0166	180
10.1.12	Amendment No.25 - Planning and Building Policies - Policy - Appendix No.16 - Design Guidelines for the Half Street Block Bounded by Fitzgerald, Newcastle (All Lots Between Palmerston and Fitzgerald Streets) and Stuart Streets and Pental Lane, Perth (Beaufort Precinct) PLA0168	190
10.1.13	Municipal Heritage Inventory Review (All Precincts) PLA0098	152
10.1.14	Wasley Street Car Park - Formal Parking Agreement (North Perth Centre Precinct)	202

## 10.2 TECHNICAL SERVICES

10.2.1	Further Report - Proposed Streetscape Improvements - Scarborough Beach Road, Mount Hawthorn (TES0077) Mt Hawthorn Centre P.2	207
10.2.2	Removal of Obstruction in Right of Way Bounded by Chapman Street, Lord Street, Marlborough Street and West Parade (TES0083) Forrest Precinct	31
10.2.3	Tender No. 341/06 - Bi-annual Bulk Verge Green Waste and Annual Bulk Verge General Waste Collection (TEN0205 & TEN0188) All Precincts	33
10.2.4	Tender No. 346/06 – Tree Watering and Tree Planting (TEN0355) All Precincts	37
10.2.5	Tender No 347/06 – Provision of Specialised Turf Maintenance, Herbicide Application and Turfing Services (TEN 0356) All Precincts	40
10.2.6	Tender No. 342/06 – Clearing and Mowing of Specified Areas (TEN0351) All Precincts	43
10.2.7	Tender No.352/06 – Pruning of Street Trees using Elevated Work Platforms (TEN0361) All Precincts	46
10.2.8	Tender No. 343/06 – Construction of Groundwater Bores (TEN0352) All Precincts	49
10.2.9	Tender No. 344/06 – Maintenance of Bores, Pumps and Associated Works (TEN0353) All Precincts	53
10.2.10	Tender No. 345/06 – Supply and Installation of Submersible Pumps (TEN0354) All Precincts	56
10.2.11	Tender No. 349/06 – Supply and Delivery of Sand (TEN0358) All Precincts	59
10.2.12	Tender No 350/06 – Supply and Delivery of Clay Pavers (TEN 0359) All Precincts	62
10.2.13	Tender No.348/06 – Supply and Delivery of Limestone (TEN0357) All Precincts	65
10.2.14	Tender No. 340/06 – Installation of Signs (TEN0362) All Precincts	68

10.2.15	Tender No. 339/06 – Manufacture and Supply of Signage Precincts (TEN0349)	All	71
10.2.16	Tender No.351/06 – Supply and Laying of Kerbing Precincts (TEN0360)	All	73
10.2.17	Tender 324/06 – Pavement Marking Services (TEN0348)	All Precincts	78

### **10.3 CORPORATE SERVICES**

10.3.1	Financial Statements as at 31 July 2006 (FIN0026)		82
10.3.2	Investment Report as at 31 August 2006 (FIN0005)		205
10.3.3	Loftus Community Centre Contribution - Further Report (CMS0016)		86
10.3.4	Leederville Festival 2006 (CMS0029)		97
10.3.5	Hyde Park Rotary Community Fair 2007 (RES0031)		144
10.3.6	New Zealand Day Event (Waitangi Day) 2007 (RES0004)		102
10.3.7	Cultural Development Seeding Grant Application (FIN0154)		105

### **10.4 CHIEF EXECUTIVE OFFICER**

10.4.1	Use of the Council's Common Seal (ADM0042)		107
10.4.2	Economic Development Strategy – Governance and Implementation Report – Appointment of Consultant – Terms of Reference (All Precincts) ADM0067		216
10.4.3	The 10th World Conference of Historical Cities - Ballarat, Victoria - 29 October to 1 November 2006 (ADM0031)		223
10.4.4	Proposed Redevelopment of the Loftus Centre, incorporating a State Gymnastics Centre, Construction of a New Town Library and Local History Centre and Modified Loftus Community Centre, 99 Loftus Street, Leederville - Progress Report No. 12 and Proposed Vincent Police Station Feasibility - Progress Report No. 1 (RES0061)		228
10.4.5	Appointment of Ranger – Paul Martin (All Precincts)		109
10.4.6	Information Bulletin		253

## **11. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil.			255
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## 12. REPRESENTATION ON STATUTORY AUTHORITIES AND PUBLIC BODIES

- 12.1 WALGA Nominations (ORG0045): 255
- (i) WALGA Member - Fire and Emergency Services Authority (FESA) Board (Panel of 3 names) (*Ministerial Appointment*)
  - (ii) WALGA Deputy Metropolitan Member - Keep Australia Beautiful Council (WA) (Panel of 3 names) (*Ministerial Approval*)
  - (iii) WALGA Member - Local Health Authorities Analytical Committee (Panel of 3 names) (*Approval by Minister*) (*Ministerial Approval*)
  - (iv) WALGA Member - WA Aged Care Advisory Council (Panel of 3 names) (*Ministerial Approval*)
  - (v) WALGA Member - Water Corporation's Urban Development Advisory Committee
  - (vi) WALGA Deputy Member - Water Corporation's Urban Development Advisory Committee
  - (vii) WALGA Member - WA Environmental Health Officers Professional Review Board
  - (viii) WALGA Deputy Member - WA Environmental Health Officers Professional Review Board

## 13. URGENT BUSINESS

Nil. 257

## 14. CONFIDENTIAL REPORTS (*Behind Closed Doors*)

- 14.1 No. 81 (Lot 246 D/P 2334) Auckland Street, North Perth - Proposed Additional Two-Storey Grouped Dwelling to Existing Dwelling- State Administrative Tribunal - Review Matter No. DR 94 of 2006 – Hearing (North Perth Precinct) PRO2282 (5.2003.1527.1) - **This report released for public information by the Chief Executive Officer on 30 January 2009** 245
- 14.2 Alleged Breach of Town of Vincent Local Law Relating to Standing Orders and Council's Code of Conduct - Councillor D. Maier (PER0020) 251

## 15. CLOSURE 257

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 12 September 2006, commencing at 6.00pm.

**1. DECLARATION OF OPENING**

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

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

**(a) Apologies:**

Cr Torre – will be arriving late due to work reasons

**(b) Present:**

Mayor Nick Catania, JP	Presiding Member
Cr Steed Farrell ( <i>Deputy Mayor</i> )	North Ward
Cr Simon Chester	North Ward
Cr Ian Ker	South Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Izzi Messina	South Ward
Cr Maddalena Torre	South Ward (from 6.19pm)
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Executive Manager, Environmental and Development Services (until 9.45pm)
Rick Lotznicker	Executive Manager, Technical Services (until 9.45pm)
Mike Rootsey	Executive Manager, Corporate Services (until 9.45pm)
Lindsay McPhee	Journalist - Guardian Express (until 9.08pm)
Giovanni Torre	Journalist – Perth Voice (until 9.08pm)

Approximately 30 Members of the Public

**(c) Members on Leave of Absence:**

Cr Helen Doran-Wu                      North Ward

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

1. Ms Donna Rose of 41 Prince Regent Drive, Heathridge, Member of the Marchmont Group Team - Item 10.1.3 - Stated that due to health issues the location of the office was advantageous and that should the office move, she would be required to rethink her career. She realises that some residents have concerns about the offices being permanently located at 69 Barlee Street, but believes that all parties should be heard and concerns resolved whilst still allowing them to remain at 69 Barlee Street. Requested that the Council approve the application.

2. Mr Charlie Surace of 79 Auckland Street, North Perth - Item 14.1 - Stated that he maintains his stance on the legality of the subdivision and believes that at least two counts of misapplication of the R Codes have been overlooked by the WAPC. Requested that conditions be applied that can minimise the impact on the amenity to the southern neighbour and that the plans be modified to minimise overshadowing, reduce overlooking and that the difference in site level does not add to the height of the new dwelling. He also requested that the Council prevent the building of a two storey dwelling at the front at a future date. Believes the conditions will in effect achieve a compromise that will provide a resolution to this conflict.
3. Mr Justin dePardo of 176 Reynolds Road, Mount Pleasant - Item 10.1.3 - Stated that he chose to work for Marchmont for a number of reasons and that he is aware that some of the residents have concerns about the operation of Marchmont, however they have never come and visited them with their objections. Stated that he had knocked on doors in the last couple of days to petition the residents and was not confronted with anyone who appeared to object to the proposal, in fact there were many in support of the application. Requested that the Council support the application for the change of permanent use.
4. Mr Ben Doyle, Planning Solutions of 255 Beaufort Street, Perth - Item 10.1.9 - Stated that he understands that the grounds for refusal are based on the access to the property and that the proposal is considered to be positive and appropriate for the site. Advised that he had prepared a submission that was submitted to the Councillors with regard to the access issue. Believes it is important for business to have easily accessible and identifiable parking as it could result in a loss of trade. Stated that it also provides safe and convenient access for persons attending the site without directing traffic or over-reliance on the right of way. Urged the Council to consider the alternate solution and support the proposal.
5. Mr Laurie Scanlon of 20 Warnham Road, Cottesloe - Architect - Item 10.1.4. Thanked the Council and the officers for their time during the development process. Stated that he appreciated the way that it has been handled and believes the process has gone very well.
6. Mr Andrew Greenfield of 67 Barlee Street, Mt Lawley - Item 10.1.3 - Stated that a non-conforming use has been undertaken at the above address for four (4) years without the approval of Council. Believes that the applicant's disregard for the temporary approval granted has continued to erode the amenity in Barlee Street and that the approval of the change of use on a permanent basis would destroy the long term amenity of the street. Stated that the majority of the residents of Barlee Street signed a petition to show strong opposition to the proposal.
7. Mr Neilson of North Perth Rotary Club with Club President - Item 10.3.5 - Stated that the Rotary Club of North Perth has been organising the Hyde Park Community Fair for the last 18 years and is very grateful to the Town of Vincent for its support over the years. Advised that it has always been the aim of the Club to present a Fair that appealed to the residents of the Town of Vincent and visitors from other parts of the metropolitan area. Requested the Town support their efforts and approve the use of Hyde Park and become the major sponsor of the Hyde Park Community Fair.

**Cr Torre entered the Chamber at 6.19pm.**

8. Mr Kim Doepel of Doepel Marsh Architects, 246 Churchill Avenue Subiaco - Item 10.1.8. Thanked the planning staff for their assistance. Stated that they are quite comfortable with the conditions.
9. Ms Belinda Worda of 23 Irvine Street, Peppermint Grove - Item 10.1.3. Stated that she is the sole operator and employer of Dynamic Golf and is the wholesale distributor of Topswing. Advised that the robot is more often than not on the road and not at 69 Barlee Street and that the business operates between 9am - 5pm and is conducted mostly over the phone, internet or in person off-site. Advised that the studio has been set up as an example to potential clients whilst the business is in its infancy and that her clients require her to come to them instead of them coming to her.
10. Mr Lou Incarni of 63 Barlee Street, Mount Lawley - Item 10.1.3 - Advised that the local community in Barlee Street is conducive to raising a family and feeling safe amongst people that they know. Believes the commercial uses in Barlee Street will cause the social fabric of the street to break down and that the designated commercial areas on Walcott and Beaufort Street should be used. Concerned that the commercial aspect will lead to more traffic and parking problems along Barlee Street.
11. Mr Donell Phillips of 16 Barlee Street, Mount Lawley - Item 10.1.3 - Referred to previous speakers from the businesses at the end of Barlee Street. Stated these people don't live in the area and how would they like to have an office next door to their house or in their street. Advised that there may be 92 signatures on a paper, but there is only 20 people in the street. Believes that they must have gone wide and far to get the signatures and that they were not the people that were concerned with this issue.
12. Ms Lisa Randford of Freehills - representing Marchmont Group - Item 10.1.3. Raised three concerns as follows;
  - Advised that the map representing the objectors and the supports does not include the occupants of 69 Barlee Street.
  - Advised that the applicant would like to remove from the application the proposed use for the purposes of the office of Dynamic Golf.
  - Requested that clause (ii) of the recommendation, "*that the Council advises the applicant and the owners of the office, use shall cease within 28 days of the notification,*" has the words, "*of an unsuccessful State Administrative Tribunal appeal by the applicant and owners*", inserted into this statement which further reads "*and the Council authorises the Chief Executive Officer to commence with legal proceedings should the above use remain after the 28 day period.*"
13. Mr Jeremy Feldhusen of 216 Hensman Road, Shenton Park - Item 10.1.3. Stated that his firm was responsible for the restoration of the property at 69 Barlee Street and feels that they have made a positive impact on Barlee Street. Believes that the issues that have been raised are fairly minor. Advised that there is a large carpark right next door and lights on after hours does not impact on residents. Advised that only one noise complaint has been received and this was for a banging gate. Advised that he has not seen a parking problem in Barlee Street in the time that he has worked there. Requested that Council consider the benefits that his office being there has provided over the past two and a half years.

14. Ms Jacinta Mitchell of 63 Gregory Street, Belmont - Item 10.1.3. Stated that while they may not live as they are very much a family oriented part of the community. Advised that they support the community as they participate in most of the businesses and basically feel like they are residents of the street even though they may not live there at night. Stated that she supports the application and requested that the Council support it also.
15. Mr Glen Zampatti owner of 69 Barlee Street - Item 10.1.3. Stated that he has made numerous attempts to contact the objectors, via letter (registered post and by hand) with no response. Advised that they have no objection to purchasing all day permits for the Barlee Street carpark. Believes that the neighbours have developed a campaign against their proposal that is full of misinformation and appear to have no interest in resolving the issues. Advised that he had undertaken a doorknock and obtained 92 signatures and that of the 27 residents of Barlee Street 15 signatures of support were obtained.
16. Mr George Karpathakis of 26 Brookman Street, Perth - Item 10.1.13 - Advised that his property was up for inclusion in the Municipal Heritage Inventory. Stated that he had concerns relating to large areas being included in the MHI without the properties being investigated properly including some that may be dangerous. Stated that he had been advised that Council would defer the decision for putting our property on the list until after negotiations had occurred.
17. Toh Family of 1 Irene Street, Perth - Item 10.1.13 - Would like to discuss if the property is due to be listed. Advised that they had not submitted an objection and that the house is not habitable at the moment. Stated that they have been trying to renovate but have run into many problems including the foundations and the walls and have advice that to repair the house it would almost be as expensive as building again. Would like to exclude the property from the list.

There being no further questions from the public, the Presiding Member, Mayor Nick Catania, JP closed Public Question Time at 6.45pm

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

Nil.

**4. APPLICATIONS FOR LEAVE OF ABSENCE**

Nil.

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

- 5.1 Chief Executive Officer advised that a petition had been received from Justin dePardo of 69 Barlee Street, Mount Lawley, with 92 signatories which stated that the undersigned petitioners were in support to agree the Marchmont Group Pty Ltd is permitted to continue to use the property at 69 Barlee Street, Mount Lawley, as an office and agree the temporary change of use from single house to office be changed to office on a permanent basis.

*The Chief Executive Officer recommended that this petition be received and considered during consideration of the item which is listed on tonight's agenda.*

**Moved Cr Ker, Seconded Cr Farrell**

*That the petition be received.*

**CARRIED (8-0)**

**(Cr Doran-Wu on approved leave of absence.)**

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

**Moved Cr Farrell, Seconded Cr Ker**

*That the Minutes of the Ordinary Meeting of Council held on 22 August 2006 be confirmed as a true and correct record.*

**CARRIED (8-0)**

**(Cr Doran-Wu on approved leave of absence.)**

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

**7.1 Employee of the Month Award for the Town of Vincent for September 2006**

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 \$75 voucher 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 SEPTEMBER 2006, the award is presented to Kylie Batina, Senior Planning Officer (Strategic) as a result of a nomination received from the North Perth Precinct Group, who wrote in as follows;

*"On behalf of the North Perth Precinct Group, we would like to nominate Kylie Batina for Employee of the Month for her work with Amendment 22, in keeping the zoning of the locality of Eton to R20.*

*Despite being contacted on numerous occasions regarding this subject, Kylie was always supportive, helpful and approachable. The information she gave us was accurate and open which enabled us as a group to understand and keep abreast of the issues surrounding this Amendment at all times. Her personality and attitude was of great assistance to all members who were involved in this project and we wish to see her rewarded for her work and her work ethics."*

The nomination was further endorsed by the Executive Manager Environmental & Development Services, Mr Rob Boardman, who advised the Group that Kylie was a very worthy recipient of the Award, whose nomination he wholeheartedly supported.

Congratulations Kylie and well done!!

7.2 Town Receives Commendation in the Planning for an Ageing Community Category in the 2006 National Awards for Local Government

The Town of Vincent received a letter from the Hon. Jim Lloyd MP, Minister for Local Government, Territories and Roads on 23 August 2006 offering congratulations on the Town of Vincent Seniors' Strategy being given a Commendation in the Planning for an Ageing Community Category of the 2006 National Awards for Local Government.

The Minister advised that this was a significant achievement as there were a large number of entries of a high quality for this year's awards.

I congratulate all of the Town's Officers, particularly the Community Development team, Curtin University and numerous agencies for their assistance in the creation and implementation of the Seniors' Strategy and most importantly I would like to thank all of our seniors who have been involved in the project throughout the various stages.

This year marks the 20th anniversary of the inception of the National Awards for Local Government which were established to reward and highlight outstanding achievements in local government.

These awards also provide an opportunity for creative and committed councils to share knowledge and experiences which helps to foster good relations between councils across the country. The Town is very much looking forward to the Seniors' Strategy being recognised in the *2006 National Awards for Local Government Winners Supplement Booklet* and in the *Guide to Leading Practice*. It will also be available on the Department of Transport and Regional Services website.

7.3 Ampfest - Battle of the Bands - Award

I am pleased to announce that the Town of Vincent, in conjunction with the City of Subiaco, Town of Claremont, and Town of Mosman Park, was a finalist in the 2006 Healthway Excellence in Health Promotion Awards. The award category was for Sponsorship Projects showing Strong Government, Local Government or Corporate Partnerships. The Awards recognised the merit of the project Ampfest Clash of the Bands, which involved partnerships between the local governments in the Western Suburbs of Perth to create opportunities for young people who were up and coming musicians to perform in a public arena as well as participate in workshops to learning skills such as marketing, promotion, and recording and producing CDs.

Ampfest is an extremely successful youth project with positive outcomes for young people delivering events in the community which are safe, universally accessible, alcohol, drug and smoke free.

Congratulations and well done to our Community Development Section.

7.4 Town Signs Inaugural State Underground Power Program (SUPP) Agreement

On 30 August 2006 the Town of Vincent signed its inaugural Underground Power Project agreement which will see more than 1300 residents and businesses in Highgate East benefit from a \$7.5 million investment in underground power works.

Together with the Hon. Francis Logan MLA, Minister for Energy and Doug Aberle, Managing Director of Western Power, I co-signed the partnership agreement for funding the project which gave the green light for the Town's first underground power project as part of the State Underground Power Program to proceed.

Our award-winning Vincent Vision 2024 project highlighted the community's desire for underground power to be progressed throughout the Town and the enthusiasm for underground power exhibited by our residents and ratepayers in the project area is undoubted with over 82% support for the project being obtained throughout the Public Consultation.

Work will begin almost immediately and it is expected to be finished by September 2007. The project area includes parts of Highgate, Mt Lawley, East Perth and Perth and the residents of this area can soon expect to benefit from the program with improved power supply reliability, reduced risks of outages from storm damage, enhanced property values and of course the aesthetic benefits to our streetscape and visual amenity.

During the signing ceremony, Minister Logan commended the Town for its 'great vision and foresight' with its commitment to the project. We hope that this will be the first of many SUPP projects in our Town as our goal is to have the entire Town benefiting from underground power as soon as practicable.

7.5 Town of Vincent Municipal Heritage Inventory

Item 10.1.13 on tonight's Agenda concerns the Town's Municipal Heritage Inventory (MHI). As many of you will be aware, a review of the Town's MHI has been under consideration over the last five years. This has involved extensive research, consultation and many hours by the Town's Heritage Officers.

At the Ordinary Meeting of Council held on 11 July 2006, the Council approved to extend the public consultation period until 31 August 2006.

At the close of the consultation period, twelve (12) submissions were received relating to sixteen (16) properties concerning "Category A" properties, of which two (2) concerned public properties and the remainder private properties. Ninety-eight (98) submissions were received concerning "Category B" properties, of which four (4) related to public properties and ninety-four (94) related to private properties.

The Town's Administration is currently assessing these submissions and I understand that a report will be submitted to Council in the next 1-2 months on a way forward. Let me reassure everyone that the reasons outlined in these submissions will be carefully considered by the Town's Administration and cognisance will be given when the matter is further reported to the Council.

As you are aware, heritage is a most sensitive issue and there is a potential to cause considerable dissention in the community and negative publicity for the Town.

In this case, the Town has conducted the review in a most professional manner, which has resulted in minimal publicity in the media and, even more pleasing, very little negative publicity to the Town. I believe this is due in the main to the procedures put in place to deal with the matter.

I wish to commend the Town's Planning, Building and Heritage Services Section and in particular, the Senior Heritage Officer, Hannah Eames, Heritage Officer, Tory Woodhouse and Temporary Heritage Officer, Susannah Kendall, Public Relations Officer, Natalie Greaves and of course, our CEO, EMEDS and Manager Planning Building and Heritage Services for their work on this important project.

I also wish to commend the Town's Councillors for their contribution and input into this valuable project.

Tonight we have the opportunity to adopt the Town's Municipal Heritage Inventory - 2006, which will result in a total of 243 places comprising 400 properties is recommended for adoption in the MHI as follows;

- Category A: 84 places, comprising 163 properties
- Category B: comprising 159 places, 237 properties.

The combined total of places is 243, comprising 400 properties. This is a 57% increase in the number of places and a 33% rise in the amount of properties listed over the previous MHI, which contained 155 places, comprising 270 properties.

I urge the Council to support this important matter to demonstrate the Town's commitment to heritage.

## **8. DECLARATION OF INTERESTS**

8.1 Mayor Catania declared a financial interest in the following Items:

- 10.1.13 - Draft Municipal Heritage Inventory Review. The extent of his interest being that he is the owner of property which may be listed on the Town's Municipal Heritage Inventory. (*Mayor Catania has Minister for Local Government approval to participate in debate and vote in this matter and to preside at Council meetings where the matters are discussed.*)
- 10.3.2 - Investment Report as at 31 August 2006. The extent of his interest being that he is the Chairperson of the North Perth Community Bank, in which the Town has investment shares.

8.2 Mayor Catania declared a proximity interest in Item 10.1.14 - Wasley Street Carpark - Formal Parking Agreement. The extent of his interest is that owns and office adjacent to the Wasley Street Carpark.

- 8.3 Cr Messina declared a proximity interest in the following items:
- Item 10.1.6 - Nos. 148-158 (Lots 13, 31 & 121) Scarborough Beach Road corner Flinders Street and Fairfield Street, Mount Hawthorn - Proposed Signage to Existing Shopping Centre and Car Park. The extent of his interest is his company franchise has proposed an outlet at the Mezz Shopping Centre.
  - Item 10.1.14 - Wasley Street Car Park - Formal Parking Agreement. The extent of his interest is that his company leases commercial property in front of the current carpark and he may receive a permit from the Council's decision.
  - Item 10.2.1 - Further Report - Proposed Streetscape Improvements - Scarborough Beach Road, Mount Hawthorn. The extent of his interest is his company franchise has proposed an outlet at the Mezz Shopping Centre.
  - 8.4 Cr Messina declared a financial interest in Item 10.3.2 - Investment Report as at 31 August 2006. The nature of his interest being that he is a Director and Shareholder of the North Perth Community Bank in which the Town has investment shares.
- 8.5 Cr Ker declared a financial interest in Item 10.1.13 - Draft Municipal Heritage Inventory Review. The extent of his interest being that he is the owner of a property listed on the current Municipal Heritage Inventory. *(Cr Ker has Minister for Local Government approval to participate in debate and vote on this matter.)* Cr Ker requested that the vote for Item 10.1.13 be separated so that he does not vote on part two of the recommendation for property No 202 listed in the appendix, for which he is the owner.
- 8.6 Cr Maier declared a financial interest in Item 10.1.13 - Draft Municipal Heritage Inventory Review. The nature of his interest being that he is the owner of property listed in the Town's Municipal Heritage Inventory. Cr Maier requested permission to remain in the Chamber during discussion and decision making on the Item, but not to vote.
- 8.7 Cr Lake declared a financial interest in Item 10.1.13 - Draft Municipal Heritage Inventory Review. The nature of her interest being that she is the owner of property listed in the Town's Municipal Heritage Inventory. Cr Lake requested permission to remain in the Chamber during discussion and decision making on the Item, but not to vote.
- 8.8 Cr Chester declared a financial interest in Item 10.1.13 - Draft Municipal Heritage Inventory Review. The nature of his interest being that he is part owner of property that maybe considered for listing on the current Municipal Heritage Inventory. *(Cr Chester has Minister for Local Government approval to participate in debate and vote on this matter.)*
- 8.9 Cr Lake declared an impartiality interest Item 14.2 - Confidential Report - Alleged Breach of Town of Vincent Local Law Relating to Standing Orders and Council's Code of Conduct - Councillor D Maier. The extent of her interest is that the item refers to her partner. She states that as a consequence there may be a perception that her impartiality in the matter may be affected.

8.10 The Chief Executive Officer declared an impartiality interest in the following Items:

- 10.1.13 - Draft Municipal Heritage Inventory Review. The extent of his interest being that in his capacity as CEO, he knows a number of people whose properties are included in the Town's current MHI and also on the proposed MHI. In particular, a property jointly owned by his niece and her husband is already listed on the Town's current MHI and is recommended for inclusion on the proposed MHI under Category A; and
- 10.3.6 - New Zealand Day Event (Waitangi Day) 2007. The extent of his interest is that in his capacity as the Chief Executive Officer he knows one of the organisers and that he is a current employee of the Town's outside work-force.

8.11 Executive Manager Corporate Services declared an impartiality interest in Item 10.3.6 - New Zealand Day Event (Waitangi Day) 2007. The extent of his interest is that in his capacity as the Executive Manager Corporate Service during the preparation of the report he has been in contact with one of the organisers of the proposed event, as he is a current employee of the Town's outside work-force.

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

9.1 Cr Chester

Q1. Can it be clarified that at the ordinary council meeting of August 22<sup>nd</sup> 2006 it was stated by the CEO an improvement in efficiency of the Planning department of 10% would result from the combined application of Delegations 108 and 109?

CEO's Response:

*In addressing the Council, the Chief Executive Officer stated as follows;*

*"I can say to you that if you [the Council] remove Delegation No. 110, that I'm advised by Mr Abel [Manager Planning Building & Heritage Services] that the Town's administration will probably only achieve about a 10% efficiency, in Category 4s ..."*

**Cr Torre departed the Chamber at 7.11pm.**

Q2. What percentage improvement in Planning Department efficiencies is calculated to result from the application of delegation 110 as approved at the ordinary council meeting of August 22, 2006?

CEO's Response:

*At this stage, it is difficult to quantify precise percentage efficiencies, as the delegation has only been in effect for just over one week. Without allocating staff resources to research previous statistics, processing times, etc, which I believe is detrimental to our current objective - which is to process applications as quickly as possible, the following is advised;*

*Efficiencies can be achieved in three main areas, as follows;*

1. Efficiencies by Council and Elected Members

*These efficiencies include;*

(a) *The number of reports being included into the Council Agenda for determination by the Council and necessitating consideration by Elected Members, will be substantially reduced. This will reduce the time required by Elected Members;*

- *to read Agendas;*
- *in the time spent at Council Meetings;*
- *in the time spent responding to enquiries from applicants; and*
- *to consider these matters.*

*Therefore, a considerable benefit is achieved by Elected Members on timesaving alone.*

(b) *The time at Council Meetings should be reduced.*

(c) *The Council and Elected Members will be able to focus on strategic and policy matters.*

**Cr Messina departed the Chamber at 7.13pm.**

2. Efficiencies by the Applicant

*These efficiencies include;*

- (a) *cost savings achieved by quicker processing of the application;*
- (b) *improved Council public image (which is unquantifiable) but realistic; and*
- (c) *savings in personal time by not having to attend a Council Meeting.*

3. Efficiencies by the Town's Administration

*These efficiencies include;*

(a) *Reduction in the preparation of Council Reports:*

*Approximately 63% or 352 Development Applications (based on 2005/06 numbers) would be dealt with under Delegated Authority. However, more realistically, a small number of Category 3 applications which are considered "sensitive or complex" will warrant a report being submitted to the Council. This will be at the discretion of the Executive Manager Environmental & Development Services.*

(b) *Improved Processing Time:*

*A shorter processing time will be achieved (say, 2 weeks) for each Category 3 application, by not having to submit a report to the Council.*

(c) *Improved Management of Staff Resources:*

*The initial feedback from the Town's Officers has been both positive and appreciative of the Council's trust and confidence in affording them this responsibility, as professional Officers.*

(d) *The delegation will assist the professional development of the Town's Planning Officers. As you are aware, there is a critical shortage of qualified and experienced Planning Officers both in the Local Government and Private Sectors. This should assist the Town to retain key Officers in a highly competitive marketplace.*

(e) *Improved Use of Employee Resources:*

*A smaller number of detailed reports being included in the Agenda, will result in considerable time saving to the Planning Officers and will have a flow on effect to the Manager, Executive Manager, Minutes Secretary, CEO and so on. This ensures considerable better use of employee resources and a cost saving.*

(f) *A smaller Agenda will result in less paper being used and less printing costs.*

Q3. How were the above efficiency improvement percentages calculated (for delegations 108, 109 and 110 as approved at the ordinary council meeting of August 22 2006)?

CEO's Response:

Categories of Development Applications:

*As you are aware, the Town's Administration categorises its development applications into four categories depending upon their complexity, importance, nature and impact on the community.*

Percentage of Categories for Development Applications:

*It is estimated that the Development Applications (excluding applications for subdivision) fall into the following categories and based on 2005/2006 figures, these would relate to the following:*

<i>Category</i>	<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>Total</i>	<i>Average No. of Applications received each week</i>
<i>Proportion of Planning Application</i>	<i>45 8%</i>	<i>61 11%</i>	<i>352 63</i>	<i>100 18%</i>	<i>558 (100%)</i>	<i>9-10</i>

*The above information, together with a review of previous development application statistics and feedback from the applicants has been used to estimate the improvement and efficiencies to be gained.*

## 10. REPORTS

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

The Agenda Items were categorised as follows:

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

Items 10.1.3, 10.1.9, 10.1.4, 10.3.5, 10.1.8, and 10.1.13

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 10.1.4 and 10.2.1

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

**Cr Messina returned to the Chamber at 7.17pm.**

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

Cr Farrell	Nil
Cr Chester	Items 10.1.10, 10.1.11, 10.1.12, 10.4.4 and 10.4.6
Cr Ker	Item 10.4.3
Cr Torre	Nil.
Cr Lake	Nil.
Cr Messina	Nil.
Cr Maier	Items 10.1.7 and 10.4.2

**Cr Torre returned to the Chamber at 7.19pm.**

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

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

Items 10.1.6, 10.1.13, 10.1.14, 10.2.1 and 10.3.2

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

Items 10.1.1, 10.1.2, 10.1.5, 10.2.2, 10.2.3, 10.2.4, 10.2.5, 10.2.6, 10.2.7, 10.2.8, 10.2.9, 10.2.10, 10.2.11, 10.2.12, 10.2.13, 10.2.14, 10.2.15, 10.2.16, 10.2.17, 10.3.1, 10.3.3, 10.3.4, 10.3.6, 10.3.7, 10.4.1 and 10.4.5

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

Items 14.1 and 14.2

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

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

Items 10.1.1, 10.1.2, 10.1.5, 10.2.2, 10.2.3, 10.2.4, 10.2.5, 10.2.6, 10.2.7, 10.2.8, 10.2.9, 10.2.10, 10.2.11, 10.2.12, 10.2.13, 10.2.14, 10.2.15, 10.2.16, 10.2.17, 10.3.1, 10.3.3, 10.3.4, 10.3.6, 10.3.7, 10.4.1 and 10.4.5

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

Items 10.1.3, 10.1.9, 10.1.4, 10.3.5, 10.1.8 and 10.1.13

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

**Moved Cr Ker, Seconded Cr Messina**

*That the following unopposed items be moved en bloc;*

*Items 10.1.1, 10.1.2, 10.1.5, 10.2.2, 10.2.3, 10.2.4, 10.2.5, 10.2.6, 10.2.7, 10.2.8, 10.2.9, 10.2.10, 10.2.11, 10.2.12, 10.2.13, 10.2.14, 10.2.15, 10.2.16, 10.2.17, 10.3.1, 10.3.3, 10.3.4, 10.3.6, 10.3.7, 10.4.1 and 10.4.5*

**CARRIED (8-0)**

(Cr Doran-Wu on approved leave of absence.)

Cr Farrell departed the Chamber at 7.20pm.

**10.1.1 Further Report - No. 27 (Lot: 43 D/P: 1661) Kadina Street, North Perth - Proposed Two (2) Three (3) Storey Grouped Dwellings**

<b>Ward:</b>	North	<b>Date:</b>	1 September 2006
<b>Precinct:</b>	Charles Centre;P7	<b>File Ref:</b>	PRO2082; 5.2005.3355.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	B Phillis		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**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 A Roberts on behalf of the owner A & L Roberts for proposed Two (2) Three (3) Storey Grouped Dwellings, at No. 27 (Lot 43 D/P: 1661) Kadina Street, North Perth, and as shown on plans stamp-dated 27 July 2006, subject to the following conditions:*

- (i) a detailed schedule of external finishes (including materials and colour schemes and details) that complies with the Town's 'The Village - North Perth (Lots 43-45 Kadina Street) Residential Site Design Guidelines' shall be submitted and approved prior to the issue of a Building Licence. Dark tinted or reflective glass shall not be permitted;*
- (ii) first obtaining the consent of the owners of Nos. 25 and 31 Kadina Street, North Perth for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing east and west where applicable in a good and clean condition;*
- (iii) any new street/front wall, fence and gate between the Kadina Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
  - (a) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
  - (b) decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
  - (c) the maximum width, depth and diameter of posts and piers being 350 millimetres;*
  - (d) the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; 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;*

- (iv) *prior to the occupation of the development, light(s) shall be provided to the rear right of way which is to comply with relevant standards and is to be illuminated during times of darkness and is to be maintained by the property owners. Details of the lighting onto the rear right of way shall be submitted to and approved prior to the issue of a Building Licence;*
- (v) *prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title and Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town;*
- (vi) *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;*
- (vii) *a Certified Practising Consulting Engineer's certification as to the capability of the subject site and adequacy of the proposed foundations for the development, taking into account the geotechnical composition and history of the site, shall be submitted and approved prior to the issue of a Building Licence;*
- (viii) *a report detailing any necessary remedial measures to rectify any unsuitable soil and/or ground water contamination of the subject site to the satisfaction of the Town shall be submitted and approved prior to the issue of a Building Licence. All such measures and works shall be undertaken prior to the first occupation of the development and thereafter maintained, at the applicant's/owner(s)' full expense; and*
- (ix) *the sections of the loft with a ceiling height of less than 2.4 metres shall not be used for habitable purposes.*

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**COUNCIL DECISION ITEM 10.1.1**

**Moved Cr Ker , Seconded Cr Messina**

*That the recommendation be adopted.*

**CARRIED (8-0)**

**(Cr Doran-Wu on approved leave of absence.)**

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**FURTHER REPORT:**

The Council at its Special Meeting held on 20 June 2006 resolved that "*the Item be DEFERRED for proper and accurate plans to be provided*".

On 27 July 2006, amended plans were submitted showing full finishes on all elevations and finishes on the roof plan. The additional information was primarily in response to Condition (i) of the Officer Recommendation, being:

*" a detailed schedule of external finishes (including materials and colour schemes and details) that complies with the Town's 'The Village - North Perth (Lots 43-45 Kadina Street) Residential Site Design Guidelines' shall be submitted and approved prior to the issue of a Building Licence. Dark tinted or reflective glass shall not be permitted;*

It is now particularly clear that a strong vertical fenestration pattern is proposed, a design feature that is encouraged in the "Appendix No. 4 - The Village - North Perth (Lots 43-45 Kadina Street) Residential Site Design Guidelines" in order to reduce the impact of the subject property's narrow 5 metre-wide sites.

Also, the additional information shown on the amended front elevation depicts an attractive facade, utilising glass, painted steel and painted concrete or masonry for the ground, first and loft level, plus a visually open steel fence on a low brick wall at street level which will assist in the creation of an interactive and appropriate development in conjunction with the existing adjacent lots also subject to the Appendix 4 Guidelines.

The amended plans and submission ("*Laid on the Table*") do not represent any further variations to the Town's requirements and also the minor erroneous matters have been addressed and amended accordingly; therefore, in light of the above, the previous Officer Recommendation remains unchanged.

The following is a verbatim copy of the Minutes for the item placed before the Council at its Special Meeting held on 20 June 2006: -

*"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 A Roberts on behalf of the owner A & L Roberts for proposed Two (2) Three (3) Storey Grouped Dwellings, at No. 27 (LOT: 43 D/P: 1661) Kadina Street, North Perth, and as shown on plans stamp-dated 22 December 2005, subject to the following conditions:*

- (i) a detailed schedule of external finishes (including materials and colour schemes and details) that complies with the Town's 'The Village - North Perth (Lots 43-45 Kadina Street) Residential Site Design Guidelines' shall be submitted and approved prior to the issue of a Building Licence. Dark tinted or reflective glass shall not be permitted;*
- (ii) first obtaining the consent of the owners of Nos. 25 and 31 Kadina Street, North Perth for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing east and west where applicable in a good and clean condition;*
- (iii) any new street/front wall, fence and gate between the Kadina Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
  - (a) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
  - (b) decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
  - (c) the maximum width, depth and diameter of posts and piers being 350 millimetres;*
  - (d) the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; 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.*
- (iv) *prior to the occupation of the development, light(s) shall be provided to the rear right of way which is to comply with relevant standards and is to be illuminated during times of darkness and is to be maintained by the property owners. Details of the lighting onto the rear right of way shall be submitted to and approved prior to the issue of a Building Licence;*
- (v) *prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title and Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town;*
- (vi) *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;*
- (vii) *a Certified Practising Consulting Engineer's certification as to the capability of the subject site and adequacy of the proposed foundations for the development, taking into account the geotechnical composition and history of the site, shall be submitted and approved prior to the issue of a Building Licence;*
- (viii) *a report detailing any necessary remedial measures to rectify any unsuitable soil and/or ground water contamination of the subject site to the satisfaction of the Town shall be submitted and approved prior to the issue of a Building Licence. All such measures and works shall be undertaken prior to the first occupation of the development and thereafter maintained, at the applicant's/owner(s)' full expense; and*
- (ix) *the sections of the loft with a ceiling height of less than 2.4 metres shall not be used for habitable purposes.*

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COUNCIL DECISION ITEM 7.1

Moved Cr Ker, Seconded Cr Maier

*That the recommendation be adopted.*

*Debate ensued.*

Moved Cr Ker, Seconded Cr Chester

*That the Item be DEFERRED for proper and accurate plans to be provided.*

CARRIED (4-1)

For

*Mayor Catania*

*Cr Chester*

*Cr Ker*

*Cr Lake*

Against

*Cr Maier*

*(Crs Doran-Wu, Farrell and Torre were apologies. Cr Messina was absent from the meeting until 5.56pm.)*

*This Item was to be considered at the Ordinary Meeting of Council held on 13 June 2006, however, due to the lateness of the hour the Item was not considered or determined and was deferred to the Special Meeting of Council to be held on 20 June 2006.*

<i>Landowner:</i>	<i>A and L Roberts</i>
<i>Applicant:</i>	<i>A Roberts</i>
<i>Zoning:</i>	<i>Metropolitan Region Scheme: (MRS) Urban Town Planning Scheme No.1 (TPS 1): Residential/Commercial R80</i>
<i>Existing Land Use:</i>	<i>Vacant</i>
<i>Use Class:</i>	<i>Grouped Dwelling</i>
<i>Use Classification:</i>	<i>"P"</i>
<i>Lot Area:</i>	<i>362 square metres</i>
<i>Access to Right of Way</i>	<i>South side, 3.0 metres wide, sealed, privately owned.</i>

**BACKGROUND:**

*7 August 2002 An identical application for two (2) three-storey grouped dwellings was conditionally approved for the above site under Delegated Authority.*

**DETAILS:**

*The proposal involves two, three-storey grouped dwellings with one common wall. Each dwelling is a mirror image of the other and they consist of open-plan living on the ground floor and two bedrooms each on the first floor and open-plan loft on the third floor.*

*Each dwelling has an outdoor living area between the dwelling and the semi-open rear garages, which can accommodate two vehicles in tandem.*

**ASSESSMENT:**

<i>Non-Compliant Requirements</i>			
<i>Requirements</i>	<i>Required</i>	<i>Proposed *</i>	<i>Officer Comments Pursuant to Clause 38(5) of TPS 1</i>
<i>Density</i>	<i>2 dwellings R80</i>	<i>2 dwellings R80</i>	<i>Noted</i>
<i>Plot Ratio</i>	<i>(271 square metres)  OR 0.75</i>	<i>(354 square metres)  OR 0.98</i>	<i>Supported –for the reasons stated in the “Comments” section below.</i>
<i>Visual Privacy</i>	<i>7.5 metres setback within ‘Cone of Vision’ as per R-Codes Clause 2.8.1 Visual Privacy</i>	<i>South Facing Overlooking into rear yard areas of both subject grouped dwellings.</i>	<i>Supported - as overlooking from south facing balconies affects subject properties only (that is, there is nil overlooking to the east and west adjoining properties due to an existing extensive parapet wall on the western side and walls with no openings for the ground and upper floor on the eastern side.)</i>

<i>Consultation Submissions</i>		
<i>The development was advertised for between 21 April 2006 and 8 May 2006 to affected adjoining owners and a sign was also erected on the site advertising the proposal.</i>		
<i>Support</i>	<i>Nil</i>	<i>Noted</i>
<i>Objection</i>	<i>Nil</i>	<i>Noted</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:**

*Plot Ratio*

*The plot ratio variation is supported two-fold. Firstly, identical plans to the subject application were approved on 7 August 2002 and, therefore, the dwellings could have already been constructed. Secondly, The Village - North Perth (Lots 43 - 45 Kadina Street) Residential Site Design Guidelines (Appendix 4) (referred to as the Guidelines) and the Charles Centre Precinct Policy do not fully correlate in terms of development requirements relating to scale and building bulk.*

*The Guidelines promote generously scaled development on the select few identified properties within the Guidelines' perimeter. For example, the Guidelines allow for nil side setbacks, a 10 metre building height maximum (in lieu of the normal 9 metres), 3 levels (in lieu of the normal 2) and reduced front setbacks (that is, a maximum of 2 metres in lieu of a minimum of 4 metres), all of which allow for a more intensified building outcome.*

*It is acknowledged that although the 0.75 plot ratio requirement would normally apply to other residential properties within the Charles Centre Precinct, it is considered that the subject property should be exempt from that requirement, due to having specific design guidelines applicable to it (which do not have plot ratio requirements).*

*Geographical Survey*

*The subject site is in close proximity to the old City of Perth Refuse Site (that is, to the immediate south of the property), and potentially unstable ground may be present. Conditions requiring that the land be measured for geological stability are recommended so as to identify any associated issues on the site to ensure a safe development.*

*In light of the above, the proposal is recommended for approval."*

**10.1.2 Further Report- Nos. 208-212 (Lot 123 D/P: 9320) Beaufort Street, corner Parry Street, Perth- Proposed Change of Use to Warehouse and Fee Paying Car Park**

<b>Ward:</b>	South	<b>Date:</b>	5 September 2006
<b>Precinct:</b>	Beaufort; P13	<b>File Ref:</b>	PRO3329; 5.2006.74.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	L Mach,		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by The Planning Group on behalf of the owner Major Holdings Pty Ltd & G T Gunning for proposed Change of Use to Warehouse and Fee Paying Car Park, at Nos. 208-212 (Lot 123 D/P: 9320) Beaufort Street, corner Parry Street, Perth, and as shown on plans stamp-dated 6 July 2006 , for the following reasons:*

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality with respect to the adverse affect on the visual amenity of the locality and the streetscapes of Beaufort, Stirling and Parry Streets; and*
- (ii) the proposal is inconsistent with the Town's Policy relating to the Beaufort Precinct.*

**COUNCIL DECISION ITEM 10.1.2**

**Moved Cr Ker, Seconded Cr Messina**

*That the recommendation be adopted.*

**CARRIED (8-0)**

**(Cr Doran-Wu on approved leave of absence.)**

**FURTHER REPORT:**

The Council at its Ordinary Meeting held on 22 August 2006 considered the subject proposal and resolved the following:

*"That the Item be DEFERRED to allow the Town's Officers to liaise with the applicant."*

The Town's Officers have since met the applicants and owner on 30 August 2006 on-site and discussed the dilapidated nature of the site, greater upgrading of the site than is proposed, the possibility of utilising the existing building with a more 'active use' than the proposed warehouse, and the applicant's offer for a temporary approval for five (5) years of the subject planning application.

Whilst the Town's Officers note that the site is currently dilapidated and the planning application is proposing improvements to the site, such as some landscaping and attempting to promote activity on a vacant site, it is still considered that an approval or temporary approval of the proposal will set a status quo for the site which will be detrimental to the area as outlined in the previous report to the Ordinary Meeting of Council held on 22 August 2006.

The applicants have advised the Town that the prospective lessee of the site do not wish to consider any other use for the site other than the proposed warehouse.

Further to the above, the Town's Ranger Services and Community Safety have observed that the general usage rates of the fee-paying car parking in the area, including along the surrounding streets, Stirling Street, Brisbane Street, and around Members Equity Stadium, are rarely to full capacity during the day (excluding the Brisbane Street Car Park at lunch times, evenings and weekends and the facilities closer to the Members Equity Stadium on days when functions are being held at the Stadium). This indicates that another fee-paying car park is not required in the area in the short term.

In light of the above, the 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 22 August 2006.

*"OFFICER RECOMMENDATION:*

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by The Planning Group on behalf of the owner Major Holdings Pty Ltd & G T Gunning for proposed Change of Use to Warehouse and Fee Paying Car Park, at Nos. 208-212 (Lot 123 D/P: 9320) Beaufort Street, corner Parry Street, Perth, and as shown on plans stamp-dated 6 July 2006, for the following reasons:*

- (iii) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality with respect to the adverse affect on the visual amenity of the locality and the streetscapes of Beaufort, Stirling and Parry Streets; and*
- (iv) the proposal is inconsistent with the Town's Policy relating to the Beaufort Precinct.*

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*COUNCIL DECISION ITEM 10.1.13*

*Moved Cr Farrell, Seconded Cr Messina*

*That the recommendation be adopted.*

*Journalist Giovanni Torre entered the meeting at 6.57pm.*

*Debate ensued.*

*Moved Cr Farrell, Seconded Cr Messina*

*That the Item be DEFERRED to allow the Town's Officers to liaise with the applicant.*

*CARRIED (5-4)*

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

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<i>Landowner:</i>	<i>Major Holdings Pty Ltd &amp; G T Gunning</i>
<i>Applicant:</i>	<i>The Planning Group</i>
<i>Zoning:</i>	<i>Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Commercial</i>
<i>Existing Land Use:</i>	<i>Vacant Building and Car Park</i>
<i>Use Class:</i>	<i>Warehouse, Car Park</i>
<i>Use Classification:</i>	<i>"P", "AA"</i>
<i>Lot Area:</i>	<i>3048 square metres</i>
<i>Access to Right of Way</i>	<i>N/A</i>

**BACKGROUND:**

*No specific background directly relates to the proposal.*

**DETAILS:**

*The proposal involves change of use to warehouse and fee paying car park.*

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

**ASSESSMENT:**

<i>Non-Compliant Requirements</i>			
<i>Requirements</i>	<i>Required</i>	<i>Proposed *</i>	<i>Officer Comments Pursuant to Clause 38(5) of TPS 1</i>
<i>Plot Ratio</i>	<i>N/A</i>	<i>N/A</i>	<i>N/A</i>
<i>Consultation Submissions</i>			
<i>The proposal was not advertised as it is not supported by the Town's Officers and is being referred to the Council for determination. The Department for Planning and Infrastructure has indicated it does not support the permanent development within the reserved land in the MRS in principle, but is willing to support the temporary use of the reserved land subject to appropriate conditions.</i>			
<i>Other Implications</i>			
<i>Legal/Policy</i>			<i>TPS 1 and associated Policies.</i>
<i>Strategic Implications</i>			<i>Nil</i>
<i>Financial/Budget Implications</i>			<i>Nil</i>

**COMMENTS:**

*A 'car park' is an 'AA' use within a Commercial zone, requiring the discretion of the Council to approve the use. The proposal fails to comply with the intention of the Beaufort Precinct as set out in the Town's Planning Policy No.3.1.13, which states generally:*

*'Opportunities to improve the amenity of the area exist through the redevelopment of under-utilised or vacant sites to achieve predominantly residential development. The focus on the city as a place for people to live is to see Beaufort, and the adjacent Northbridge and East Perth Precincts, and areas east and west of the city centre, develop further as inner city communities, each with shopping and meeting places, where owners and tenants in a variety of dwelling units will accept commercial neighbours as an advantage. The Beaufort Precinct provides a good illustration of a potential residential community. It still retains a solid residential component and links with Northbridge which provides the required local facilities and services.'*

*Evidence of this transformation is occurring within the immediate area with developments such as 'Beaufort Central', a significant mixed-use development with frontages to Stirling and Beaufort Streets, a recently constructed residential development on the corner of Lord and Newcastle Streets and diagonally opposite the subject site on the corner of Stirling and Parry Streets, a significant residential building is nearing completion.*

*The subject site is adjoined by a 'fee-paying' car park and land on the corner of Parry and Stirling Streets is also used for car parking. These uses detrimentally impact on the visual amenity of the immediate area and there is concern that further land used for car parking will prejudice the emerging residential character of the area.*

*The Beaufort Precinct Policy, in outlining the intention for the Commercial area states:*

*'This area is to form an extension to Northbridge with shops, restaurants and other interactive uses continuing to be the predominant uses, cementing the physical link between Northbridge and the surrounding residential areas. ...Car parks should not visually detract from the public environment or character of the area and, preferably, should not be visible from streets and public spaces. They should therefore, be located underground or at the rear of properties.*

*The intention of the Policy is clear and as outlined above, the subject site is within close proximity of new residential developments and opposite an area of public open space. The Town is also concerned that private 'fee paying' car parks of this nature are attracted to land outside of the East Perth Redevelopment Authority area and the City of Perth given the significant difference in car parking requirements under the respective town planning schemes. In this respect, the Town is circumspect of any proposals for car parking, which may supplement shortfalls on car parking in adjoining authorities or provide all-day parking for city workers, at the expense of the Town's amenity.*

*For the reasons outlined above, it is considered that a proposal of this nature will have a detrimental impact on the streetscape and intention of the Beaufort Precinct. It is therefore recommended that the application be refused. "*

**10.1.5 No. 24 (Lot 20) Daphne Street, North Perth - Proposed Partial Demolition of and Additions and Alterations to Existing Single House**

<b>Ward:</b>	North	<b>Date:</b>	5 September 2006
<b>Precinct:</b>	North Perth ; P8	<b>File Ref:</b>	PRO3258; 5.2006.300.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	B Phillis		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**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 Rokanaro Construction on behalf of the owner D C Paton for proposed Partial Demolition of and Additions and Alterations to Existing Single House, at No. 24 (Lot 20) Daphne Street, North Perth, and as shown on amended plans stamp-dated 21 July 2006 (Site Plan), 28 July 2006 (Floor Plan and Elevations) and 1 September 2006, subject to the following conditions:*

- (i) the existing chimney shall be retained;*
- (ii) 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;*

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

~~*(a) the rear/eastern elevation of the proposed alfresco area being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level. The permanent obscure material does not include self-adhesive material or other material that is easily removed; OR*~~

~~*(b) the finished floor level of the proposed alfresco area not exceeding a height above 500 millimetres above natural ground level at any point.*~~

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

~~*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. 22 Daphne Street stating no objection to the proposed privacy encroachment;*~~

~~*(iii) prior to the first occupation of the development, a 2400 millimetre high screen fence shall be constructed along the southern side boundary in accordance with the approved plans; OR the finished floor level of the proposed alfresco shall not exceed a height of 500 millimetres above the natural ground level at any point;*~~

*(iv) any new street/front wall, fence and gate between the Daphne Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*

*(a) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*

*(b) decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*

- (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
- (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
- (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level; and*
- (v) *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; and*
- (vi) *the proposed swimming pool does not form part of this approval and shall be subject to a separate Swimming Pool/Building Licence being submitted to and approved by the Town.*

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

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**Moved** Cr Ker, **Seconded** Cr Messina

*That the recommendation be adopted.*

**CARRIED (8-0)**

(Cr Doran-Wu on approved leave of absence.)

**COUNCIL DECISION ITEM 10.1.5**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Rokanaro Construction on behalf of the owner D C Paton for proposed Partial Demolition of and Additions and Alterations to Existing Single House, at No. 24 (Lot 20) Daphne Street, North Perth, and as shown on amended plans stamp-dated 21 July 2006 (Site Plan), 28 July 2006 (Floor Plan and Elevations) and 1 September 2006, subject to the following conditions:*

- (i) *the existing chimney shall be retained;*
- (ii) *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;*
- (iii) *prior to the first occupation of the development, a 2400 millimetre high screen fence shall be constructed along the southern side boundary in accordance with the approved plans; OR the finished floor level of the proposed alfresco shall not exceed a height of 500 millimetres above the natural ground level at any point;*

- (iv) *any new street/front wall, fence and gate between the Daphne Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
- (a) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
  - (b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
  - (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
  - (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
  - (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level; and*
- (v) *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; and*
- (vi) *the proposed swimming pool does not form part of this approval and shall be subject to a separate Swimming Pool/Building Licence being submitted to and approved by the Town.*

**ADDITIONAL INFORMATION:**

Further analysis of the plans has revealed that the privacy variations can be ameliorated through the construction of a 2400 millimetre high screen fence as shown on the plans stamp dated 1 September 2006. The plans illustrate that the finished floor level of the house is 864 millimetres above natural ground level; however, there is a difference of 1 course between the finished floor level of the house and the finished floor level of the alfresco area, which results in the alfresco area being raised 778 millimetres above natural ground level.

Therefore, after taking into consideration the difference in the finished floor levels, the 2400 millimetre high screen fence would provide the equivalent of a 1622 millimetre high screening wall.

<b>Landowner:</b>	D C Paton
<b>Applicant:</b>	Rokanaro Construction
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R30
<b>Existing Land Use:</b>	Residential
<b>Use Class:</b>	Single House
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	334 square metres
<b>Access to Right of Way</b>	East side, 3.02 metres wide, unsealed, privately owned

**BACKGROUND:**

- 23 August 2005 The Council at its Ordinary Meeting refused an application for proposed demolition of existing single house at the subject property.
- 14 February 2006 The Council at its Ordinary Meeting refused an application for proposed demolition of existing single house and construction of a two-storey single house at the subject property.
- 9 May 2006 The Council at its Ordinary Meeting advised the Heritage Council of Western Australia of the final adoption and inclusion of No. 24 Daphne Street onto the Municipal Heritage Inventory.

**DETAILS:**

The proposal involves partial demolition of and additions and alterations to existing single house.

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

**Car Bays**

The property currently has no car bays on site. One (1) car bay, in lieu of the normal requirement of two (2) is proposed as part of this application and therefore this is supported.

**Council Determination**

The new Delegated Authority No. 110 recently adopted by the Council at its Ordinary Meeting held on 22 August 2006 allows for the subject application to be determined under delegated authority; however, in this particular instance, a previous commitment was made to the objector that the application would be presented to the Council for determination.

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Pursuant to Clause 38(5) of TPS 1</b> <b>Comments</b>
Plot Ratio	N/A	N/A	Noted
Building Setbacks: South Side	1.7 metres	1.0 metre	Supported-as the proposal will have less impact than a two storey dwelling and follows the existing building line, which results in no undue impact on the affected neighbour.
Visual Privacy East Side - Alfresco	7.5 metres setback; screened to 1.6 metres; or finished floor level of the alfresco not to exceed 500 millimetres above natural ground level.	Cone of vision falls within the rear yard area of the adjoining property by approximately 3.5 metres.	Not supported- undue impact on affected neighbour, and a condition is recommended and is applied accordingly.

<b>Consultation Submissions</b>		
Support	Nil	Noted
Objection (1)	<ul style="list-style-type: none"> <li>• Overshadowing and Daylight</li> <li>• Bulky and induce a claustrophobic feeling due to high walls</li> <li>• Overlooking into my rear yard will reduce my privacy</li> </ul>	<p>Not supported- as not more than 35 per cent of the southern adjoining property is overshadowed on the winter solstice.</p> <p>Not supported-no undue impact on affected neighbour and a two storey dwelling would result in a greater bulk impact than the single storey proposal.</p> <p>Supported-a condition has been recommended to address overlooking into the southern adjoining property.</p>
<b>Other Implications</b>		
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications		Nil
Financial/Budget Implications		Nil

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

**COMMENTS:**

**Heritage**

As No.24 Daphne Street, North Perth is listed on the Town's Municipal Heritage Inventory, with a Management Category B - Conservation Recommended listing, a Heritage Impact Statement has been undertaken to evaluate the likely impact of the proposed development on the heritage significance of place and its setting. The Heritage Impact Statement is contained within the attachment to this report.

The proposed works involve the removal of the rear skillion addition and the inclusion of a brick and iron addition to the rear of the building. The proposal has been found to be in accordance with the Performance Criteria and Acceptable Development Guidelines, which are contained within the Town's Heritage Management Development Guidelines Policy No.3.6.1. Specifically, the works do not involve any alteration to the front façade or roof pitch; the works are distinguishable from the original part of the house being conserved and on the whole do not obscure or alter any element that contributes to the significance of the place. However, as documented in the Impact Statement, it appears that the original chimney is being removed. The chimney is highly visible and is considered to contribute to the visual setting and character of the dwelling. Therefore, it is recommended that the chimney be retained.

In light of the above, it is considered that the proposed partial demolition and associated alterations and additions adequately respect the cultural heritage significance and original fabric of the place and that approval should be granted subject to the Town's general Town Planning Scheme provisions, Town's Policies and the following conditions:

- (i) the existing chimney shall be retained; and
- (ii) a detailed schedule of materials and finishes shall be submitted and approved prior to the issue of a Building Licence.

**Summary**

In light of the above report, the application is recommended for approval, subject to standard and appropriate conditions.

**10.2.2 Removal of Obstruction in Right of Way Bounded by Chapman Street, Lord Street, Marlborough Street and West Parade**

<b>Ward:</b>	South	<b>Date:</b>	28/08/2006
<b>Precinct:</b>	Forrest Precinct (P14)	<b>File Ref:</b>	TES0083
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	A Munyard		
<b>Checked/Endorsed by:</b>	C Wilson	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the report on the proposed removal of bollards from the right of way bounded by Chapman Street, Lord Street, Marlborough Street and West Parade as illustrated in attached Plan;*
- (ii) *APPROVES the removal of the obstruction and the re-instatement of access through the right of way; and*
- (iii) *ADVISES all adjoining property owners of its decision.*

**COUNCIL DECISION ITEM 10.2.2**

**Moved Cr Ker, Seconded Cr Messina**

*That the recommendation be adopted.*

**CARRIED (8-0)**

**(Cr Doran-Wu on approved leave of absence.)**

**PURPOSE OF REPORT:**

The purpose of this report is to advise the Council of a request that has been received for the re-instatement of a resident's right of access through the above right of way (ROW).

**BACKGROUND:**

An obstruction in a ROW via the installation of bollards which was approved by the Council some time ago have been identified as a hindrance to the development of an adjacent property to its full potential.

**DETAILS:**

At its Ordinary Meeting held on 28 April 1998, the Council was presented with a report that recommended the Town *not* proceed with the introduction of bollards to obstruct the flow of traffic in the above ROW as the majority of the respondents at the time were not in favour, however, the Council amended the recommendation and the bollards were installed.

Recently, the Town has received advice from the Department of Land Administration which clarifies its powers and rights in respect of obstruction of private ROWs. It is now understood that obstruction of a *private* ROW cannot be implemented without the consent of *all those residents with an implied or expressed right of carriageway*.

Although this ROW belongs to the Town, it was purchased and property owners maintain intact rights of access.

The Town has received a request from the owners of the property immediately north of the obstruction, requesting that the bollards be removed. The property owners have lodged a development application which is reliant on the ROW for access to rear garaging. The ROW must also provide manoeuvring room into and out of the proposed garage, and this is not possible with the bollards in place.

As the approval of all adjacent property owners is necessary for the obstruction to be lawful, and the Town has received an objection to the obstruction, it is recommended that the bollards be removed immediately.

**CONSULTATION/ADVERTISING:**

Only one objection is required to necessitate the removal of the bollards, and therefore no further consultation is deemed necessary.

**LEGAL/POLICY:**

The implied rights of access held by the adjacent property owners are legal rights of access under Section 167A of the Transfer of Land Act 1893.

**STRATEGIC IMPLICATIONS:**

In accordance with Key Result Area One of Strategic Plan 2005-2010 – 1.4 Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment. *“a) Continue to develop and implement annual road and footpath upgrade programs.”*

**FINANCIAL/BUDGET IMPLICATIONS:**

The cost of removal of the bollards and re-instatement of the surface is estimated to be approximately \$300.00.

**COMMENTS:**

The applicants possess a legal right to access throughout the ROW and therefore this must be restored upon their request.

**10.2.3 Tender No. 341/06 - Bi-annual Bulk Verge Green Waste and Annual Bulk Verge General Waste Collection**

<b>Ward:</b>	Both	<b>Date:</b>	6 September 2006
<b>Precinct:</b>	All	<b>File Ref:</b>	TEN0205 & TEN0188
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	R Lotznicker, J Lockley		
<b>Checked/Endorsed by:</b>	M Rootsey	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council ACCEPTS the tender from D & M Waste Services as being the most acceptable and advantageous to the Town for the Bi-annual Bulk Verge Green Waste Collection and the Annual Bulk Verge General Waste Collection, in accordance with the terms and conditions detailed in Tender No 341/06.*

**COUNCIL DECISION ITEM 10.2.3**

**Moved Cr Ker, Seconded Cr Messina**

*That the recommendation be adopted.*

**CARRIED (8-0)**

(Cr Doran-Wu on approved leave of absence.)

**PURPOSE OF REPORT:**

The purpose of this report is to request the Council to approve the tender for the Bi-annual Bulk Verge Green Waste Collection and the Annual Bulk Verge General Waste Collection for a three (3) year period.

**BACKGROUND:**

Tenders for the Bulk Verge Green Waste Collection and the Annual Bulk Verge General Waste Collection were called in August 2006 and at the close of the tender period on 24 August 2006, two (2) tenders were received. Present at the opening were David Paull (Purchasing / Contracts Officer) and Tom Blankenburg (Support Officer Technical Services).

**DETAILS:**

Tenders were received from the following two companies

<b>Annual Bulk Verge 'Green Waste' Collection</b>			<b>D &amp; M Waste Services</b>	<b>Steann Pty Ltd</b>
Collection Period	Description	Tender Unit Range Tonnes	\$/tonne	\$/tonne
Nov 2006	Tonnage Fee	Between 200 to 250 tonne	\$200.97	\$187.00
		Between 251 to 300 tonne	\$167.47	\$155.84
		Between 301 to 350 tonne	\$143.55	\$133.57
		Over 351 tonne	\$143.14	\$133.57
May 2007	Tonnage Fee	Between 200 to 250 tonne	\$200.97*	\$187.00
		Between 251 to 300 tonne	\$200.97*	\$155.84
		Between 301 to 350 tonne	\$200.97*	\$133.57
		Over 351 tonne	\$200.97*	\$133.57

Nov 2007	Tonnage Fee	Between 200 to 250 tonne	\$200.97*	\$187.00 <sup>+</sup>
		Between 251 to 300 tonne	\$167.47*	\$155.84 <sup>+</sup>
		Between 301 to 350 tonne	\$143.55*	\$133.57 <sup>+</sup>
		Over 351 tonne	\$143.14*	\$133.57 <sup>+</sup>
May 2008	Tonnage Fee	Between 200 to 250 tonne	\$200.97*	\$187.00
		Between 251 to 300 tonne	\$200.97*	\$155.84
		Between 301 to 350 tonne	\$200.97*	\$133.57
		Over 351 tonne	\$200.97*	\$133.57

\* D&M Waste Services – Plus CPI Increase or Fuel / Wage Increase

<sup>+</sup> Steann Pty Ltd – Plus CPI

Annual Bulk Verge 'General Waste' Collection			D&M Waste Services	Steann Pty Ltd
Collection Period	Description	Tender Unit Range Tonnes	\$/Tonne	\$/Tonne
March/April 2007	Tonnage Fee	Between 200 to 250 tonne	\$258.13	\$220.00
		Between 251 to 300 tonne	\$215.10	\$183.33
		Between 301 to 350 tonne	\$184.37	\$157.14
		Over 351 tonne	\$161.33	\$157.44

March/April 2008	Tonnage Fee	Between 200 to 250 tonne	\$258.13*	\$220.00 <sup>+</sup>
		Between 251 to 300 tonne	\$215.10*	\$183.33 <sup>+</sup>
		Between 301 to 350 tonne	\$184.37*	\$157.14 <sup>+</sup>
		Over 351 tonne	\$161.33*	\$157.44 <sup>+</sup>

March/April 2009	Tonnage Fee	Between 200 to 250 tonne	\$258.13*	\$220.00 <sup>++</sup>
		Between 251 to 300 tonne	\$215.10*	\$183.33 <sup>++</sup>
		Between 301 to 350 tonne	\$184.37*	\$157.14 <sup>++</sup>
		Over 351 tonne	\$161.33*	\$157.44 <sup>++</sup>

\* D&M Waste Services – Plus CPI Increase or Fuel / Wage Increase; <sup>+</sup> Steann Pty Ltd – Plus CPI

<sup>++</sup> Steann Pty Ltd – Plus 2 years CPI

### Tender Evaluation

The following weighted criteria was used for the selection of the most appropriate company to provide the service.

CRITERIA		WEIGHTING
1.	Demonstrated experience supplying similar services	20%
2.	Skills and experience of Key Personnel	20%
3.	Demonstrated understanding (methodology) of collection requirements as outlined in Part B - Specification	20%
4.	Demonstrated understanding of all plant requirements as outlined in Part B – Specification	15%
5.	Contract price (Hourly Rates) Hourly Rate (as indicated in the Tender Schedule)	15%
6.	References Written references of satisfactory service	10%
<b>TOTAL:</b>		<b>100%</b>

Tenderers were advised to address all of the above criteria, **separately, comprehensively and in the order listed** in their submission.

Tender Evaluation Panel

The tender evaluation panel consisted of the Executive Manager Technical Services, Executive manager Corporate Services and the Waste Management Officer.

Tender Summary

CRITERIA	D&M Waste Services	Steann
Demonstrated experience supplying similar services - (20%)	20	17
Skills and experience of Key Personnel - (20%)	20	0
Demonstrated understanding (methodology) of collection requirements as outlined in Part B - Specification - (20%)	20	10
Demonstrated understanding of all plant requirements as outlined in Part B – Specification - (15%)	15	10.5
Contract price (Hourly Rates) Hourly Rate (as indicated in the Tender Schedule) - (15%)	13.81	15
References Written references of satisfactory service - (15%)	10	7
<b>TOTAL:</b>	<b>98.81</b>	<b>59.50</b>

Tonnages for the Greenwaste Collection in 2005/2006 were in the 251 to 350 tonne range. Tonnages for the general Junk Collection were in the over 351 tonnes range. The prices submitted were assessed on these parameters.

While Steann submitted a slightly lower price overall, they did not comprehensively address all of the selection criteria as requested in the tender. The documentation was considered inadequate, accordingly this has been reflected in the tender assessment scores.

D&M Waste Services have carried out both the Bulk Verge Green Waste Collection and the General Waste Collection for the Town for the past six (6) years and have provided an excellent service.

As previously reported to Council, the verge collections are a high profile undertaking and it is imperative that the collections are undertaken in a timely and efficient manner.

**CONSULTATION/ADVERTISING:**

N/A

**LEGAL/POLICY:**

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

**STRATEGIC IMPLICATIONS:**

In accordance with Key Result Area One of Strategic Plan 2005-2010 – 1.4 Maintain and enhance the Town’s infrastructure to provide a safe, healthy, sustainable and functional environment.

**FINANCIAL/BUDGET IMPLICATIONS:**

Funds totalling \$245,000 have been listed in the 2006/2007 Budget for two (2) Bulk Verge Green Waste collections and one (1) Bulk Verge General Waste collection during this period. This amount includes tipping fees, leaflet preparation and distribution, skip bins (at several locations), advertising and supervision.

The collection component, if the tender were awarded to D&M, would be in the order of \$175,000. The tip fee components would be in the order of \$60,000.

**COMMENTS:**

As previously reported to Council, the bulk verge collection was changed from a combined greens/general waste to a bi-annual bulk verge green waste collection and an annual bulk verge general waste collection, to overcome some of the problems experienced and negative publicity generated (OMC 25 July 2000).

Since adopting and implementing the new bulk verge program over six years ago, almost all the problems previously experienced have been addressed and no negative reports have been received by the Town.

While contracted to the Town over the past six (6) years, D&M Waste Services have provided an exceptionally professional service and completed each collection within time and budget. No complaints were received regarding D&M Waste Services during the collections and with their assistance many new initiatives have been implemented.

D&M Waste Services programmed and performed each collection in an efficient and effective manner, resulting in an excellent delivery of service to the Town's residents devoid of the negative publicity which plagued previous collections of this nature.

It is therefore recommended that the contract for the Bi-annual Verge Green Waste Collection and Annual Verge General Waste collection for the period 2006/07 to 2008/2009 be awarded to D&M Waste Services in accordance with the terms and conditions as outlined in Tender No 341/06

**10.2.4 Tender No. 346/06 – Tree Watering and Tree Planting**

<b>Ward:</b>	Both	<b>Date:</b>	17 August 2006
<b>Precinct:</b>	All	<b>File Ref:</b>	TEN0355
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	J van den Bok		
<b>Checked/Endorsed by:</b>	R Lotznicker, M Rootsey	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council ACCEPTS the tenders submitted from Leo Heaney Pty Ltd and Acacia General as being the most acceptable and advantageous to the Town for the provision of Tree Watering and Tree Planting services in accordance with the specifications detailed in tender No. 346/06.*

**COUNCIL DECISION ITEM 10.2.4**

**Moved Cr Ker, Seconded Cr Messina**

*That the recommendation be adopted.*

**CARRIED (8-0)**

**(Cr Doran-Wu on approved leave of absence.)**

**PURPOSE OF REPORT:**

The purpose of this report is to request the Council to approve the tender for Tree Watering and Tree Planting Services, for a three (3) year period.

**BACKGROUND:**

On 26 July 2006 a tender was advertised for Tree Watering and Tree Planting Services for a three (3) year period. At the close of the tender on Wednesday 9 August 2006 at 2.00pm, four (4) tenders were received. Present at the opening were Purchasing /Contracts Officer, David Paull, and Technical Services Support Officer, Tom Blankenburg.

**DETAILS:**

Tenders were received from the following companies: (All rates include GST)

	Company	Tree Watering	Tree Planting
1.	Tree Planting and Watering	\$60.50	\$60.50
2.	Acacia General	\$44.00	\$44.00
3.	Leo Heaney Pty Ltd	\$45.10	\$45.10
4.	TSG Key Group	N/A	\$35.00

TSG Key Group extra rates:

- (a) Hiab or truck usage - \$65.00 /hr
- (b) Mulch - \$70.00m<sup>3</sup> supplied and spread
- (c) Mulch – TOV supply then hourly rate applies
- (d) Water truck usage - \$60.00 /hr
- (e) Traffic management - \$97.50 /hr

**Tender Evaluation**

Selection Criteria

The following weighted criteria was used for the selection of the company to undertake the works as specified.

CRITERIA		WEIGHTING
1	Past experience in similar projects/works	25%
2	Organisational structure/capacity/resources	25%
3	Contract Price	25%
4	Compliance with Tender Specification	15%
5	Financial Capacity	5%
6	References	5%
<b>TOTAL:</b>		100%

Tender Evaluation Panel

The Tender Evaluation Panel consisted of the Executive Manager Technical Services, Rick Lotznicker, Executive Manager Corporate Services, Mike Rootsey, and Manager Parks Services, Jeremy van den Bok.

Each tender was assessed using the above selection criteria in accordance with the tender documentation.

Tender Summary

Selection Criteria	Leo Heaney Pty Ltd	Acacia General	Tree Planting & Watering	TSG Key Group
Past experience in similar projects/works (25)	25	25	25	-
Organisational structure/capacity/resources (25)	25	25	25	-
Contract Price (25)	24.55	25	18.18	-
Compliance with Tender Specification (15)	15	15	12.75	-
Financial Capacity (5)	5	4.25	4.25	-
References (5)	5	5	5	-
<b>Total</b>	<b>99.55</b>	<b>99.25</b>	<b>90.18</b>	-
<b>Ranking</b>	<b>1</b>	<b>2</b>	<b>3</b>	-

The submission received from the TSG Key Group has been deemed non-compliant by the tender evaluation panel as they have not addressed the pricing structure as specified. As such, it has not been assessed.

Leo Heaney Pty Ltd and Acacia General have held the tree watering and planting contract since the Town's inception and have provided an excellent service to the Town. Both companies have long-term staff whom have worked in the area for many years, gaining valuable local knowledge and providing that personal service which many owner/occupiers have appreciated.

The submissions received from both companies are comprehensive and their prices are considerably lower than the other compliant submission received.

The submission received from "Tree Planting and Watering" is comprehensive and addresses the selection criteria adequately; however, their hourly rate is considerably higher. The company do however hold similar contracts with other local authorities including the City of Armadale and City of Canning.

**CONSULTATION/ADVERTISING:**

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

**LEGAL/POLICY:**

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

**STRATEGIC IMPLICATIONS:**

In accordance with Key Result Area One of Strategic Plan 2005-2010 – 1.4 Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment.

**FINANCIAL/BUDGET IMPLICATIONS:**

Costs associated with tree planting and tree watering are charged against the respective parks, reserves, street trees maintenance accounts or individual capital works projects as and when required.

The total annual estimated cost of tree watering and planting within the Town of Vincent is \$180,000.

**COMMENTS:**

It is recommended that the Council accepts the tenders submitted Leo Heaney Pty Ltd and Acacia General as being acceptable for Tree Watering and Tree Planting Services in accordance with the specifications as detailed in Tender No. 346/06.

**10.2.5 Tender No 347/06 – Provision of Specialised Turf Maintenance, Herbicide Application and Turfing Services**

<b>Ward:</b>	Both	<b>Date:</b>	14 August 2006
<b>Precinct:</b>	All	<b>File Ref:</b>	TEN 0356
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	J van den Bok		
<b>Checked/Endorsed by:</b>	R Lotznicker M Rootsey	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council ACCEPTS the tender from Turfmaster Facility Management as being the most acceptable and advantageous to the Town for the provision of Specialised Turf Maintenance, Herbicide Application and Turfing Services in accordance with the specifications as detailed in Tender No. 347/06.*

**COUNCIL DECISION ITEM 10.2.5**

**Moved Cr Ker, Seconded Cr Messina**

*That the recommendation be adopted.*

**CARRIED (8-0)**

(Cr Doran-Wu on approved leave of absence.)

**PURPOSE OF REPORT:**

The purpose of this report is to request the Council to approve the tender for the Provision of Specialised Turf Maintenance, Herbicide Application and Turfing Services, for a three (3) year period.

**BACKGROUND:**

On 26 July 2006 a tender was advertised for the Provision of Specialised Turf Maintenance, Herbicide Application and Turfing Services for a three (3) year period. At the close of the tender on Wednesday 9 August 2006 at 2.00pm, one (1) tender was received. Present at the opening were Purchasing /Contracts Officer, David Paull and Technical Services Support Officer, Tom Blankenburg.

**DETAILS:**

Details of the submission received are attached:

**Tender Evaluation**Selection Criteria

The following weighted criteria were used for the selection of the company to undertake the works as specified.

CRITERIA		WEIGHTING
1	Past experience in similar projects/works	25%
2	Organisational structure/capacity/resources	25%
3	Contract Price	25%
4	Compliance with Tender Specification	15%
5	Financial Capacity	5%
6	References	5%
<b>TOTAL:</b>		100%

Tender Evaluation Panel

The Tender Evaluation Panel consisted of the Executive Manager Technical Services, Rick Lotznicker, Executive Manager Corporate Services, Mike Rootsey and Manager Parks Services, Jeremy van den Bok.

Each tender was assessed using the above selection criteria in accordance with the tender documentation.

Tender Summary

Selection Criteria	Turfmaster Facility Management
Past experience in similar projects/works (25)	25
Organisational structure/capacity/resources (25)	25
Contract Price (25)	25
Compliance with Tender Specification (15)	13.5
Financial Capacity (5)	5
References (5)	5
<b>Total</b>	<b>98.5</b>
<b>Ranking</b>	<b>1</b>

Turfmaster Facility Management has held this contract with the Town for the past three (3) years and has provided an excellent service. In previous tender submissions their price structure was competitive with all other submissions, if not the lowest received.

Their current submission has provided prices that reflect an increase in line with Consumer Price Index (CPI) and, where applicable, material cost increases.

Turfmaster Facility Management provides similar services for many other local government authorities including the Town of Cambridge, City of Stirling, City of Perth and City of Gosnells.

**CONSULTATION/ADVERTISING:**

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

**LEGAL/POLICY:**

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

**STRATEGIC IMPLICATIONS:**

In accordance with Key Result Area One of Strategic Plan 2005-2010 – 1.4 Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment. *“f) Ensure the current and future efficient and effective use of the Town's parks, reserves and facilities and continue to design and implement infrastructure improvements for public open space. Develop Greenway to link together parks with ecology, arts recreation and culture.”*

**FINANCIAL/BUDGET IMPLICATIONS:**

Costs associated with specific works as outlined in the tender specification are charged against the respective parks and reserves maintenance accounts or, in the case of footpath/kerb spraying, this item is charged to the verge maintenance account.

The estimated annual value of this tender is \$85,000.

**COMMENTS:**

It is recommended that the Council accepts the tender submitted by Turfmaster Facility Management as being acceptable for the Provision of Specialised Turf Maintenance, Herbicide Application and Turfing Services in accordance with the specifications as detailed in Tender No. 347/06.

**10.2.6 Tender No. 342/06 – Clearing and Mowing of Specified Areas**

<b>Ward:</b>	Both	<b>Date:</b>	17 August 2006
<b>Precinct:</b>	All	<b>File Ref:</b>	TEN0351
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	J van den Bok		
<b>Checked/Endorsed by:</b>	R Lotznicker M Rootsey	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council ACCEPTS the tender submitted from B & M Industrial Horticulturists as being the most acceptable and advantageous to the Town for the provision of Clearing and Mowing of Specified Areas in accordance with the specifications detailed in tender No. 342/06.*

**COUNCIL DECISION ITEM 10.2.6**

**Moved Cr Ker, Seconded Cr Messina**

*That the recommendation be adopted.*

**CARRIED (8-0)**

**(Cr Doran-Wu on approved leave of absence.)**

**PURPOSE OF REPORT:**

The purpose of this report is to request the Council to approve the tender for Clearing and Mowing of Specified Areas, for a three (3) year period.

**BACKGROUND:**

On 26 July 2006 a tender was advertised for Clearing and Mowing of Specified Areas for a three (3) year period. At the close of the tender on Wednesday 9 August 2006 at 2.00pm, two (2) tenders were received. Present at the opening were Purchasing /Contracts Officer, David Paull, and Technical Services Support Officer, Tom Blankenburg.

**DETAILS:**

Tenders were received from the following companies: (All rates include GST)

**Clearing/Mowing Council Blocks/Rights of Way**

	<b>Carringtons WA</b>		<b>B&amp;M Industrial Horticulturists</b>	
	<b>Week Days Hourly Rates</b>	<b>Weekend Hourly Rates</b>	<b>Week Days Hourly Rates</b>	<b>Weekend Hourly Rates</b>
Labour (including plant)	\$155.00	\$175.00	\$90.00	\$97.50
Tipping Fees (cost per tonne)	\$65.00	\$65.00	\$28.00	\$28.00

**Clearing/Mowing of Council Verges**

	<b>Carringtons WA</b>		<b>B&amp;M Industrial Horticulturists</b>	
	Week Days Hourly Rates	Weekend Hourly Rates	Week Days Hourly Rates	Weekend Hourly Rates
Labour (including plant)	\$155.00	\$175.00	\$75.00	\$82.00
Tipping Fees (cost per tonne)	\$65.00	\$65.00	\$28.00	\$28.00

**Tender Evaluation**

Selection Criteria

The following weighted criteria were used for the selection of the company to undertake the works as specified.

<b>CRITERIA</b>		<b>WEIGHTING</b>
1	Past experience in similar projects/works	25%
2	Organisational structure/capacity/resources	25%
3	Contract Price	25%
4	Compliance with Tender Specification	15%
5	Financial Capacity	5%
6	References	5%
<b>TOTAL:</b>		100%

Tender Evaluation Panel

The Tender Evaluation Panel consisted of the Executive Manager Technical Services, Rick Lotznicker, Executive Manager Corporate Services, Mike Rootsey, and Manager Parks Services, Jeremy van den Bok.

Each tender was assessed using the above selection criteria in accordance with the tender documentation.

Tender Summary

<b>Selection Criteria</b>	<b>B &amp; M Industrial Horticulturists</b>	<b>Carringtons WA</b>
Past experience in similar projects/works (25)	25	25
Organisational structure/capacity/resources (25)	25	25
Contract Price (25)	25	12.5
Compliance with Tender Specification (15)	15	12.75
Financial Capacity (5)	4.5	5
References (5)	5	5
<b>Total</b>	<b>99.5</b>	<b>85.25</b>
<b>Ranking</b>	<b>1</b>	<b>2</b>

B & M Industrial Horticulturists have held this contract with the Town for the past three (3) years and have provided an excellent service. They are specifically set up for this type of work and their tender submission reflects their ability to undertake the requirements of the contract. B & M industrial horticulturists have provided the lowest prices and also undertake this type of work for other local government authorities including the Town of Cambridge.

Whilst Carringtons WA appear to have the resources to undertake the contract, they currently have had only one (1) contract for mowing with the Shire of Mundaring. The majority of their work involves traffic management for construction and road works

**CONSULTATION/ADVERTISING:**

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

**LEGAL/POLICY:**

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

**STRATEGIC IMPLICATIONS:**

In accordance with Key Result Area One of Strategic Plan 2005-2010 – 1.4 Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment.

**FINANCIAL/BUDGET IMPLICATIONS:**

Costs associated with Clearing and Mowing of Council blocks, Rights of way and Verges are charged against the respective maintenance accounts as and when required.

The annual estimated cost associated with the Clearing and Mowing of Council blocks, Rights of Way and Verges is dependant on seasonal conditions, however is in the vicinity of \$40,000 to \$50,000. In addition the contractor will be involved in the Seniors mowing service which has an annual budget allocation of \$40,000.

**COMMENTS:**

It is therefore recommended that the Council accepts the tender submitted by B & M Industrial Horticulturists as being acceptable for Clearing and Mowing of Specified Areas in accordance with the specifications as detailed in Tender No. 342/06.

**10.2.7 Tender No.352/06 – Pruning of Street Trees using Elevated Work Platforms**

<b>Ward:</b>	Both	<b>Date:</b>	17 August 2006
<b>Precinct:</b>	All	<b>File Ref:</b>	TEN0361
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	J. van den Bok		
<b>Checked/Endorsed by:</b>	R. Lotznicker; M. Rootsey	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council ACCEPTS the tender submitted from Erinbush Investments Pty Ltd as being the most acceptable and advantageous to the Town for the Pruning of Street Trees using Elevated Work Platforms in accordance with the specifications as detailed in tender No. 352/06.*

**COUNCIL DECISION ITEM 10.2.7**

**Moved Cr Ker, Seconded Cr Messina**

*That the recommendation be adopted.*

**CARRIED (8-0)**

**(Cr Doran-Wu on approved leave of absence.)**

**PURPOSE OF REPORT:**

The purpose of this report is to request the Council to approve the tender for Pruning of Street Trees using Elevated Work Platforms, for a three (3) year period.

**BACKGROUND:**

On 26 July 2006 a tender was advertised for the Pruning of Street Trees using Elevated Work Platforms for a three (3) year period. At the close of the tender on Wednesday 9 August 2006 at 2.00pm, two (2) tenders were received. Present at the opening were Purchasing /Contracts Officer, David Paull, and Technical Services Support Officer, Tom Blankenburg.

**DETAILS:**

Tenders were received from the following companies:

			<b>Erinbush Investments Pty Ltd</b>	<b>Classic Tree Services</b>
	DESCRIPTION		COST	COST
SCHEDULE (I)	Pruning operations for trees below power lines, including disposal of prunings. Specification Items 3.3 iv a), b), c), d), e), f).	per tree	\$33.00	\$34.10

			<b>Erinbush Investments Pty Ltd</b>	<b>Classic Tree Services</b>
	DESCRIPTION		COST	COST
SCHEDULE (II)	Pruning operations for trees not located below power lines, including disposal of prunings. Specification Items 3.3 iv b), d), e), f), g).	per tree	\$18.70	\$24.20
SCHEDULE (III)	Extra work as specified, including disposal of prunings	per hour	\$132.00	\$297.00

### **Tender Evaluation**

#### Selection Criteria

The following weighted criteria was used for the selection of the company to undertake the works as specified.

CRITERIA		WEIGHTING
1	Past experience in similar projects/works	25%
2	Organisational structure/capacity/resources	25%
3	Contract Price	25%
4	Compliance with Tender Specification	15%
5	Financial Capacity	5%
6	References	5%
<b>TOTAL:</b>		100%

#### Tender Evaluation Panel

The Tender Evaluation Panel consisted of the Executive Manager Technical Services, Rick Lotznicker, Executive Manager Corporate Services, Mike Rootsey, and Manager Parks Services, Jeremy van den Bok.

Each tender was assessed using the above selection criteria in accordance with the tender documentation.

#### Tender Summary

Selection Criteria	Erinbush Investments	Classic Tree Services
Past experience in similar projects/works (25)	25	25
Organisational structure/capacity/resources (25)	25	23.75
Contract Price (25)	25	22.17
Compliance with Tender Specification (15)	13.5	12.75
Financial Capacity (5)	4.5	4.5
References (5)	5	5
<b>Total</b>	<b>98</b>	<b>93.17</b>
<b>Ranking</b>	<b>1</b>	<b>2</b>

Erinbush Investments Pty Ltd has held this contract with the Town for the past six (6) years and has provided a satisfactory service. They have provided the lowest prices for every component of the tender and their submission reflects their capacity to undertake the works required.

The company has been involved in street tree pruning for many years and has held contracts with numerous local authorities including the City of Stirling, City of Melville, City of Belmont and City of Canning.

Classic Tree Services also holds similar contracts with other local authorities including the Town of Cambridge and City of Stirling.

Meetings will be held with the successful contractor on a regular basis to review street tree pruning operations and to discuss any problems that arise.

**CONSULTATION/ADVERTISING:**

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

**LEGAL/POLICY:**

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

**STRATEGIC IMPLICATIONS:**

In accordance with Key Result Area One of Strategic Plan 2005-2010 – 1.4 Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment.

**FINANCIAL/BUDGET IMPLICATIONS:**

Costs associated with Street tree pruning are charged to the Street Tree budget and amount to approximately \$165,000 per year.

**COMMENTS:**

It is recommended that the Council accepts the tender submitted by Erinbush Investments Pty Ltd as being the most acceptable for the Pruning of Street Trees using Elevated Work Platforms in accordance with the specifications as detailed in Tender No. 352/06.

**10.2.8 Tender No. 343/06 – Construction of Groundwater Bores**

<b>Ward:</b>	Both	<b>Date:</b>	17 August 2006
<b>Precinct:</b>	All	<b>File Ref:</b>	TEN0352
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	J van den Bok		
<b>Checked/Endorsed by:</b>	R Lotznicker; M Rootsey	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council ACCEPTS the tender submitted from R.B.M. Drilling as being the most acceptable and advantageous to the Town for the Construction of Groundwater Bores in accordance with the specifications detailed in tender No. 343/06.*

**COUNCIL DECISION ITEM 10.2.8**

**Moved Cr Ker, Seconded Cr Messina**

*That the recommendation be adopted.*

**CARRIED (8-0)**

(Cr Doran-Wu on approved leave of absence.)

**PURPOSE OF REPORT:**

The purpose of this report is to request the Council to approve the tender for the Construction of Groundwater Bores.

**BACKGROUND:**

On 26 July 2006 a tender was advertised for Construction of Groundwater Bores for a three (3) year period. At the close of the tender on Wednesday 9 August 2006 at 2.00pm, two (2) tenders were received. Present at the opening were Purchasing /Contracts Officer, David Paull, and Technical Services Support Officer, Tom Blankenburg.

**DETAILS:**

Tenders were received from the following companies:

<b>RBM Drilling</b>		<b>Rotary Rig – Using Bore Casing Sizes</b>			
		<b>80mm</b>	<b>100mm</b>	<b>155mm</b>	<b>200mm</b>
<b>Item</b>	<b>Description</b>				
1	Mobilisation and Demobilisation	\$440.00	\$440.00	\$440.00	\$440.00
2	Drilling cost per metre	\$77.00	\$88.00	\$121.00	\$155.00
3	Casing cost per metre Class 12 installed	\$13.00	\$17.00	\$40.00	\$85.00
4	Screen cost per metre in line installed	\$84.00	\$190.00	\$240.00	\$350.00
5	PVC Screen adaptors and fittings fitted	\$50.00	\$120.00	\$290.00	\$380.00

6	Gravel packing per 25kg bag installed	\$12.00	\$12.00	\$12.00	\$12.00
7	Development of bore	\$100.00 / hr	\$110.00 / hr	\$150.00 / hr	\$150.00 / hr
8	Setting of test pump	\$120.00	\$120.00	\$500.00	\$500.00
9	Test pumping per hr	\$80.00 / hr	\$80.00 / hr	\$110.00 / hr	\$110.00 / hr
10	Air free water sample and analysis	\$110.00	\$110.00	\$110.00	\$110.00
11	Chlorination of bore	\$50.00	\$80.00	\$100.00	\$120.00
12	Clean up and capping of bore	\$110.00	\$120.00	\$200.00	\$200.00
13	Safety bunting around site	\$110.00	\$100.00	\$100.00	\$100.00

<b>P Rond &amp; Co.</b>		<b>Rotary Rig – Using Bore Casing Sizes</b>			
<b>Item</b>	<b>Description</b>	<b>80mm</b>	<b>100mm</b>	<b>155mm</b>	<b>200mm</b>
1	Mobilisation and Demobilisation	\$330.00	\$330.00	\$330.00	\$330.00
2	Drilling cost per metre	\$82.50	\$93.00	\$121.00	\$143.00
3	Casing cost per metre Class 12 installed	\$15.40	\$22.00	\$50.60	\$77.00
4	Screen cost per metre in line installed	\$165.00	\$176.00	\$237.60	\$288.20
5	PVC Screen adaptors and fittings fitted	\$200.00	\$253.00	\$385.00	\$550.00
6	Gravel packing per 25kg bag installed	\$11.00	\$11.00	\$11.00	\$11.00
7	Development of bore	\$110.00	\$132.00	\$143.00	\$143.00
8	Setting of test pump	\$418.00	\$418.00	\$440.00	\$440.00
9	Test pumping per hour	\$121.00	\$121.00	\$132.00	\$132.00
10	Air free water sample and analysis	\$132.00	\$132.00	\$132.00	\$132.00
11	Chlorination of bore	\$88.00	\$88.00	\$88.00	\$88.00
12	Clean up and capping of bore	\$220.00	\$220.00	\$220.00	\$220.00
13	Safety bunting around site	\$330.00	\$330.00	\$330.00	\$330.00

Note: All rates include GST

- 1) Drilling fluids for 80mm & 100mm bores = \$110.00 total
- 2) Drilling fluids for 155mm & 200mm = \$220.00 total
- 3) Make up water (hydrant hire & water) \$220.00 / hole total

**Tender Evaluation**Selection Criteria

The following weighted criteria were used for the selection of the company to undertake the works as specified.

CRITERIA		WEIGHTING
1	Past experience in similar projects/works	25%
2	Organisational structure/capacity/resources	25%
3	Contract Price	25%
4	Compliance with Tender Specification	15%
5	Financial Capacity	5%
6	References	5%
<b>TOTAL:</b>		100%

Tender Evaluation Panel

The Tender Evaluation Panel consisted of the Executive Manager Technical Services, Rick Lotznicker, Executive Manager Corporate Services, Mike Rootsey, and Manager Parks Services, Jeremy van den Bok.

Each tender was assessed using the above selection criteria in accordance with the tender documentation.

Tender Summary

Selection Criteria	RBM Drilling	P Rond & Co.
Past experience in similar projects/works (25)	25	25
Organisational structure/capacity/resources (25)	25	25
Contract Price (25)	25	23.11
Compliance with Tender Specification (15)	15	12.75
Financial Capacity (5)	5	4.25
References (5)	5	5
<b>Total</b>	<b>100</b>	<b>95.11</b>
<b>Ranking</b>	<b>1</b>	<b>2</b>

The Town's previous contractor has recently retired and none of the above contractors have been used by the Town as part of previous contracts involving groundwater bores.

Both companies have reflected in their respective submissions that they have the capacity, experience and resources to undertake the works as specified. In addition both companies hold similar contracts with the City of Canning and recently have been given the contract at the City of Stirling. Reference checks on both P Rond & Co and RBM Drilling are faultless and come with high recommendations.

The tender evaluation panel was provided with example bores of various diameters within the Town and given the specifications and costs provided RBM Drilling came in slightly cheaper overall, however, their was very little between the two in considering of the pricing structure required.

The tender submission provided by RBM Drilling was extremely comprehensive and addressed all the selection criteria.

**CONSULTATION/ADVERTISING:**

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

**LEGAL/POLICY:**

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

**STRATEGIC IMPLICATIONS:**

In accordance with Key Result Area One of Strategic Plan 2005-2010 – 1.4 Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment.

**FINANCIAL/BUDGET IMPLICATIONS:**

Costs associated with Construction of Groundwater Bores are charged to the respective Park or Reserve as and when required or in the case of a new park being developed the appropriate Capital Works project account.

The annual cost of the Construction of Groundwater Bores is difficult to determine as this is dependant how many new bores are constructed or how many existing bores fail and require reconstruction.

On average over the past four (4) years 1 existing 200mm bore has required reconstruction at a total cost of \$15,000 and one (1) new 80mm domestic bore has been constructed at a total cost of \$4,000.

**COMMENTS:**

It is recommended that the Council accepts the tender submitted by R.B.M. Drilling as being acceptable for Construction of Groundwater bores in accordance with the specifications as detailed in Tender No. 343/06.

**10.2.9 Tender No. 344/06 – Maintenance of Bores, Pumps and Associated Works**

<b>Ward:</b>	Both	<b>Date:</b>	17 August 2006
<b>Precinct:</b>	All	<b>File Ref:</b>	TEN0353
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	J van den Bok		
<b>Checked/Endorsed by:</b>	R Lotznicker; M Rootsey	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council ACCEPTS the tender submitted from K.S. Black (WA) Pty Ltd as being the most acceptable and advantageous to the Town for the Maintenance of Bores, Pumps and associated works in accordance with the specifications detailed in tender No. 344/06.*

**COUNCIL DECISION ITEM 10.2.9**

**Moved Cr Ker, Seconded Cr Messina**

*That the recommendation be adopted.*

**CARRIED (8-0)**

(Cr Doran-Wu on approved leave of absence.)

**PURPOSE OF REPORT:**

The purpose of this report is to request the Council to approve the tender for the Maintenance of Bores, Pumps and associated works, for a three (3) year period.

**BACKGROUND:**

On 26 July 2006 a tender was advertised for the Maintenance of Bores, Pumps and Associated Works for a three (3) year period. At the close of the tender on Wednesday 9 August 2006 at 2.00pm, two (2) tenders were received. Present at the opening were Purchasing /Contracts Officer, David Paull, and Technical Services Support Officer, Tom Blankenburg.

**DETAILS:**

Tenders were received from the companies shown on attachment 10.2.9.

**Tender Evaluation**

**Selection Criteria**

The following weighted criteria were used for the selection of the company to undertake the works as specified.

	<b>CRITERIA</b>	<b>WEIGHTING</b>
1	Past experience in similar projects/works	25%
2	Organisational structure/capacity/resources	25%
3	Contract Price	25%
4	Compliance with Tender Specification	15%
5	Financial Capacity	5%
6	References	5%
	<b>TOTAL:</b>	100%

Tender Evaluation Panel

The Tender Evaluation Panel consisted of the Executive Manager Technical Services, Rick Lotznicker, Executive Manager Corporate Services, Mike Rootsey, and Manager Parks Services, Jeremy van den Bok.

Each tender was assessed using the above selection criteria in accordance with the tender documentation.

Tender Summary

<b>Selection Criteria</b>	<b>K.S. Black (WA) Pty Ltd</b>	<b>Hydro Engineering</b>
Past experience in similar projects/works (25)	25	25
Organisational structure/capacity/resources (25)	25	25
Contract Price (25)	25	23.35
Compliance with Tender Specification (15)	12.75	9
Financial Capacity (5)	4.25	4.25
References (5)	5	5
<b>Total</b>	<b>97</b>	<b>91.6</b>
<b>Ranking</b>	<b>1</b>	<b>2</b>

The maintenance of bores and pumps is undertaken in accordance with the Town's adopted program. From time to time bores/pumps do fail and require works to rectify specific problems outside of the formalised program.

The pricing structure requested requires an initial cost for each respective park/reserve which involves removing the pump, pulling it apart, assessing it, providing a report and then re-installing it after repairs have been undertaken.

K S Black has provided the lowest costs over this portion of the tender. K S Black have also provided a 5% discount on the list price of pump parts which can achieve a several hundred dollar saving when repairing an average sized pump.

The bore maintenance component of the tender involves chemical treatment of the bore to remove scale, iron bacteria etc and then usually air surging the bore hole for up to ten (10) hours. The tender evaluation panel was provided with several (examples) scenarios for specific parks where this work is undertaken and K S Black Pty Ltd was identified as the cheapest option for the requirements.

The tender submissions from both companies were comprehensive and demonstrate they have adequate resources to undertake the works and both K S Black (WA) Pty Ltd and Hydro-Engineering hold similar contracts with other local government authorities.

**CONSULTATION/ADVERTISING:**

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

**LEGAL/POLICY:**

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

**STRATEGIC IMPLICATIONS:**

In accordance with Key Result Area One of Strategic Plan 2005-2010 – 1.4 Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment.

**FINANCIAL/BUDGET IMPLICATIONS:**

Costs associated with the Maintenance of Bores and Pumps are charged to the respective parks, reserves maintenance accounts and cannot be determined exactly until each bore/pump is assessed after inspection.

The estimated annual costs for the maintenance of bores and pumps have been endorsed by the Council - Pump/Motor and Bore Maintenance Program at its Ordinary Meeting held on 11 February 2003

For the 2006/07 financial year the estimated costs associated with this work (as per the program) is \$93,500 and in 2007/08 the costs are estimated at \$72,000.

**COMMENTS:**

It is recommended that the Council accepts the tender submitted by K.S. Black (WA) Pty Ltd as being the most acceptable for the Maintenance of Bores, Pumps and associated works in accordance with the specifications as detailed in Tender No. 344/06.

**10.2.10 Tender No. 345/06 – Supply and Installation of Submersible Pumps**

<b>Ward:</b>	Both	<b>Date:</b>	17 August 2006
<b>Precinct:</b>	All	<b>File Ref:</b>	TEN0354
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	J van den Bok		
<b>Checked/Endorsed by:</b>	R Lotznicker; M Rootsey	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council ACCEPTS the tender submitted from Western Irrigation as being the most acceptable and advantageous to the Town for the Supply and Installation of Submersible Pumps in accordance with the specifications as detailed in tender No. 345/06.*

**COUNCIL DECISION ITEM 10.2.10**

**Moved Cr Ker, Seconded Cr Messina**

*That the recommendation be adopted.*

**CARRIED (8-0)**

**(Cr Doran-Wu on approved leave of absence.)**

**PURPOSE OF REPORT:**

The purpose of this report is to request the Council to approve the tender for the Supply and Installation of Submersible Pumps for a three (3) year period.

**BACKGROUND:**

On 26 July 2006 a tender was advertised for the Supply and Installation of Submersible Pumps for a three (3) year period. At the close of the tender on Wednesday 9 August 2006 at 2.00pm, three (3) tenders were received. Present at the opening were Purchasing /Contracts Officer, David Paull, and Technical Services Support Officer, Tom Blankenburg.

**DETAILS:**

Tenders received from the companies are shown on attachment 10.2.10.

**Tender Evaluation**

**Selection Criteria**

The following weighted criteria were used for the selection of the company to undertake the works as specified.

	<b>CRITERIA</b>	<b>WEIGHTING</b>
1	Past experience in similar projects/works	25%
2	Organisational structure/capacity/resources	25%
3	Contract Price	25%
4	Compliance with Tender Specification	15%
5	Financial Capacity	5%
6	References	5%
	<b>TOTAL:</b>	100%

### Tender Evaluation Panel

The Tender Evaluation Panel consisted of the Executive Manager Technical Services, Rick Lotznicker, Executive Manager Corporate Services, Mike Rootsey, and Manager Parks Services, Jeremy van den Bok.

Each tender was assessed using the above selection criteria in accordance with the tender documentation.

### Tender Summary

<b>Selection Criteria</b>	<b>Western Irrigation</b>	<b>Hydro Engineering</b>	<b>Stirling Irrigation</b>
Past experience in similar projects/works (25)	25	25	25
Organisational structure/capacity/resources (25)	25	23.75	25
Contract Price (25)	24.98	25	21.39
Compliance with Tender Specification (15)	15	11.25	12.75
Financial Capacity (5)	5	4.25	4.25
References (5)	5	5	5
<b>Total</b>	<b>99.98</b>	<b>94.25</b>	<b>93.39</b>
<b>Ranking</b>	<b>1</b>	<b>2</b>	<b>3</b>

All tenderers have demonstrated that they have the ability, resources and capacity to undertake the requirements of the specification. In addition all tenderers have similar contracts with other local government authorities.

Both Hydro-Engineering and Western Irrigation have contracts with the City of Stirling and Stirling Irrigation has provided submersible pumps for major irrigation projects throughout the metropolitan area.

Western Irrigation currently holds this contract with the Town and has provided an excellent service. Their tender submission is comprehensive, they have provided competitive prices and, whilst they have not provided the lowest prices overall, they have provided the lowest price in the most commonly used pump type within the Town of Vincent.

### CONSULTATION/ADVERTISING:

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

### LEGAL/POLICY:

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

### STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of Strategic Plan 2005-2010 – 1.4 Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment.

**FINANCIAL/BUDGET IMPLICATIONS:**

Costs associated with the supply and installation of submersible pumps are charged against the respective parks and reserves maintenance accounts or individual capital works projects as and when required.

The total estimated cost of this contract on an annual basis is difficult to determine and is dependant on the condition of the pumps when they are brought to the surface and inspected. Submersible pumps can last up to 15 years with regular servicing every 3 to 5 years dependant on water quality.

On average over the past five (5) years the Town has fully replaced two (2) pumps out of our total of Fifty Seven (57) and has installed at least one (1) new bore/pump per year. This has amounted to approximately \$25,000 per year.

**COMMENTS**

It is recommended that the Council accepts the tender submitted by Western Irrigation as being acceptable for Supply and Installation of Submersible Pumps in accordance with the specifications as detailed in Tender No. 345/06.

**10.2.11 Tender No. 349/06 – Supply and Delivery of Sand**

<b>Ward:</b>	Both	<b>Date:</b>	25 August 2006
<b>Precinct:</b>	All	<b>File Ref:</b>	TEN0358
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	J. van den Bok, C Economo		
<b>Checked/Endorsed by:</b>	M. Rootsey R Lotznicker	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) **REJECTS** the tender submitted by Readymix for the Supply and Delivery of Sand due to the tender specification not being fully complied with; and
- (ii) **RE-ADVERTISES** a tender for the supply of sand.

**COUNCIL DECISION ITEM 10.2.11**

**Moved Cr Ker, Seconded Cr Messina**

*That the recommendation be adopted.*

**CARRIED (8-0)**

**(Cr Doran-Wu on approved leave of absence.)**

**PURPOSE OF REPORT:**

The purpose of this report is to request the Council to reject the tender for the Supply and Delivery of Sand and recall tenders.

**BACKGROUND:**

On 26 July 2006 a tender was advertised for the Supply and Delivery of Sand for a three (3) year period. At the close of the tender on Wednesday 9 August 2006 at 2.00pm, one (1) tender was received. Present at the opening were Purchasing /Contracts Officer, David Paull and Technical Services Support Officer, Tom Blankenburg.

**DETAILS:**

Details of the submission received is as follows:

**READYMIX**

	<b>Description</b>	<b>Land Sand yellow (Screened) \$/tonne</b>	<b>Fill Sand Yellow (Un-screened) \$/tonne</b>	<b>Bricklayers Sand (Screened) \$/tonne</b>	<b>Washed White Sand (Screened) \$/tonne</b>
1	Supply and Deliver to Town of Vincent Works Depot located at :  1 Linwood Court Osborne Park WA 6017	\$15.60	/	\$15.60	\$17.80

	Description	Land Sand yellow (Screened) \$/tonne	Fill Sand Yellow (Un-screened) \$/tonne	Bricklayers Sand (Screened) \$/tonne	Washed White Sand (Screened) \$/tonne
2	Supply onto Town's vehicle - ex pit	\$9.90	/	\$9.90	\$12.10
3	Supply and deliver anywhere within the Town of Vincent	\$15.60	/	\$15.60	\$17.80
4.	Location of Quarry	Dollier Rd, Jandakot			

**Officers Comments**

The tender submitted by Readymix does not include a price for yellow (fill sand). The Town uses a significant quantity (1873 tonnes in 2005/06) of this material and a price was specifically requested for this item.

Section 2.2 of the tender Selection Criteria states that:

*The prime consideration in the evaluation of received tenders is to be the tender that clearly demonstrates an understanding of the task and represents the best value for money in the Towns opinion.*

*Failure to adequately address all the criteria may result in your offer being eliminated form further consideration.*

Section 2.10 of the tender, Lodgement of Tenders states that:

*Any tender may be rejected which does not comply with the requirements of the specification or of these Conditions of Tendering or which contains provisions not required by the tender documents.*

The Town is not bound to accept the lowest tender and may reject any or all tenders submitted.

**CONSULTATION/ADVERTISING:**

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

**LEGAL/POLICY:**

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

**STRATEGIC IMPLICATIONS:**

In accordance with Key Result Area One of Strategic Plan 2005-2010 – 1.4 Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil

**COMMENTS:**

Therefore for the reasons outlined in the report it is recommended that the Council rejects the tender submitted by Readymix for the Supply and Delivery of Sand and that tenders be recalled.

**10.2.12 Tender No 350/06 – Supply and Delivery of Clay Pavers**

<b>Ward:</b>	Both	<b>Date:</b>	22 August 2006
<b>Precinct:</b>	All	<b>File Ref:</b>	TEN 0359
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	J van den Bok; C Economo		
<b>Checked/Endorsed by:</b>	M Rootsey R Lotznicker	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council ACCEPTS the tender from Midland Brick as being the most acceptable and advantageous to the Town for the Supply and Delivery of Clay Pavers in accordance with the specifications as detailed in Tender No. 350/06.*

**COUNCIL DECISION ITEM 10.2.12**

**Moved Cr Ker, Seconded Cr Messina**

*That the recommendation be adopted.*

**CARRIED (8-0)**

**(Cr Doran-Wu on approved leave of absence.)**

**PURPOSE OF REPORT:**

The purpose of this report is to request the Council to approve the tender for the Supply and Delivery of Clay Pavers, for a three (3) year period.

**BACKGROUND:**

On 26 July 2006 a tender was advertised for the Supply and Delivery of Clay Pavers for a three (3) year period. At the close of the tender on Wednesday 9 August 2006 at 2.00pm, one (1) tender was received. Present at the opening were Purchasing /Contracts Officer, David Paull and Technical Services Support Officer, Tom Blankenburg.

**DETAILS:**

Details for the submission received are as follows: (Prices include GST)

**Midland Brick**

	ITEM	UNIT	RATE
<b>1.0</b>	<b>HEAVY DUTY (232 x 115 x 60 mm)**</b>		
1.1	Delivered to Town's Depot at 1 Linwood Court, Osborne Park	Per 1000	\$583.00
1.2	Loaded on to Town's Truck	Per 1000	\$525.00
<b>2.0</b>	<b>HIGH PERFORMANCE (232 x 115 x 76 mm)**</b>		
2.1	Delivered to Town's Depot at 1 Linwood Court, Osborne Park	Per 1000	\$781.00
2.2	Loaded onto Town's Truck	Per 1000	\$702.00
<b>3.0</b>	<b>CREAM / CHARCOAL HEAVY DUTY (232 x 115 x 60 mm)</b>		
3.1	Delivered to Town's Depot at 1 Linwood Court, Osborne Park	Per 1000	\$567.00
3.2	Loaded onto Town's Truck	Per 1000	\$508.00

<b>4.0</b>	<b>CREAM / CHARCOAL HIGH PERFORMANCE ( 232 x 115 x 76 mm)</b>		
4.1	Delivered to Town's Depot at 1 Linwood Court, Osborne Park	Per 1000	\$737.00
4.2	Loaded onto Town's Truck	Per 1000	\$658.00
<b>5.0</b>	<b>COMMON CORED BRICKS</b>		
5.1	Delivered to Town's Depot at 1 Linwood Court, Osborne Park	Per 1000	\$578.00
5.2	Loaded onto Town's Truck	Per 1000	\$525.00

### Tender Evaluation

#### Selection Criteria

The following weighted criteria was used for the selection of the company to undertake the works as specified.

CRITERIA		WEIGHTING
1.	Past experience in similar projects/works	25%
2.	Organisational structure/capacity/resources	25%
3.	Contract Price	25%
4.	Compliance with Tender Specification	15%
5.	Financial Capacity	5%
6.	References	5%
<b>TOTAL</b>		<b>100%</b>

#### Tender Evaluation Panel

The Tender Evaluation Panel consisted of the Executive Manager Technical Services, Rick Lotznicker, Executive Manager Corporate Services, Mike Rootsey and Manager Parks Services, Jeremy van den Bok.

Each tender was assessed using the above selection criteria in accordance with the tender documentation.

#### Tender Summary

Selection Criteria	Midland Brick
Past experience in similar projects/works (25)	25
Organisational structure/capacity/resources (25)	25
Contract Price (25)	25
Compliance with Tender Specification (15)	13.5
Financial Capacity (5)	3.75
References (5)	5
<b>Total</b>	<b>97.25</b>
<b>Ranking</b>	<b>1</b>

Midland Brick have held this contract with the Town over the past three (3) years and have provided satisfactory service and a quality product. Their bricks are predominantly used as the preferred paving with the recent streetscape upgrades undertaken throughout the Town.

The advantage of Midland Clay Pavers is that the bricks are double faced, which results in less wastage and easier and quicker laying. In addition, over time the bricks can simply be flipped over, resulting in a near new paved surface.

**CONSULTATION/ADVERTISING:**

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

**LEGAL/POLICY:**

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

**STRATEGIC IMPLICATIONS:**

In accordance with Key Result Area One of Strategic Plan 2005-2010 – 1.4 Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment.

**FINANCIAL/BUDGET IMPLICATIONS:**

Costs associated with the supply and laying of clay pavers are charged against the respective capital works or footpath maintenance account as and when required.

The total value of this tender (per annum) is estimated at \$80,000, however, this is dependant on what projects are included in the capital works budget.

**COMMENTS:**

It is recommended that the Council accepts the tender submitted by Midland Brick as being acceptable for the Supply and Delivery of Clay Pavers in accordance with the specifications as detailed in Tender No. 350/06.

**10.2.13 Tender No.348/06 – Supply and Delivery of Limestone**

<b>Ward:</b>	Both	<b>Date:</b>	29 August 2006
<b>Precinct:</b>	All	<b>File Ref:</b>	TEN0357
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	J van den Bok; C Economo		
<b>Checked/Endorsed by:</b>	M Rootsey R Lotznicker	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council ACCEPTS the tender submitted from W.A. Limestone as being the most acceptable and advantageous to the Town for the Supply and Delivery of Limestone in accordance with the specifications detailed in tender No. 348/06.*

**COUNCIL DECISION ITEM 10.2.13**

**Moved Cr Ker, Seconded Cr Messina**

*That the recommendation be adopted.*

**CARRIED (8-0)**

**(Cr Doran-Wu on approved leave of absence.)**

**PURPOSE OF REPORT:**

The purpose of this report is to request the Council to approve the tender for the Supply and Delivery of Limestone, for a three (3) year period.

**BACKGROUND:**

On 26 July 2006 a tender was advertised for the Supply and Delivery of Limestone for a three (3) year period. At the close of the tender on Wednesday 9 August 2006 at 2.00pm, Two (2) tenders were received. Present at the opening were Purchasing /Contracts Officer, David Paull, and Technical Services Support Officer, Tom Blankenburg.

**DETAILS:**

Tenders were received from the following companies:

	DESCRIPTION	WA Limestone		Readymix	
		\$/Tonne Including GST		\$/Tonne Including GST	
		Type A	Type B	Type A	Type B
1	Supply and Deliver to: Town of Vincent Depot 1 Linwood Court Osborne Park 6017	\$9.90	\$15.40	\$13.95 Via Semi Tippers	\$16.70 Via Semi Tippers
2	Supply onto Town's vehicle - ex pit	\$4.95	\$10.45	\$7.15	\$9.90

		WA Limestone		Readymix	
		\$/Tonne Including GST		\$/Tonne Including GST	
	DESCRIPTION	Type A	Type B	Type A	Type B
3	Supply and deliver anywhere within the Town of Vincent	\$10.67	\$16.17	\$13.95 Via Semi Tippers	\$16.70 Via Semi Tippers
4.	Location of Quarry	Flynn Drive, Neerabup		Postans Road, Hope Valley	

Note: Type A = 75mm  
Type B = 19mm

### Tender Evaluation

#### Selection Criteria

The following weighted criteria were used for the selection of the company to undertake the works as specified.

CRITERIA		WEIGHTING
1	Past experience in similar projects/works	25%
2	Organisational structure/capacity/resources	25%
3	Contract Price	25%
4	Compliance with Tender Specification	15%
5	Financial Capacity	5%
6	References	5%
<b>TOTAL:</b>		100%

#### Tender Evaluation Panel

The Tender Evaluation Panel consisted of the Executive Manager Technical Services, Executive Manager Corporate Services, Mike Rootsey, Manager Parks Services, Jeremy van den Bok, and the Co- Coordinator Engineering Services, Con Economo.

Each tender was assessed using the above selection criteria in accordance with the tender documentation.

#### Tender Summary

Selection Criteria	WA Limestone	Readymix
Past experience in similar projects/works (25%)	25	25
Organisational structure/capacity/resources (25%)	25	25
Contract Price (25%)	25	21.55
Compliance with Tender Specification (15%)	13.5	15
Financial Capacity (5%)	4.25	5
References (5%)	5	5
<b>Total</b>	<b>97.75</b>	<b>96.55</b>
<b>Ranking</b>	<b>1</b>	<b>2</b>

Both W.A. Limestone and Readymix have the past experience and capacity to undertake this contract, however, W.A. Limestone has provided the lowest prices in all of the above items requested.

W.A. Limestone has held this contract with the Town for the past three (3) years and the service and product they supply has been more than satisfactory.

**CONSULTATION/ADVERTISING:**

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

**LEGAL/POLICY:**

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

**STRATEGIC IMPLICATIONS:**

In accordance with Key Result Area One of Strategic Plan 2005-2010 – 1.4 Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment. *"b) Continue to develop, enhance and implement annual footpath, rights of way, road rehabilitation and upgrade programs."*

**FINANCIAL/BUDGET IMPLICATIONS:**

Costs associated with the supply and delivery of limestone is charged to a specific capital works project or the road maintenance account as and when required.

The total cost of supply and delivery of limestone within the Town varies from year to year dependant on what road rehabilitation projects are specified in the annual budget. During the 2005/06 financial year a total of about \$25,000 was required for the supply and delivery of limestone throughout the Town.

**COMMENTS:**

It is therefore recommended that the Council accepts the tender submitted by W.A. Limestone as being the most acceptable for the Supply and Delivery of Limestone in accordance with the specifications as detailed in Tender No. 348/06.

**10.2.14 Tender No. 340/06 – Installation of Signs**

<b>Ward:</b>	Both	<b>Date:</b>	4 September 2006
<b>Precinct:</b>	All	<b>File Ref:</b>	TEN0362
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	J van den Bok		
<b>Checked/Endorsed by:</b>	M Rootsey R Lotznicker	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council ACCEPTS the tenders submitted by Sam's Repairs and Maintenance, Carrington's Traffic Services and Linemarking Specialists as being the most acceptable and advantageous to the Town for the Installation of Signage in accordance with the specifications detailed in Tender No. 340/06.*

**COUNCIL DECISION ITEM 10.2.14**

**Moved Cr Ker, Seconded Cr Messina**

*That the recommendation be adopted.*

**CARRIED (8-0)**

**(Cr Doran-Wu on approved leave of absence.)**

**PURPOSE OF REPORT:**

The purpose of this report is to request the Council to approve the tender for the Installation of Signage for a three (3) year period.

**BACKGROUND:**

On 2 August 2006 a tender was advertised for the Installation of Signage for a three (3) year period. At the close of the tender on Wednesday 16 August 2006 at 2.00pm, four (4) tenders were received. Present at the opening were Purchasing /Contracts Officer, David Paull and Ranger, Russell Edwards.

**DETAILS:**

Tenders were received from the companies shown on attachment 10.2.14.

**Tender Evaluation**

Selection Criteria

The following weighted criteria were used for the selection of the company to undertake the works as specified.

CRITERIA		WEIGHTING
1	Past experience in similar projects/works	25%
2	Organisational structure/capacity/resources	25%
3	Contract Price	25%

CRITERIA		WEIGHTING
4	Compliance with Tender Specification	15%
5	Financial Capacity	5%
6	References	5%
<b>TOTAL:</b>		100%

Tender Evaluation Panel

The Tender Evaluation Panel consisted of the Executive Manager Technical Services Executive, Manager Corporate Services-Mike Rootsey, Manager Parks Services-Jeremy van den Bok and the Co- Coordinator Engineering Services-Con Economo.

Each tender was assessed using the above selection criteria in accordance with the tender documentation.

Tender Summary

Selection Criteria	Sam's Repairs & Maintenance	Carrington's Traffic Services	Linemarking Specialists	Parkonsult
Past experience in similar projects/works (25)	25	25	25	20
Organisational structure/capacity/resources (25)	21.25	25	25	25
Contract Price (25)	25	20.5	24.64	23
Compliance with Tender Specification (15)	15	15	9.75	9.75
Financial Capacity (5)	5	4.25	3.75	4.25
References (5)	4	5	5	5
<b>Total</b>	<b>95.25</b>	<b>94.75</b>	<b>93.14</b>	<b>87</b>
<b>Ranking</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>

The Town has previously used the services of Sam's Repairs and Maintenance, Carrington's Traffic Services and Linemarking Specialists for the installation of signs at various times and for specific projects. All three (3) companies have the capacity to undertake the works required and have done so previously to a satisfactory standard.

Parkonsult specialise mainly in the maintenance and installation of ticketing machines and they have been involved with the installation of some signage at the City of Subiaco.

It is recommended that a panel of three companies be awarded this tender, with Sam's Repairs and Maintenance and Linemarking Specialists given the smaller projects and Carrington's Traffic Services used for the larger bulk sign replacement programs.

**CONSULTATION/ADVERTISING:**

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

**LEGAL/POLICY:**

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

**STRATEGIC IMPLICATIONS:**

In accordance with Key Result Area One of Strategic Plan 2005-2010 – 1.4 Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment. *“b) Continue to develop, enhance and implement annual footpath, rights of way, road rehabilitation and upgrade programs.”*

**FINANCIAL/BUDGET IMPLICATIONS:**

Costs associated with the Installation of Signage are charged to a specific capital works projects or various maintenance accounts as and when required.

The total cost of the installation of signage within the Town varies from year to year however it is estimated that \$30,000 to \$50,000 is spent annually on the replacement of existing and the installation of new signage.

**COMMENTS:**

It is recommended that the Council accepts the tenders submitted by Sam's Repairs and Maintenance, Carrington's Traffic Services and Linemarking Specialists as being the most acceptable for the Installation of Signage in accordance with the specifications as detailed in Tender No. 340/06.

**10.2.15 Tender No. 339/06 – Manufacture and Supply of Signage**

<b>Ward:</b>	Both	<b>Date:</b>	29 August 2006
<b>Precinct:</b>	All	<b>File Ref:</b>	TEN0349
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	J. van den Bok		
<b>Checked/Endorsed by:</b>	M. Rootsey	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council ACCEPTS the tenders submitted by Sunny Sign Company and Road Safety Shop as being the most acceptable and advantageous to the Town for the Manufacture and Supply of Signage in accordance with the specifications as detailed in tender No. 339/06.*

**COUNCIL DECISION ITEM 10.2.15**

**Moved Cr Ker , Seconded Cr Messina**

*That the recommendation be adopted.*

**CARRIED (8-0)**

**(Cr Doran-Wu on approved leave of absence.)**

**PURPOSE OF REPORT:**

The purpose of this report is to request the Council to approve the tender for the Manufacture and Supply of Signage for a three (3) year period.

**BACKGROUND:**

On 26 July 2006 a tender was advertised for the Manufacture and Supply of Signage for a three (3) year period. At the close of the tender on Wednesday 9 August 2006 at 2.00pm, Two (2) tenders were received. Present at the opening were Purchasing /Contracts Officer, David Paull, and Technical Services Support Officer, Tom Blankenburg.

**DETAILS:**

Tenders were received from the companies shown on attachment 10.2.15.

**Tender Evaluation Panel**

The Tender Evaluation Panel consisted of the Executive Manager Corporate Services, Mike Rootsey, Manager Parks Services, Jeremy van den Bok, and the Co- Coordinator Engineering Services, Con Economo.

Each tender was assessed using the above selection criteria in accordance with the tender documentation.

**Tender Summary**

<b>Selection Criteria</b>	<b>Sunny Sign Company</b>	<b>Road Safety Shop</b>
Past experience in similar projects/works (25)	25	25
Organisational structure/capacity/resources (25)	25	25
Contract Price (25)	25	23.15
Compliance with Tender Specification (15)	13.5	11.25
Financial Capacity (5)	5	4.25
References (5)	5	5
<b>Total</b>	<b>98.5</b>	<b>93.65</b>
<b>Ranking</b>	<b>1</b>	<b>2</b>

Both companies have the experience and capacity to undertake the work required and both companies have manufactured/supplied signs to the Town previously and provided a quality product and satisfactory service.

Sunny Sign Company overall is the cheaper of the two (2) submissions however there is no significant savings to be made in exclusively using one supplier over the other. Therefore it is recommended that both companies be awarded the tender for the Manufacture and Supply of signage, to ensure the required work can be undertaken expediently.

**CONSULTATION/ADVERTISING:**

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

**LEGAL/POLICY:**

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

**STRATEGIC IMPLICATIONS:**

In accordance with Key Result Area One of Strategic Plan 2005-2010 – 1.4 Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment.

**FINANCIAL/BUDGET IMPLICATIONS:**

The total cost for the manufacture and supply of signage to the Town over the 2005/06 financial year was \$59,726.00.

Costs associated with the manufacturing and supply of signage is charged to the specific capital or maintenance accounts as and when required.

**COMMENTS:**

It is recommended that the Council accepts the tenders submitted by Sunny Sign Company and Road Safety Shop as being the most acceptable for the Manufacture and Supply of Signage in accordance with the specifications as detailed in Tender No. 339/06.

**10.2.16 Tender No.351/06 – Supply and Laying of Kerbing**

<b>Ward:</b>	Both	<b>Date:</b>	29 August 2006
<b>Precinct:</b>	All	<b>File Ref:</b>	TEN0360
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	J van den Bok; C Economo		
<b>Checked/Endorsed by:</b>	M Rootsey R Lotznicker	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council ACCEPTS the tenders submitted by Kerbing West and Roadside Kerbing as being the most acceptable and advantageous to the Town for the Supply and Laying of Kerbing in accordance with the specifications as detailed in tender No. 351/06.*

**COUNCIL DECISION ITEM 10.2.16**

**Moved Cr Ker , Seconded Cr Messina**

*That the recommendation be adopted.*

**CARRIED (8-0)**

**(Cr Doran-Wu on approved leave of absence.)**

**PURPOSE OF REPORT:**

The purpose of this report is to request the Council to approve the tender for the Supply and Laying of Kerbing for a three (3) year period.

**BACKGROUND:**

On 26 July 2006 a tender was advertised for the Supply and Laying of Kerbing for a three (3) year period. At the close of the tender on Wednesday 9 August 2006 at 2.00pm, Two (2) tenders were received. Present at the opening were Purchasing /Contracts Officer, David Paull, and Technical Services Support Officer, Tom Blankenburg.

**DETAILS:**

Tenders were received from the following companies:

(all prices include GST)

	DESCRIPTION	Unit	Roadside Kerbing		Kerbing West	
			Weekday \$	Weekend \$	Weekday \$	Weekend \$
1	Mountable Kerbing					
	(a) M-1 - back of kerb 100mm / face of kerb 40mm	m	\$11.95	-	\$15.40	\$20.90
	(b) M-2 - back of kerb 110mm / Face of kerb 50mm	m	\$12.95	-	\$17.05	\$22.55
	(c) M-3 - back of kerb 120mm / Face of kerb 60mm	m	\$11.95	-	\$17.82	\$23.32
	(d) M-4 - back of kerb 125mm / Face of kerb 50mm	m	\$12.95	-	\$18.15	\$23.65
2	Semi Mountable Kerbing					
	(a) SM-1 - back of kerb 150mm / Face of kerb 50mm	m	\$12.60	-	\$14.63	\$20.13
	(b) SM-2 - back of kerb 175mm / Face of kerb 75mm	m	\$12.95	-	\$16.83	\$22.33

	DESCRIPTION	Unit	Roadside Kerbing		Kerbing West	
			Weekday \$	Weekend \$	Weekday \$	Weekend \$
	(c) SM-3 - back of kerb 125mm / Face of kerb 50mm -Note only 200mm wide	m	\$13.85	-	\$14.52	\$20.02

(all prices include GST)

	DESCRIPTION	Unit	Roadside Kerbing		Kerbing West	
			Weekday \$	Weekend \$	Weekday \$	Weekend \$
3	Barrier Kerbing					
	(a) BX-1A - Face of kerb 150mm	m	\$12.95	-	\$15.07	\$20.57
	(b) BX-1B - Face of kerb 125mm	m	\$12.40	-	\$16.83	\$22.33
	(c) BX-1C - Face of kerb 180mm	m	\$12.95	-	\$18.04	\$23.54
	(d) BX-1D - Face of kerb 300mm		\$28.00	-	\$44.66	\$50.16
	(e) BX-2A - Face of kerb 150mm	m	\$12.70	-	\$16.06	\$21.56
	(f) BX-2B - Face of kerb 125mm	m	\$13.85	-	\$16.83	\$22.33
	(g) BX-2C - Face of kerb 180mm	m	\$14.85	-	\$18.48	\$23.98
4	Flush kerbing (including trenching)					
	(a) FL-1 150mm x 150mm block kerb (reinforced)	m	\$48.00	-	\$40.70	\$46.20
	(b) FL- 2 150mm x 150mm block kerb (unreinforced)	m	\$41.00	-	\$33.55	\$39.05
	(c) FL- 3 200mm x 150mm block kerb (reinforced)	m	\$51.00	-	\$40.70	\$46.20
	(d) FL-4 200mm x 150mm block kerb (unreinforced)	m	\$44.00	-	\$33.55	\$39.05
	(e) FL-5 300mm x 150mm block kerb (reinforced)	m	\$55.00	-	\$53.90	\$59.40
	(f) FL-6 300mm x 150mm block kerb (unreinforced)	m	\$48.00	-	\$46.75	\$52.25

NOTE: Roadside Kerbing - Prices listed for 200m or above.

5.	Hand Make-ups	each	\$7.50	-	\$14.30	\$19.80
6.	Island Noses up to 2.0m diameter	each	\$40.00	-	\$115.50	\$137.50
7.	Pram ramps	each	1.2m \$195.00 2.0m \$225.00	-	\$291.50	\$313.50

(all prices include GST)

	DESCRIPTION	Unit	Roadside Kerbing		Kerbing West	
			Weekday \$	Weekend \$	Weekday \$	Weekend \$
8.	Kerbing less than 20 metres (all kerbing types)	Lin. metre	N/A	-	\$49.50	\$55.00
9.	Additional charge for Automatic Levelling (all kerbing types)	Lin. metre	N/A	-	\$7.70	\$9.90
10.	Additional charge for additional concrete required (all kerbing types) on a drop of 30mm below road on limestone or anchor keys on roadway	m <sup>3</sup>	\$167.00	-	\$214.50	\$246.40

### Tender Evaluation

#### Selection Criteria

The following weighted criteria were used for the selection of the company to undertake the works as specified.

CRITERIA		WEIGHTING
1	Past experience in similar projects/works	25%
2	Organisational structure/capacity/resources	25%
3	Contract Price	25%
4	Compliance with Tender Specification	15%
5	Financial Capacity	5%
6	References	5%
<b>TOTAL:</b>		100%

#### Tender Evaluation Panel

The Tender Evaluation Panel consisted of the Executive Manager Technical Services Executive, Manager Corporate Services-Mike Rootsey, Manager Parks Services-Jeremy van den Bok and the Co- Coordinator Engineering Services-Con Economo.

Each tender was assessed using the above selection criteria in accordance with the tender documentation.

Tender Summary

<b>Selection Criteria</b>	<b>Roadside Kerbing</b>	<b>Kerbing West</b>
Past experience in similar projects/works (25)	25	25
Organisational structure/capacity/resources (25)	25	25
Contract Price (25)	25	19.55
Compliance with Tender Specification (15)	11.25	13.5
Financial Capacity (5)	5	4.25
References (5)	5	5
<b>Total</b>	<b>96.25</b>	<b>92.3</b>
<b>Ranking</b>	<b>1</b>	<b>2</b>

Both Kerbing West and Roadside Kerbing have the experience and capacity to undertake the requirements as specified by the Town and both companies have provided kerbing for the Town on various occasions to a high standard.

Roadside Kerbing have only provided prices for projects over 200 metres and have not provided rates for weekend work, whereas Kerbing West have provided rates for projects less than 200 metres and weekend work as specified.

Past experience has indicated that kerbing contractors are relatively busy and sometimes difficult to book into a particular project timeline, therefore, it is recommended that both companies be awarded the tender for the supply and laying of kerbing.

In view of the above, Roadside Kerbing will predominantly be used for projects in excess of 200 metres and Kerbing West for projects less than 200 metres.

**CONSULTATION/ADVERTISING:**

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

**LEGAL/POLICY:**

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

**STRATEGIC IMPLICATIONS:**

In accordance with Key Result Area One of Strategic Plan 2005-2010 – 1.4 Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment. *"b) Continue to develop, enhance and implement annual footpath, rights of way, road rehabilitation and upgrade programs."*

**FINANCIAL/BUDGET IMPLICATIONS:**

Costs associated with the supply and laying of kerbing are charged to a specific capital works project or the road maintenance account as and when required.

The total cost of kerbing within the Town varies from year to year dependant on what road rehabilitation projects are specified in the annual budget. During the 2005/06 financial year a total of \$138,000 was required for the supply and laying of kerbing.

**COMMENTS:**

It is recommended that the Council accepts the tenders submitted by Roadside Kerbing and Kerbing West as being the most acceptable for the Supply and Laying of Kerbing in accordance with the specifications as detailed in Tender No. 351/06.

**10.2.17 Tender 324/06 – Pavement Marking Services**

<b>Ward:</b>	Both	<b>Date:</b>	29 August 2006
<b>Precinct:</b>	All	<b>File Ref:</b>	TEN0348
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	J van den Bok		
<b>Checked/Endorsed by:</b>	M Rootsey R Lotznicker	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council ACCEPTS the tenders submitted by Linemarking Specialists and Pelican Linemarking as being the most acceptable and advantageous to the Town for Pavement Marking Services in accordance with the specifications detailed in tender No. 324/06.*

**COUNCIL DECISION ITEM 10.2.17**

**Moved Cr Ker, Seconded Cr Messina**

*That the recommendation be adopted.*

**CARRIED (8-0)**

**(Cr Doran-Wu on approved leave of absence.)**

**PURPOSE OF REPORT:**

The purpose of this report is to request the Council to approve the tender for Pavement Marking Services for a three (3) year period.

**BACKGROUND:**

On 26 July 2006 a tender was advertised for Pavement Marking Services for a three (3) year period. At the close of the tender on Wednesday 9 August 2006 at 2.00pm, Two (2) tenders were received. Present at the opening were Purchasing /Contracts Officer, David Paull, and Technical Services Support Officer, Tom Blankenburg.

**DETAILS:**

Tenders were received from the following companies:

(Prices include GST)

Item	DESCRIPTION	Unit	Linemarking Specialists	Pelican Linemarking
			\$	\$
1.	One parking bay - tick marks (refer to AS1742.11 - 1999, Figure 7.1 C)	each	5.00	4.50
2.	One parking bay – solid lines, set out and paint (refer to AS1742.11 - 1999, Figure 7.1 A)	each	5.00	7.00
3.	One parking bay – angled solid lines, set out and paint (refer to AS1742.11 - 1999, Figure 7.1 B)	each	5.50	8.00

Item	DESCRIPTION	Unit	Linemarking Specialists	Pelican Linemarking
			\$	\$
4.	Disable Parking bay with 'ACROD' logo 3.6m wide	each	2 Blue lines & logo \$10.00 2m <sup>2</sup> blue paint & logo \$45.00	35.00 (No text)
5.	Bus stopping bay - standard paint	each	60.00	400.00
6.	Bus stopping bay - cold applied plastic	each	120.00	N/A
7.	Bus stopping bay - Thermoplastic	each	120.00	N/A
8.	'NO PARKING' text height 300mm - stencil	each	16.00	20.00
9.	'NO STOPPING' text height 300mm – stencil	each	16.00	20.00
10.	Stencilling text height 300mm per letter	each	1.90	3.50
11.	Straight lines 80mm - 100mm wide	m	1.40 / metre	1.00 / metre
12.	Arrows - straight and straight turn - 6000mm height	each	20.00	90.00
13.	Arrows - turn - 4000mm height	each	15.00	55.00
14.	'Piano Keys' one side of speed humps - Thermoplastic	m	130.00 / side	N/A
15.	ROW speed humps - white out	m	25.00	80.00
16.	Blackout/Painting Over	m	150.00m <sup>2</sup>	1.00 / metre
17.	Grinding Off	m	48.00m <sup>2</sup>	N/A
18.	Addition of Glass Beads		Included in job.	Not quotable
19.	Temporary Pavement Marking Tape Application		8.00 / m	N/A
20.	Change of line colours from white to blue, yellow etc		Same as white.	1.00 / metre

### Tender Evaluation

#### Selection Criteria

The following weighted criteria were used for the selection of the company to undertake the works as specified.

CRITERIA		WEIGHTING
1	Past experience in similar projects/works	25%
2	Organisational structure/capacity/resources	25%
3	Contract Price	25%
4	Compliance with Tender Specification	15%
5	Financial Capacity	5%
6	References	5%
<b>TOTAL:</b>		100%

### Tender Evaluation Panel

The Tender Evaluation Panel consisted of the Executive Manager Technical Services, Executive Manager Corporate Services, Mike Rootsey, Manager Parks Services, Jeremy van den Bok, and the Coordinator Engineering Services, Con Economo.

Each tender was assessed using the above selection criteria in accordance with the tender documentation.

### Tender Summary

Selection Criteria	Linemarking Specialists	Pelican Linemarking
Past experience in similar projects/works (25)	25	21.25
Organisational structure/capacity/resources (25)	25	25
Contract Price (25)	25	10
Compliance with Tender Specification (15)	11.25	11.25
Financial Capacity (5)	3.75	3.75
References (5)	5	5
<b>Total</b>	<b>95</b>	<b>76.25</b>
<b>Ranking</b>	<b>1</b>	<b>2</b>

Both Linemarking Specialists and Pelican Linemarking have undertaken this work for the Town of Vincent on a quote per job basis over the past three (3) years and have provided a satisfactory service. Their prices for the required items are similar for the majority of the Town's standard requirements, however, Line Marking Specialists have submitted the lowest price overall.

Both companies also have the capacity and experience to undertake what is required and, as with many industries in the current economic climate, contractor availability is of greater concern.

It is recommended that both Linemarking Specialists and Pelican Linemarking be awarded the tender to undertake pavement marking services to ensure that the required works can be undertaken expeditiously.

**CONSULTATION/ADVERTISING:**

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

**LEGAL/POLICY:**

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

**STRATEGIC IMPLICATIONS:**

In accordance with Key Result Area One of Strategic Plan 2005-2010 – 1.4 Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment. *“b) Continue to develop, enhance and implement annual footpath, rights of way, road rehabilitation and upgrade programs.”*

**FINANCIAL/BUDGET IMPLICATIONS:**

Costs associated with Pavement Marking Services are charged to a specific capital works project or the specific road marking maintenance account as and when required.

The total cost of Pavement Marking Services within the Town during the 2005/06 financial year was \$51,068.00.

**COMMENTS:**

It is recommended that the Council accepts the tenders submitted by Linemarking Specialists and Pelican Linemarking as being the most acceptable for Pavement Marking Services in accordance with the specifications as detailed in Tender No. 324/06.

### **10.3.1 Financial Statements as at 31 July 2006**

<b>Ward:</b>	Both	<b>Date:</b>	18 August 2006
<b>Precinct:</b>	All	<b>File Ref:</b>	FIN0026
<b>Attachments:</b>	001		
<b>Reporting Officer(s):</b>	Bee Choo Tan		
<b>Checked/Endorsed by:</b>	M Rootsey	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council RECEIVE the Financial Reports for the month ended 31 July 2006 as shown in Appendix 10.3.1.*

**COUNCIL DECISION ITEM 10.3.1**

**Moved Cr Ker, Seconded Cr Messina**

*That the recommendation be adopted.*

**CARRIED (8-0)**

**(Cr Doran-Wu on approved leave of absence.)**

**PURPOSE OF REPORT:**

The purpose of this report is to present the financial statements for the month ended 31 July 2006.

**BACKGROUND:**

The Local Government Act and Local Government (Financial Management) Regulations 1996 require monthly reports and quarterly financial reports to be submitted to Council. The Financial Statements attached are for the month ended 31 July 2006.

**DETAILS:**

The Financial Statements comprise:

- Operating Statement
- Summary of Programmes/Activities
- Capital Works Schedule
- Statement of Financial position and Changes in Equity
- Reserve Schedule
- Debtor Report
- Rate Report
- Beatty Park Report – Financial Position
- Statement of Financial Activity
- Net Current Asset Position

**Operating Statement and Detailed Summary of Programmes/Activities**

The Operating Statement shows revenue and expenditure by Programme whereas the Summary of Programmes/Activities provides detail to Programme/Sub Programme level.

Both reports compare actual results for the period with the Budget. The Operating Statement and the Summary of the Programmes Activities reports are in a new format providing a comparison between the year to date actual revenue and expenditure with the year to date budget.

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

### **Operating Revenue**

Operating revenue is currently 100 % of the month of July Budget estimate.

### **General Purpose Funding (Page 1)**

General Purpose Funding is showing 99.9 % of the budget levied to date. This is due to rates being levied for the financial year; the rates revenue represents 99.9% of the budgeted amount for the rates income.

### **Governance (Page 2)**

Governance is showing 231 % of the budget received to date; this is due the sale of electoral rolls.

### **Law Order & Public Safety (Page 3)**

Revenue is showing a favourable variance of 598 % due to grants received.

### **Health (Page 4)**

Health is showing 60 %, this is due to 194 Health Licences being issued for Lodging Houses, Eating Houses and Alfresco dining.

### **Education & Welfare (Page 5)**

Education and Welfare is showing 160 %, this is due to the issue of lease invoices for the various properties.

### **Community Amenities (Page 6)**

Community Amenities is 216 % of the year to date budget, this is as a result of 93 planning applications have been processed in July and the issue of non rateable properties for their refuse charges

### **Recreation & Culture (Page 9)**

The total revenue for Recreation and Culture shows a favourable variance of 110 % of their revenue budget. Beatty Park Leisure Centre revenue is 6 % of the total Recreation and Culture revenue budget and tracking along with the centre year to date budget of 95%.

### **Economic Services (Page 12)**

Economic Services is 79 % under budget which is the 61 building licences issued to the month of July.

### **Operating Expenditure**

Operating expenditure for the month of July is under budget at 74%

### **Capital Expenditure Summary (Pages 18 to 24)**

The Capital Expenditure summary details projects included in the 2006/07 budget and reports the original budget and compares actual expenditure to date against these. Capital works show total expenditure for July amount of \$39,476 which is 0.07% of the budget of \$54,482,388.

	<b>Budget</b>	<b>Actual to Date</b>	<b>%</b>
Furniture & Equipment	101,800	0	0%
Plant & Equipment	905,925	750	0%
Land & Building	43,623,350	0	0%
Infrastructure	9,851,313	38,726	0%
<b>Total</b>	<b>54,482,388</b>	<b>39,476</b>	<b>0%</b>

### **Statement of Financial Position and Changes in Equity (Pages 25 & 26)**

The statement shows the current assets of \$28,616,297 less current liabilities of \$3,751,695 for a current position of \$24,864,602.

The total non current assets amount to \$114,153,744 less non current liabilities of \$10,947,282 for the total net assets of \$128,071,064.

### **Restricted Cash Reserves (Page 27)**

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

### **Debtors and Rates Financial Summary**

#### **General Debtors (Page 28)**

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

Sundry Debtors of \$292,202 are outstanding at the end of July. Of the total debt \$25,596 (9%) relates to debts outstanding for over 60 days. The Debtor Report identifies significant balances that are well overdue.

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

#### **Rate Debtors (Page 29)**

The notices for rates and charges levied for 2006/07 were issued on the 1 August 2006.

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

First Instalment	5 September 2006
Second Instalment	6 November 2006
Third Instalment	4 January 2007
Fourth Instalment	6 March 2007

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

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

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

Rates outstanding are \$14,219,843 which represents 94 % of the outstanding collectable income.

**Beatty Park – Financial Position Report (Page 30)**

As at 31 July 2006 the operating surplus for the Centre was \$43,086 in comparison to the budgeted year to date deficit of \$68,322 and annual deficit of \$639,155.

The cash position showed a current cash surplus of \$107,889 in comparison to the year to date budget of cash deficit of \$6,758 and an annual budget estimate of a cash deficit of \$81,056. The cash position is calculated by adding back depreciation to the operating position.

**Statement of Financial Activity (Page 31)**

The amount raised from rates for the year to date 30 June 2006 was \$14,972,850.

**Net Current Asset Position (Page 32)**

**10.3.3 Loftus Community Centre Contribution - Further Report**

<b>Ward:</b>	Both	<b>Date:</b>	1 September 2006
<b>Precinct:</b>	All	<b>File Ref:</b>	CMS0016
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	M Rootsey		
<b>Checked/Endorsed by:</b>		<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *APPROVES of the following guidelines to be applied for the distribution of the annual financial welfare contribution by the Town to the Loftus Community Centre;*

**“Guidelines:**

- (a) *The Loftus Community Centre provide events, activities, programs and courses at affordable rates, which benefit the community, provide places for people and community groups to meet which are affordable and accessible and provide opportunities for people to contribute to the community;*
  - (b) *The Town not to be directly charged for the reasonable use of the facility or the hire of rooms at the Centre;*
  - (c) *Community groups to have the ability to discuss rates charges with the Management Committee;*
  - (d) *The Town to be advised of the fees and charges to be charged for each financial year;*
  - (e) *Consideration be given for an Elected Member and a senior officer of the Town to sit on the Board of Management;*
  - (f) *The Child Health Clinic not be charged out for hire by the Loftus Community Centre;*
  - (g) *The Annual Report including Financial Statements, Annual Budget and biannual Financial Statements for the Centre to be submitted to the Town prior to the issue of any funds by the Town;*
  - (h) *Recognition of the Town of Vincent (when practical) as a major sponsor/supporter in the Centre’s activities and programmes; and*
  - (i) *the Town’s funding to be made to the Centre in the first quarter (September) subject to the Centre agreeing and compliance with the Town’s Guidelines”; and*
- (ii) *NOTES that a report will be provided to the Council on the operation of the Centre at the end of each financial year.*

**COUNCIL DECISION ITEM 10.3.3**

**Moved Cr Ker, Seconded Cr Messina**

*That the recommendation be adopted.*

**CARRIED (8-0)**

**(Cr Doran-Wu on approved leave of absence.)**

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**PURPOSE OF THE REPORT:**

To provide a report on Loftus Community Centre to consider guidelines and criteria for annual funding.

**BACKGROUND:**

At the Ordinary Meeting of Council on 22 August 2006 the Council resolved as follows:

*“That the item be DEFERRED to allow for further discussions between the parties.”*

**DETAILS:**

The Executive Manager Corporate Services met with the President and Coordinator on 1 September 2006 to discuss the matters raised by the President at the Council meeting of 22 August 2006.

At the meeting it was resolved that the Centre would provide financial statements bi-annually to the Town. The guidelines propose consideration be given to an elected member and senior staff member being on the committee, the Town would therefore have access to the monthly financial statements of the Centre. The meeting also discussed the requirement for recognition of the Town as a major sponsor/supporter in the Centre’s activities and programmes as outlined in the report. The committee were concerned that this may not always be possible if they had an event sponsored by a major sponsor who required sole acknowledgement as part of the funding. It was agreed that the words ‘when practical’ be inserted in clause (h). The Committee’s concern in regard to the timing of the funding was indicated at the Ordinary Meeting of Council on 22 August 2006. This has been changed. Some minor inaccuracies in the report discussed and agreement was reached on all other matters.

The word “welfare” has been added into the recommendation as the Community Centre has been advised by their auditor that he is concerned that removal of this word may have implications on their charitable status.

The following is a verbatim record of the report from the Ordinary Meeting of Council of 22 August 2006.

***“OFFICER RECOMMENDATION:***

*That Council;*

- (i) *RECEIVES the report on the Loftus Community Centre;*

- (ii) *APPROVES of the following guidelines to be applied for the distribution of the annual financial contribution by the Town to the Loftus Community Centre.*

*“Guidelines:*

- (a) *The Loftus Community Centre provide events, activities, programs and courses at affordable rates, which benefit the community, provide places for people and community groups to meet which are affordable and accessible and provide opportunities for people to contribute to the community;*
  - (b) *The Town not to be directly charged for the reasonable use of the facility or the hire of rooms at the Centre;*
  - (c) *Community groups to have the ability to discuss rates charge with the Management Committee;*
  - (d) *The Town to be advised of the fees and charges to be charged for each financial year;*
  - (e) *Consideration be given for an Elected Member and a senior officer of the Town to sit on the Board of Management;*
  - (f) *The Child Health Clinic not be charged out for hire by the Loftus Community Centre;*
  - (g) *The Annual Report including Financial Statements, Annual Budget and monthly Financial Statements for the Centre to be submitted to the Town prior to the issue of any funds by the Town;*
  - (h) *Recognition of the Town of Vincent as a major sponsor/supporter in the Centre’s activities and programmes as outlined in the report; and*
  - (i) *the Town’s funding to be made to the Centre in the first (September) and third (March) quarter of the financial year and this is subject to the Centre agreeing and compliance with the Town’s Guidelines”;* and
- (iii) *NOTES that a report will be provided to the Council on the operation of the Centre at the end of each financial year.*

**PURPOSE OF REPORT:**

To provide a report on Loftus Community Centre to consider guidelines and criteria for annual funding by the Town.

**BACKGROUND:**

At the Special Meeting of Council on 11 July 2006 the following resolution was adopted:

*“(xviii) That the funds allocated in the Annual Budget 2006/2007 as a donation to the Loftus Community Centre is WITHHELD until the report on the matter is presented to Council.”*

At the Special meeting of Council on 30 May 2006 Budget, the following resolution was adopted:

*"That the Council:*

- (vi) *REQUESTS the Chief Executive Officer to prepare appropriate Guidelines and Criteria which would be applicable to the Grant made to the Loftus Community Centre by the Town and, in particular, fees and charges applicable to Users of the Loftus Community Centre facilities and the level of funding required by the Loftus Community Centre in order to manage the facility in a sustainable manner."*

The Loftus Community Centre has held a lease over the portion of the Loftus Centre at 99 Loftus Street, Leederville since 1988. The previous lease spanned from July 1996 to June 2001.

In 2003, the Loftus Centre was proposed to be redeveloped as part of the State Indoor Multi-use Sports Centre in 2004/2005. Given this, a clause was included in the lease to reserve the Town's right as the lessor to terminate the lease by giving three month's written notice. It is recommended that a one year lease with a one year option to renew be approved to allow the Loftus Community Centre to appropriately plan their activities.

The following recommendation was ratified under delegated authority in January 2003:

*"That the Council approves of a one (1) year lease, with an option to renew of one (1) year, effective from 1 January 2003, over a portion of the premises of the Loftus Centre at 99 Loftus Street, Leederville, being granted to the Loftus Community Centre subject to final satisfactory negotiations being carried out by the Chief Executive Officer."*

The centre had requested that their contribution to the sinking fund be suspended due to financial hardship. This was approved in the 2002/2003 financial year.

The Town had supported the centre through an annual grant of \$15,000 to assist with operational costs up to June 2005. The centre then requested that the Town's annual contribution be increased to \$30,000 which was approved in the 2005/2006 Budget.

At the Special Meeting of Council 17 May 2005, the following resolution was passed;

*"That the Council:*

- (ii) *REQUESTS that;*  
(a) *the annual grant to the Loftus Community Centre and Rosewood Group be included in the Budget as separate items and the funding be increased for the Loftus Community Centre to \$30,000."*

#### **DETAILS:**

The Loftus Community Centre is the only community-based centre in the Town of Vincent and has a prime opportunity to offer a range of activities for all ages and cultures. The vision of the centre is "Working together to provide a vibrant Community Centre where all people feel welcome."

The centre is overseen by a Management Committee whose members are voluntary and meet monthly. Their role is to manage the centre as stated in the Centre's constitution and set the direction for the centre. Members of the management committee are also active members of the centre, involved in any one of the programmes on offer.

#### Staff and Volunteers

The centre has a part-time coordinator and a full-time Customer Service Officer. Through funding from Department of Community Development, the centre also employs a 3+Club Coordinator and Teachers Aid.

The centre relies on volunteers assisting with programmes on offer and with customer service duties. There were eight volunteers assisting in the last financial year.

#### Users

There were thirty-three (33) user groups who were regular room hirers in the previous financial year. Approximately 75% of these can be classed as not for profit groups.

#### Membership

In the last financial year compulsory membership was introduced for users of programmes offered by the Centre. This resulted in 650 family members at the end of June 2005. Individual memberships totalled \$3,000 and organisational memberships totalled \$2,530 for the 2004/2005 financial year.

#### Annual membership

Commercial	\$165
Not for Profit	\$110
Individual/Family	\$5

The current hire rates of the centre are as follows:

<i>Rate</i>	<i>Full Rate (GST included)</i>	<i>Discounted (GST included)</i>
<b>Community Hall</b>	\$47 per hour	\$29 per hour
<b>Learning Centre</b>	\$23.50 per hour	\$16.00 per hour
<b>Playgroup Room</b>	\$23.50 per hour	\$16.00 per hour
<b>*Clinic</b>	\$16 per hour	
<b>Kitchen</b>	A flat fee of \$6 (GST inclusive) applies for all users	Members free of charge
<b>Bond</b>	\$110	
<b>Key Bond</b>	\$110 (after hours hirers only)	
<b><i>Other Charges</i></b>		
<b>Centre Callout (reasons other than alarm)</b>	\$10	
<b>Centre Callout (when alarm is activated)</b>	\$25	
<b>Surcharge (Failure to turn off aircon/lights, inadequate cleaning and room pack away)</b>	\$20	
<b>Equipment Hire</b>	\$6	

\*The Child Health Clinic is owned and operated by the Town of Vincent. The Town also pays for cleaning this area. Fees received for the hire of this area should be reimbursed to the Town of Vincent.

Organisational members are eligible for discounted room hire, advertisement in newsletter, and free kitchen use.

The fees charged are considered to be reasonable and in line with generally accepted charges for other centres.

The Centre is proposing a new schedule of rates to be applicable from 1 January 2007.

Annual membership is proposed to be:

Commercial	N/A
Government or for profit	\$110
Not for profit	\$60
Loftus Community Centre Members	\$7

The schedule for hire rates and other charges is listed below:

RATES	FULL RATE	GOVERNMENT OR FOR-PROFIT MEMBERS RATE	NOT-FOR-PROFIT MEMBERS RATE	LCC COMMUNITY GROUP MEMBERS RATE
MEMBERSHIP	None	<ul style="list-style-type: none"> <li>\$110/year</li> <li>Representative to attend LCC quarterly group meetings</li> <li>Advertisement of activities through LCC newsletter</li> </ul>	<ul style="list-style-type: none"> <li>\$60/year</li> <li>Representative to attend LCC quarterly group meetings</li> <li>Advertisement of activities through LCC newsletter</li> </ul>	<ul style="list-style-type: none"> <li>All members of group are members of the LCC at \$7/year/individual</li> <li>Representative on Management Committee attends meetings each month</li> </ul>
COMMUNITY HALL (capacity 135 people)	\$66/hour	\$47/hour	\$29/hour	\$15/hour
LEARNING CENTRE (capacity 40 people)	\$33/hour	\$23.50/hour	\$16/hour	\$8/hour
NEIGHBOURHOOD CENTRE (children's room capacity 20 children)	\$33/hour	\$23.50/hour	\$16/hour	\$8/hour
KITCHEN (flat fee)	\$6	\$6	\$6	\$0
BOND AND/OR KEY BOND (if after hours access is required)	\$110	\$110	\$110	\$0
GENERAL EQUIPMENT HIRE (TV/VCR, Urns, cutlery, crockery)	\$6	\$6	\$6	\$0
LAPTOP OR DATA PROJECTOR	Bond: \$110 (each) plus copy of driver's license \$10/hour (each)	Bond: \$110 (each) plus copy of driver's license \$10/hour (each)	Bond: \$110 (each) plus copy of driver's license \$10/hour (each)	Bond: \$110 (each) plus copy of driver's license

### OTHER CHARGES

CENTRE CALLOUT (reasons other than alarm)	\$10.00
CENTRE CALLOUT (when alarm is activated)	\$25.00
SURCHARGE (Failure to turn off air conditioning, lights, inadequate cleaning, pack away)	\$20.00

### Programmes available at the Centre

The centre offers term programmes through the year. Programmes and activities for Term Two 2006 is attached.

The Centre offers activities such as craft, games, dancing, yoga, art, lifestyle programmes such as meditation and beauty clinics.

Other activities and events include an Open Day, Thank a Volunteer Day, International Women's Day, Biggest Morning Tea (to raise funds for Cancer Research) and Harmony Day. Classes include computer classes and Community Choir.

A Toy Library and Playgroup operates within the centre along with 3+Club programmes run by the Centre. The Playgroup has about 70 members and all sessions are full with waiting lists in place.

The Leederville Childcare Cooperative operates at the centre similar to a "Child Minding Club", except that the caring is done on a group basis in a community setting rather than in a private home. It is designed to take the place of informal care, which occurs between family and friends, or to provide the same service as a Day Care Centre or Playgroup. It provides the children with the opportunity to meet and make friends with other children and to play with toys and equipment which may not be available to them at home.

The Town of Vincent has two projects operating at the centre; Tales of Times Past and Finding My Place.

#### Guidelines and Criteria for annual funds

The annual funding for the Centre is now changed from previous funding which was attached to the annual Community and Welfare Grants. Guidelines and criteria are recommended to ensure that funding for the centre is directly beneficial for residents of the Town and specific outcomes are delivered in return. Given the substantial contribution by the Town, negotiations will also include incorporating specific hours of venue hire for the Town's projects.

The following guidelines are suggested in lieu of the Town's annual contribution:

1. The Town not be charged for the reasonable use of the facility or the hire of rooms at the Centre;
2. Ability to negotiate special rates for community groups;
3. The Town to be advised of the fees and charges to be charged for each financial year;
4. Recommend that an Elected Member and a senior officer of the Town be on the Board of Management; and
5. The Child Health Clinic not be charged out for hire by the Community Centre.

#### Recognition of the Town of Vincent

1. The centre will be required to display the Town of Vincent's logo (supplied by the Town's Public Relations section) on all promotional materials related to their activities;
2. The Town of Vincent will be acknowledged in any media coverage of the funded project;
3. The centre shall invite an elected member from the Town of Vincent to officiate at selected events and activities;
4. The centre shall acknowledge the Town's financial assistance through public address announcements.

Funding Acquittal and Accountability Requirements

1. Funding from the Town of Vincent must be expended in the year in which it is offered;
2. Funds not spent in the agreed time are to be returned to the Town of Vincent;
3. The financial contribution is provided on an annual basis with no commitment to future funding; and
4. Annual reports, budgets and financial statements to be submitted to Council for each financial year.

Lease Conditions for the Upgraded Community Centre

The Centre has been advised that a lease payment of \$5,200 per annum is anticipated together with a contribution of \$1,000 per annum towards a sinking fund will be conditions for the lease when the Loftus site has been redeveloped. The Town will offer a long term lease for the Community Centre to ensure secure tenure.

The Town of Vincent has written to the Loftus Community Centre on 17 July 2006 advising them of the proposed guidelines and on the 25 July 2006 regarding the proposed lease conditions.

The letter of 17 July 2006 included the following lease conditions:

“In return for the long term lease the Town would be looking to charge \$5,200 per annum that will be annually indexed to CPI. In addition it would be expected that a contribution of \$1,000 per annum would be made to a sinking fund for future capital upgrades and maintenance of the Community Centre.”

The letter of 25 July 2006 included the following suggested guidelines:

- a) That the Town as the lessor is not charged for reasonable use of the facility or hire of the rooms. The amount ‘reasonable’ is to be determined by discussions with both parties, it is suggested that this would not be more than once a month unless by special request.
- b) Community groups to have the ability to negotiate special rates with the Board of Management. Any groups in this category must guarantee a continued use of the facility for a period of more than 12 months.
- c) The Town of Vincent to be advised annually of the fees and charges for each financial year for the Community Centre.
- d) Consideration be given to an Elected Member and a senior officer sitting on the Board of Management of the Centre.
- e) The Child Health Clinic not to be charged for hire by the Loftus Community Centre (this is not part of the Community Centre lease).
- f) The Annual Budget and Financial Statements for the Centre to be submitted to the Town on completion.”

The Town received a letter dated 31 August 2006 from the President of the Loftus Community Centre Management Committee in reply to letters of 17 and 25 July 2006 respectively.

Listed below is the Community Centre's responses to matters listed.

*Proposed Condition a): That the Town as the lessor is not charged for reasonable use of the facility or hire of the rooms. The amount 'reasonable' to be determined by discussions with both parties, it is suggested that this would not be more than once a month unless by special request.*

If we estimate that the Town would hire the spaces at the rates (to be approved at the next AGM) for 'Government and For-Profit Members', this would mean a loss of income for the Centre of approximately \$1,692 (3 hours x \$47/hour x 12 times per year).

*Proposed Condition b): Community groups to have the ability to negotiate special rates with the Board of Management. Any groups in this category must guarantee a continued use of the facility for a period of more than 12 months.*

The Management Committee does not consider it feasible to negotiate the room hire rates with each community group separately and requires groups to identify their relevant user category according to the developed schedule. Nevertheless the Management Committee has always discussed and considered applications for waiver of fees by groups that were unable to pay the fee requested. However, such applications have rarely been successful.

*Proposed condition c): The Town of Vincent to be advised annually of the fees and charges for each financial year of the Community Centre (this information is stated each year in the Annual Report, a copy of which has been given to the Town each year.*

Agreed

*Proposed condition d): Consideration be given to an Elected Member and a senior officer sitting on the Board of Management of the Committee.*

The constitutional function of the Management Committee is to 'do all such things as are necessary, incidental or conducive to the attainment of the objects of the Centre'. The LCC Constitution stipulates that the Management Committee will be elected at the Annual General Meeting and have a maximum of 10 members. Casual vacancies can be filled by appointment and the Management Committee has the power to co-opt the services of any person for any purpose.

The Constitution makes no provision for any delegated membership on the Management Committee. The Town of Vincent is free to make nominations to the Management Committee at the LCC Annual General Meeting, should voting rights be desired. Any other participation could, due to our constitution, only be in an advisory capacity.

*Proposed condition e): The Child Health Clinic not to be charged for hire (the addition of the craft room in the redevelopment plans answers the need for a smaller space for community groups).*

Agreed

*Proposed condition f): The Annual Budget and Financial Statements for the Centre to be submitted.*

Agreed

Subsequent to receipt of this letter, the Executive Manager Corporate Services met again with the Chairman and the Coordinator of the Community Centre on 10 August 2006 to discuss the unresolved matters.

At the meeting the following was agreed:

It was resolved that the Town charged for the Town's use of the facility would be recorded but not invoiced and that the value of this charge be reviewed as to the possible impact on the financial position of the Centre.

It was agreed that community groups have the ability to have concerns about charges discussed at the Management Committee meetings.

It was agreed that consideration be given to an Elected Member or officer sitting on the Loftus Centre meetings acknowledging the constitutional difficulties that this may present, however these persons could be co-opted on the Board.

The Centre agreed to lease payment, whilst acknowledging that the charge was at the lower end of the scale, concern was raised regarding the possible impact on the financial position of the Centre. The Executive Manager Corporate Services agreed that this should be monitored during the period of the lease.

It was agreed that the proposed guidelines should include the objections of the operation of the Community Centre rather than focus just on the financial compliance.

**CONSULTATION/ADVERTISING:**

Nil.

**LEGAL/POLICY:**

Nil.

**STRATEGIC IMPLICATIONS:**

Strategic Plan 2005 – 2010 Key Result Area

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

**FINANCIAL/BUDGET IMPLICATIONS:**

The 2004/2005 Annual Report records a total revenue of \$129,908 and total expenditure of \$129,281 reporting a surplus of \$627.

The Centre reports that in 2005/2006 the total revenue is \$156,162 with total expenditure being \$155,591 resulting in a surplus of \$571.

The Community Centre has advised that it is budgeting in the 2006/07 financial year for revenue of \$181,155 and expenditure to be \$187,310 that is a budgeted deficit of \$6,155.

An amount of \$30,600 has been included in the Annual Budget for 2006/2007.

It is estimated that the funds of \$190,000 - \$195,000 per annum is required to operate the Centre in a sustainable manner.

The Town has provided \$5,000 for upgrade of the playground in 2004/2005.

The maintenance costs for the centre for the 2005/2006 financial year was \$6,074.

The Town's Spring into Life project contributes \$5,500 to the Centre.

Room hire for Tales of Times Past and Finding my Place has totalled up to \$1400. The Town is charged the members' discounted rate when using the facilities at the Centre.

The Town's officers have also supported funding applications for the centre from Lotteries West, Department of Community Development and for projects such as Harmony Day and Adult Learner's Week, which have brought extra income to the Centre.

It is recommended that the Town's funding contribution be made in two (2) parts (first and third quarter of the financial year).

**COMMENTS:**

The Centre has provided a valuable community service since 1988 and it would be appropriate to have the organisation continue in its role at the current location. The Town now provides a significant financial contribution of 17% of budgeted revenue to the operation of the Centre which has resulted in increase in hours worked by the paid staff. It is therefore prudent that guidelines are established for the provision of the Town's funds.

The Executive Manager Corporate Services and the Manager Community Development have met a number of times with the Chairperson and Coordinator of the Community Centre to discuss the proposed guidelines for the financial contribution and the proposed leased conditions for the refurbished centre on completion of the redevelopment. There is now agreement on the guidelines and the lease conditions and it is recommended that the guidelines and associated conditions be supported."

**10.3.4 Leederville Festival 2006**

<b>Ward:</b>	South	<b>Date:</b>	4 September 2006
<b>Precinct:</b>	Oxford Centre P4	<b>File Ref:</b>	CMS0029
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	J. Anthony		
<b>Checked/Endorsed by:</b>	M. Rootsey	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That Council PERMITS the Leederville Community Action Group to organise the "Leederville Street Festival" on 19 November 2006, subject to;*

- (i) a total sponsorship contribution of \$15,000 to assist with the costs of the event as allocated in the 2006-2007 budget;*
- (ii) event application fees of \$11,082.50 for the festival at Oxford Street being waived;*
- (iii) a bond of \$2,000 being lodged by applicant as security for any damage to or clean-up of the Street*
- (iv) a suitable traffic and risk management plan being submitted to the Town at least twenty-eight days prior to the event*
- (v) the Leederville Action Group, as event organisers, shall full comply with conditions of use being imposed including Environmental Health and other conditions; and*
- (vi) acknowledgement of the Town of Vincent as a major sponsor of the events on all publications and advertising materials subject to the conditions listed in the report*

*to the satisfaction of the Chief Executive Officer.*

**COUNCIL DECISION ITEM 10.3.4**

**Moved Cr Ker, Seconded Cr Messina**

*That the recommendation be adopted.*

**CARRIED (8-0)**

**(Cr Doran-Wu on approved leave of absence.)**

**PURPOSE OF REPORT:**

To permit the Leederville Street Festival to be held in the Town of Vincent subject to conditions as listed in the report.

**DETAILS:**

The 2006 Leederville Street Festival is the fifth festival being coordinated by Leederville Action Group and is designed to promote the Leederville area.

The Festival will be held on Sunday 19 November, 2006 between 12pm and 5 pm.

The format of the fair held in the last couple of years has proved to be successful with minimal complaints as compared to the early years of the event. The organisers continue to focus on the festival being more inclusive of the community and culture of the Town of Vincent. This has included highlighting the cultural diversity of the local community with various cultural acts and featuring street artists. The festival will continue to focus on promoting multiculturalism and harmony within our community.

The Festival is planned to be a fun filled variety day for all. The Festival will continue to be community oriented this year with acts drawn from the local community. The expected benefits will be the promotion of the Leederville community and feature local cultural performers which represent the ethnic communities of Perth. The Festival will be a benefit to all in a vibrant fun filled day.

It is estimated that such an event has in previous years drawn crowds of approximately 5,000 (five thousand) people.

It is recommended that the bond not be waived altogether, however, this could be reduced to the same level of bond (\$2,000) that is applied to other events which are sponsored by Council.

An internal working group was established to determine a management plan and facilitate the coordination of the event from the perspective of the Town.

This group will meet with festival organisers to discuss the requirements of the Town in terms of organising a major public event which involves road closures. This process has worked well in the past and in other major events organised in the Town, dealing with issues before they surface as problems, providing the necessary support and advice to the event organisers.

This group has also assisted in the past with the compilation of the risk management plan for this event in 2001 and this has been reviewed annually. A Risk Management Plan is considered an essential part of any major event and clearly identifies potential risks and provides the organisers with an opportunity to show how they have addressed them. It also itemises the responsibilities of individual parties both prior to the event, during the event and after the event. This year's plan will be upgraded to address any issues as raised by the working group as a result of debriefing for the previous year's festival event.

As the festival is an annual event, a debriefing meeting is held approximately three months after the event. A report to Council will outline how the event was conducted and address any issues requiring attention prior to the following year's event.

#### **CONSULTATION/ADVERTISING:**

The location of street entertainment to be mutually agreed upon by the organisers and the Town. In addition, it is required that nearby businesses be consulted prior to finalising locations.

#### **LEGAL/POLICY:**

The standard conditions for sponsorship would apply to this event:

1. The events must not promote smoking, alcohol, any use of illicit substances and/or adult "R" rated entertainment;
2. The sponsorship funds should be expended in keeping with ethical conduct and practices;
3. The Town of Vincent must be acknowledged in associated publicity and promotional material with the Town's Logo displayed appropriately;

4. Event organisers must liaise with relevant Council officers before proceeding to use the Town's Logo or material;
5. Upon completion of the sponsored event, a report outlining the outcomes of the event, publicity/promotion and how the sponsorship monies were expended must be submitted to Council no more than 30 (thirty) days after the event;
6. The event organisers must take out and hold current a policy of insurance for Public Liability for an amount of not less than \$10,000,000 (ten million dollars) for any one event. A copy of the current certificate is to be provided to Council at least 10 (ten) days before the commencement of the event; and
7. The event organisers must indemnify the Council against any claims, damages, writs, summonses or other legal proceedings and any associated costs, expenses, losses or other liabilities as a result of loss of life, personal injury or damage to property arising from an occurrence in or connected with the sponsored event, regardless of the cause.

In addition, it is recommended that the Council impose the same conditions for other events which will incorporate the following:

- (a) LCAG is to be responsible to ensure that parking permits are issued to stall holders.
- (b) All access ways into the event to be manned by personnel allocated by the organising committee.
- (c) **Noise**
  - No amplified music or public address to be permitted prior to 10:00am or after 9:00pm as detailed in the submissions.
- (d) **Food**
  - All food related stall holders to liaise with Environmental Health Officer to apply for a Temporary Food Handling Permit, and submit the appropriate fees at least 14 days prior to the event.
  - It is confirmed that all perishable foods (including food tasting) are to be kept at safe temperatures and protected from contamination.
  - Assistance from LCAG committee to ensure unauthorised food activities closed by the Town's Environmental Health Officers remain non-operational.
  - All power, water supplies and waste water disposal to be fully operative in all food vans prior to the commencement of the Festival.
- (e) **Toilets**
  - Based on past experience, and the provision of public toilet facilities available at the rear of Headquarters and in The Avenue Carpark, and toilet facilities at various cafe's and licensed premises being made available, temporary portable facilities will not be required (maximum of approximately 1000 persons in attendance at one time).
  - The toilets to be readily accessible to the public and their location well advertised.
  - Consumables (toilet paper, soap & paper hand towels to be replenished during the event.
- (f) **General**
  - The Risk Management Plan referred to in the submission should also contain a noise management plan, which should be updated and provided to the Town's Health Services at least 28 (twenty-eight) days prior to the event.
  - In regards to cleaning and rubbish disposal the event organisers should liaise with the Town's Technical Services. Rubbish and litter collection should occur during the event and a major clean up should be conducted by 12:00 noon the following day.
  - Should Fire Works be intended then application should be made to the Department of Minerals and Energy, Police and Town of Vincent at least 14 days prior to the event.
  - Structural Certification and a copy of Public Liability Cover to be submitted for entertainment such as Fly Motion.

- No external entertainment is permitted after 9:00pm.
  - Only premises holding a current Alfresco Dining Licence will be permitted to have Alfresco Dining.
  - It is recommended that the Department of Racing, Gaming and Liquor be contacted for the relevant approvals for Liquor Licences.
  - The First Aid Post be suitably positioned to cover the entire event (they should have direct communication with crowd controllers, Police and the event organisers).
  - A clear site plan to be provided detailing location of all events, toilets, ambulances, entertainment, stalls, and street closures.
  - All activities including displays, street theatre (buskers), amplified music to be contained in the specified area.
  - Animal farm and animal rides to be located a minimum of 18 metres from any food vendor, and all animal faeces to be regularly collected and bagged for immediate disposal in a waste receptacle.
  - The event organisers are to require all artists/performers/participants to refrain from using offensive explicit language and behaviour and activities, which could impact on the safety and amenity of the patrons.
  - The event organisers to provide a list of relevant contact mobile phone numbers. This should include at least two contacts for the event organiser and crowd controllers.
- (g) **Public Building Matters**
- Exclusion zones to be provided around skate boarding demonstrations and displays, and entertainment such as Fly Motion.
  - Certification for all stage(s) and marquees to be provided advising they are structurally sound.
  - All reasonable precautions to be taken to prevent overcrowding and crowd controllers to take steps where necessary.
- (h) **Street Entertainment**
- All street entertainment to be pre-approved with a site map on allocated spaces provided to the Town. Any inappropriate or hazardous activity will not be approved.
  - The location of street entertainment to be mutually agreed upon by the Town.

#### **STRATEGIC IMPLICATIONS:**

Strategic Plan 2005-2010

Key Result Area 2.1 Celebrate and acknowledge the Town's cultural diversity

- (a) *Develop, financially support, promote and organise community events and initiatives (including those generated by community groups) that engage the community and celebrate the cultural diversity of the Town.*

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

Grants have been requested from the Town of Vincent, Healthway, and Lotteries Commission and the funds received will help in setting up the Festival and provide for the infrastructure in securing contractors and all other parties involved. It should be noted that organisers are not confident of obtaining grant monies from Healthway and Lotteries Commission, given that grants funds are not recurrent.

An amount of \$15,000 has been listed in the 2006/2007 Budget for the 2006 festival which is the same as provided last year. The budget amount will enable the group to cover costs such as traffic management and road including all-day attendance by qualified personnel, advertising and the hire of water-filled barriers.

Event organisers have requested an increase in funding to a total grant of \$16,500 to take into account rising costs in organising the event and given the decrease in sponsorship available to the organisers.

Given the size of this activity they fall within Council's Policy 3.2.5 for Concerts and Events where significant fees and bonds are involved. The following fees (including GST) would apply for this event based on an estimate of 5000 to 12000 patrons:

Application Fee	\$ 82.50
Event Fee	\$11,000.00
Bond	<u>\$13,200.00</u>
<b>Total</b>	<b>\$24,282.50</b>

It is recommended that the Town waives the application fees and event management fees to assist with the organisation of the event. It is further recommended that the Bond be reduced to \$2,000.00, similar to the reduction approved in similar applications.

**COMMENTS:**

Further conditions will be imposed on the use of Oxford Reserve to protect pathways and public art installations, with restrictions on the type of activities being held at the reserve itself. This will be discussed further at the internal working group meetings.

The Town supports the Festival with the provision of allocated sponsorship funds and the availability of officers who have met with event organisers a number of times to advise on the appropriate processes and procedures relevant to organising an event of this nature. The festival has proven to be a very popular event in the Town's calendar.

**10.3.6 New Zealand Day Event (Waitangi Day) 2007**

<b>Ward:</b>	South	<b>Date:</b>	4 September 2006
<b>Precinct:</b>	Oxford Centre P4	<b>File Ref:</b>	RES0004
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	J Anthony		
<b>Checked/Endorsed by:</b>	M Rootsey	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council PERMITS the New Zealand Sports and Cultural Centre Association Inc. to hold a New Zealand Day event at Medibank Stadium (Leederville Oval) on 10 February 2007, subject to;*

- (i) event application and food permit fees for the event being waived;*
- (ii) hire fees for the use of the oval to be discounted by 50%;*
- (iii) a bond of \$2,000 being lodged by applicant as security for any damage to or clean-up of the park;*
- (iv) full compliance with conditions of use being imposed including Environmental Health and other conditions as determined by the events working group as listed in the report; and*
- (v) acknowledgement of the Town of Vincent as a major sponsor of the events on all publications and advertising materials subject to the conditions listed in the report*

*to the satisfaction of the Chief Executive Officer.*

**COUNCIL DECISION ITEM 10.3.6**

**Moved Cr Ker, Seconded Cr Messina**

*That the recommendation be adopted.*

**CARRIED (8-0)**

**(Cr Doran-Wu on approved leave of absence.)**

**PURPOSE OF REPORT:**

To permit the New Zealand Sports and Cultural Centre Association Inc. to hold a New Zealand Day event at Medibank Stadium (Leederville Oval) subject to conditions as listed in the report.

**DETAILS:**

The New Zealand Sports and Cultural Centre Association Inc. has submitted a proposal to hold an event to commemorate the signing of the Treaty of Waitangi on Saturday, 10 February 2007. The association is a non-profit organisation who were established in 1999 to create, support, educate and establish good relations with their membership and supporter base of well over 1000 people.

The Association has previously organised the event at the Tom Perrot Reserve in Mosman Park in order to showcase the Maori culture and to present a celebratory event that reflects one of the many cultures present in the community.

Previous events have seen attendances of around 5000 people with organisers recognising the increasing popularity of the event with the need for a more central venue which is able to cater for an increase in attendance numbers. Organisers anticipate an approximate crowd of 5000 people for the 2007 event.

An internal Working Group which deals with events will determine a management plan and assist with the coordination of the event from the perspective of the Town.

The Working Group will discuss the conditions as stipulated plus coordinate a management plan for the smooth running of the event.

The plan included the following aspects:

1. Parking allocations and permits;
2. Coordination of the Town of Vincent display;
3. Allocation of sites and vetting events;
4. Risk Management Plan;
5. Food stall permits and inspections;
6. Review number of community groups and strategies to increase their involvement;
7. Site inspections; and
8. Noise management.

The event will have community stalls, stage entertainment and other community attractions which will feature the Maori culture and New Zealand heritage.

In seeking permission to hold the event the New Zealand Sports and Cultural Centre Association Inc. have agreed to abide by all health regulations in regard to food handling and preparation; provision of adequate toilet facilities; isolating animal rides at a distance from food preparation and sales; and arranging for all food permits from food vendors to be completed and submitted to the Town of Vincent at an early date. In addition to this organisers will need to carefully monitor any trucks being driven on to the reserve to ensure that no damage is caused to the oval. The Association will also be responsible for carrying out any reasonable request placed on it by the Town of Vincent with respect to the use of the Oval.

#### **CONSULTATION/ADVERTISING:**

Consultation will be conducted in accordance with Policy 4.1.19 Use of Council Facility for Other Than Primary Designated Purpose.

#### **LEGAL/POLICY:**

The standard conditions for sponsorship would apply to this event:

1. The events must not promote smoking, alcohol, any use of illicit substances and/or adult "R" rated entertainment;
2. The sponsorship funds should be expended in keeping with ethical conduct and practices;
3. The Town of Vincent must be acknowledged in associated publicity and promotional material with the Town's Logo displayed appropriately;
4. Event organisers must liaise with relevant Council officers before proceeding to use the Town's Logo or material;
5. Upon completion of the sponsored event, a report outlining the outcomes of the event, publicity/promotion and how the sponsorship monies were expended must be submitted to Council no more than 30 (thirty) days after the event;

6. The event organisers must take out and hold current a policy of insurance for Public Liability for an amount of not less than \$10,000,000 (ten million dollars) for any one event. A copy of the current certificate is to be provided to Council at least 10 (ten) days before the commencement of the event; and
7. The event organisers must indemnify the Council against any claims, damages, writs, summonses or other legal proceedings and any associated costs, expenses, losses or other liabilities as a result of loss of life, personal injury or damage to property arising from an occurrence in or connected with the sponsored event, regardless of the cause. In addition, it is recommended that the Council impose similar conditions that were imposed for last year's event.

**STRATEGIC IMPLICATIONS:**

Strategic Plan 2005-2010

Key Result Area 2.1 Celebrate and acknowledge the Town's cultural diversity

- (a) *Develop, financially support, promote and organise community events and initiatives (including those generated by community groups) that engage the community and celebrate the cultural diversity of the Town.*

**FINANCIAL/BUDGET IMPLICATIONS:**

Event organisers have requested support and assistance in the form of reduced hire fees and waiving of food permits and event application fees.

Given that the event does attract an entry fee for members of the community to attend, fees for the use of the reserve have been charged as follows:

2 days set up and bump out	\$ 765.00
Event on 10 February	\$ 765.00
Changeroom access for all 3 days	\$1100.00

It is recommended that these costs could be discounted by 50%.

Other fees include an administration fee of \$150 and use of lights at \$80 per hour. These fees would not be discounted as they have been levied on a cost recovery basis.

**COMMENTS:**

It is recommended that this event be supported by the Town given that the showcase of Maori culture, displays and entertainment would be socially and culturally beneficial to the Town's community. Such an event would highlight the multicultural vibrancy of the Town's social landscape plus increase opportunities for its community to access well organised cultural events locally.

**10.3.7 Cultural Development Seeding Grant Application**

<b>Ward:</b>	Both	<b>Date:</b>	1 September 2006
<b>Precinct:</b>	All	<b>File Ref:</b>	FIN0154
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	M Hansen		
<b>Checked/Endorsed by:</b>	J Anthony M Rootsey	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That Council APPROVES the application of the WA Italian Club for the WA Italian Club community fair for an amount of \$1,000.*

**COUNCIL DECISION ITEM 10.3.7**

**Moved Cr Ker, Seconded Cr Messina**

*That the recommendation be adopted.*

**CARRIED (8-0)**

**(Cr Doran-Wu on approved leave of absence.)**

**PURPOSE OF REPORT:**

To seek approval for a Cultural Development Seeding Grant application for the WA Italian Club Community Fair for \$1,000.

**BACKGROUND/DETAILS:**

The WA Italian Club is once again running a community fair on 5 November 2006 following successfully run events in 2004 and 2005. This will incorporate a range of activities including all day multicultural entertainment, retail stalls, side show alley and fun park for children.

In particular this funding will go towards the marketing and promotional costs of the fair together with the cost of the hire of the accessible portable toilets for the day. The fair will be held in the car park at the rear of the club premises. The event will be open to all people within the community and is designed to generate a sense of community and celebration. The fair will aim to showcase the significant role that the WA Italian Club has in the community and to encourage the involvement of the community in their activities.

The WA Italian Club has extended invitations to other multicultural groups in the area to participate in the entertainment. An invitation has also been made to community groups in the area to showcase their activities to families and the public.

All activities will be fully accessible to all members of the community including people with a disability.

**CONSULTATION/ADVERTISING:**

Nil.

**LEGAL/POLICY:**

The standard conditions for sponsorship would apply to this event:

1. The events must not promote smoking, alcohol, any use of illicit substances and/or adult “R” rated entertainment;
2. The sponsorship funds should be expended in keeping with ethical conduct and practices;
3. The Town of Vincent must be acknowledged in associated publicity and promotional material with the Town’s Logo displayed appropriately;
4. Event organisers must liaise with relevant Council officers before proceeding to use the Town’s Logo or material;
5. Upon completion of the sponsored event, a report outlining the outcomes of the event, publicity/promotion and how the sponsorship monies were expended must be submitted to Council no more than 30 (thirty) days after the event;
6. The event organisers must take out and hold current a policy of insurance for Public Liability for an amount of not less than \$10,000,000 (ten million dollars) for any one event. A copy of the current certificate is to be provided to Council at least 10 (ten) days before the commencement of the event; and
7. The event organisers must indemnify the Council against any claims, damages, writs, summonses or other legal proceedings and any associated costs, expenses, losses or other liabilities as a result of loss of life, personal injury or damage to property arising from an occurrence in or connected with the sponsored event, regardless of the cause. In addition, it is recommended that the Council impose similar conditions that were imposed for last year’s event.

**STRATEGIC IMPLICATIONS:**

The Cultural Development Seeding Grants and the submitted application address the following section of the Town’s Strategic Plan 2005–10:

*2.1 Celebrate and acknowledge the Town’s cultural diversity.*

*Action Plans to implement this strategy include:*

- a) Develop, financially support, promote and organise community events and initiatives (including those generated by the community groups) that engage the community and celebrate the cultural diversity of the town.*

**FINANCIAL/BUDGET IMPLICATIONS:**

The budget for Cultural Seeding Grants \$6,000 and is not yet allocated.

The Town provided \$1,000 in 2004 and 2005.

**COMMENTS:**

The WA Italian Club Community Fair was successful last year for a Cultural Development Seeding Grant and once again meets the criteria for the Cultural Seeding Grant this year. The WA Italian Club will acknowledge the Town’s support of the community fair with Town of Vincent signs or banners to be displayed and logos be displayed on advertising flyers.

An acquittal form will be completed by the WA Italian Club, after the event, detailing how the Cultural Development Seeding Grant was expended.

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

<b>Ward:</b>	-	<b>Date:</b>	5 September 2006
<b>Precinct:</b>	-	<b>File Ref:</b>	ADM0042
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	M McKahey		
<b>Checked/Endorsed by:</b>	John Giorgi	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council ENDORSES the use of the Council's Common Seal on the documents listed in the report.*

**COUNCIL DECISION ITEM 10.4.1**

**Moved Cr Ker, Seconded Cr Messina**

*That the recommendation be adopted.*

**CARRIED (8-0)**

**(Cr Doran-Wu on approved leave of absence.)**

**BACKGROUND:**

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

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

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

<b>Date</b>	<b>Document</b>	<b>No of copies</b>	<b>Details</b>
18/08/06	Deed of Undertaking	2	Town of Vincent and M R Taylor of PO Box 410, Leederville 6903 re: 196 Anzac Road, Mount Hawthorn 6016 - Deed of Undertaking to conserve the existing dwelling on the site, in accordance with SAT Orders dated 6/02/06 regarding Review Matter DR 540 of 2005
24/08/06	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: Coke Conference - 25 August 2006 (Glory Lounge)

<b>Date</b>	<b>Document</b>	<b>No of copies</b>	<b>Details</b>
25/08/06	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta 6021 and Football Federation Australia Ltd, Level 7, 26 College Street, Sydney NSW 2000 re: FFA Training Sessions - 29, 30, 31 August 2006 and 1, 4, 5, 6, 7, 8, 9 September 2006 (Change Rooms 1 and 2 and Pitch)
25/08/06	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta 6021 and Football Federation Australia Ltd, Level 7, 26 College Street, Sydney NSW 2000 re: FFA Training Sessions with Sponsors - 29 August 2006 (Change Rooms 1, 2 and 3 and Pitch)
29/08/06	Contract for Sale of Land or Strata Title by Offer and Acceptance	1	Town of Vincent and Temov Holdings Pty Ltd of PO Box 230, North Perth re: Closure and Sale of Right of Way Adjacent to the Car Park behind 352 and 354 Charles Street, North Perth
29/08/06	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta 6021 and Michael Coppel Ventures of Level 716, 718 High Street, Armadale, Victoria 3143 re: Eric Clapton Concert - 11 February 2007 (Stadium)
31/08/06	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: Independent Education Union - 4 September 2006 (Glory Lounge)
25/08/06	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta 6021 and Football Federation Australia Ltd, Level 7, 26 College Street, Sydney NSW 2000 re: Perth Glory Football Club v Central Coast Mariners - 3 September 2006 (Stadium)
05/09/06	Deed of Covenant	4	Town of Vincent and A Creelman of 34 Connor Road, Lesmurdie 6076 and Suncorp-Metway Ltd of 41-43 St Georges Terrace, Perth 6000 re: No. 89-95 (Lots 368 & 63) Smith Street, Highgate - Construction of Eight Two (2) Storey Grouped Dwellings (Legal Agreement/Deed of Covenant for amalgamation)

**10.4.5 Appointment of Ranger – Paul Martin**

<b>Ward:</b>	Both Wards	<b>Date:</b>	5 September 2006
<b>Precinct:</b>	All Precincts	<b>File Ref:</b>	PF
<b>Reporting Officer(s):</b>	J McGee, S Beanland		
<b>Checked/Endorsed by:</b>	R Boardman		
<b>Amended by:</b>			

**OFFICER RECOMMENDATION:**

*That the Council APPROVES the appointment of Paul Martin, as an Authorized Officer of the Town of Vincent, effective from Monday 31 July 2006 under the provisions of:*

- (i) *the Litter Act 1979 and all subsidiary legislation made under the Act;*
- (ii) *the Dog Act 1976 and all subsidiary legislation made under the Act;*
- (iii) *the Local Government Act 1995;*
- (iv) *the Control of Vehicles (Off Roads Areas) Act 1978;*
- (v) *the Town of Vincent Parking Facilities Local Law;*
- (vi) *the following Town of Vincent Local Laws:*
  - (a) *Relating to Streets and Footpaths;*
  - (b) *Relating to Display of Items on a Footpath;*
  - (c) *Relating to Eating Areas;*
  - (d) *Relating to Dogs;*
  - (e) *Relating to Street Trading;*
  - (f) *Relating to Parks and Reserves; and*
  - (g) *Relating to the Removal and Disposal of Obstructing Animals or Vehicles; and*
- (vii) *the Bush Fires Act 1954.*

**COUNCIL DECISION ITEM 10.4.5**

**Moved Cr Ker, Seconded Cr Messina**

*That the recommendation be adopted.*

**CARRIED (8-0)**

**(Cr Doran-Wu on approved leave of absence.)**

**PURPOSE OF REPORT:**

The purpose of the report is to authorise Rangers, to enforce the provisions of the legislation, applicable to the Town of Vincent.

**DETAILS:**

The Town of Vincent has the responsibility for the enforcement of various Acts, Regulations and Local Laws. These include the Local Government Act, the Dog Act, the Litter Act, the Control of Vehicles (Off Road Areas) Act, the Bush Fires Act, all subsidiary legislation relating thereto and various Town of Vincent Local Laws.

It is a requirement that all Officers, acting in the position of Ranger of the Town of Vincent, be authorised under the various statutes to enable them to effectively perform their duties.

Paul Martin has been employed in a Ranger capacity to ensure the staffing levels of the Ranger's Section is maintained, to ensure adequate enforcement coverage and to carry out the duties of a Ranger as required. It is appropriate for the Council to formally appoint the above named person as an Authorized Officer effective from Monday, 31 July 2006.

**CONSULTATION/ADVERTISING:**

There is no need to undertake public consultation or advertising.

**LEGAL/POLICY:**

Section 3.24 of the Local Government Act 1995 requires any person, who will act on behalf of a Local Government, to be expressly authorised by it to do so.

**STRATEGIC IMPLICATIONS:**

This appointment is in keeping with the Town's Strategic Plan 2005 - 2010, at Item 1.4 "*Develop a strategy for parking management in business residential and mixed use precincts*".

**FINANCIAL/BUDGET IMPLICATIONS:**

There are no financial implications associated with the above appointment.

**COMMENTS:**

The appointment of Paul Martin to the position of Ranger will ensure that the Ranger Services and Community Safety Section can continue to meet the expectations of the community and the appointment is recommended for approval.

**10.1.3 Further Report - No. 69 (Lot 551 D/P: 92765) Barlee Street, Mount Lawley - Proposed Permanent Change of Use to Office (Property Developer, Financial Planning and Architects) Building**

<b>Ward:</b>	South	<b>Date:</b>	5 September 2006
<b>Precinct:</b>	Forrest; P14	<b>File Ref:</b>	PRO1205; 5.2005.3183.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	B McKean		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by Marchmont Group Pty Ltd on behalf of the owner Virium Pty Ltd for proposed Permanent Change of Use to Office (Property Developer, Financial Planning and Architects) Building, at No. 69 (Lot 551 D/P: 92765) Barlee Street, Mount Lawley, and as shown on plans stamp-dated 27 September 2005, 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 non-compliance with the Town's Policy relating to Brigatti Locality and the objectives of the Town's Town Planning Scheme No.1;*
  - (c) *approval of the proposed development would create an undesirable precedent for other similar commercial use developments encroaching into established residential areas; and*
  - (d) *consideration of the objections received; and*
- (ii) *the Council ADVISES the applicant and owners that the Office use shall cease within twenty-eight (28) days of notification, and the Council AUTHORIZES the Chief Executive Officer to commence with legal proceedings should the above Office use remain after this twenty-eight (28) days period.*

**Moved Cr Ker, Seconded Cr Messina**

*That the recommendation be adopted.*

Debate ensued.

Cr Farrell returned to the Chamber at 7.22pm.

**Moved Cr Chester, Seconded Cr Messina**

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

- "(ii) *the Council ADVISES the applicant and owners that the Office use shall cease within twenty-eight (28) days of notification of an unsuccessful review/appeal application by the applicant/owner to the State Administrative Tribunal, and the Council AUTHORIZES the Chief Executive Officer to commence with legal proceedings should the above Office use remain after this twenty-eight (28) days period.*"

Debate ensued.

**AMENDMENT CARRIED (8-0)**

(Cr Doran-Wu on approved leave of absence.)

**MOTION AS AMENDED CARRIED ON THE  
CASTING VOTE OF THE PRESIDING MEMBER (5-4)**

<b><u>For</u></b>	<b><u>Against</u></b>
Mayor Catania (2 votes)	Cr Ker
Cr Farrell	Cr Lake
Cr Chester	Cr Maier
Cr Messina	Cr Torre

(Cr Doran-Wu on approved leave of absence.)

**COUNCIL DECISION ITEM 10.1.3**

*That;*

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by Marchmont Group Pty Ltd on behalf of the owner Virium Pty Ltd for proposed Permanent Change of Use to Office (Property Developer, Financial Planning and Architects) Building, at No. 69 (Lot 551 D/P: 92765) Barlee Street, Mount Lawley, and as shown on plans stamp-dated 27 September 2005, 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 non-compliance with the Town's Policy relating to Brigatti Locality and the objectives of the Town's Town Planning Scheme No.1;*
  - (c) *approval of the proposed development would create an undesirable precedent for other similar commercial use developments encroaching into established residential areas; and*
  - (d) *consideration of the objections received; and*
- (ii) *the Council ADVISES the applicant and owners that the Office use shall cease within twenty-eight (28) days of notification of an unsuccessful review/appeal application by the applicant/owner to the State Administrative Tribunal, and the Council AUTHORIZES the Chief Executive Officer to commence with legal proceedings should the above use remain after this twenty-eight (28) days period.*

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**FURTHER REPORT:**

The Council at its Ordinary Meeting held on 14 February 2006 considered the subject proposal and resolved the following:

*"That the Item be DEFERRED to afford the applicant and owner the opportunity to address the areas of non-compliance and objection received and to ensure that advertising has been carried in accordance with the Town's Community Consultation Policy, and that the objector is aware that the proposed change of use is permanent and not temporary as advertised."*

The applicant has provided a submission dated 31 August 2006 in response to the Town's Officers' reasons for refusal presented to the Council in the Agenda Report (Item 10.1.30) to the Ordinary Meeting of Council held on 14 February 2006.

This justification is summarised below:

(a) *The development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality.*

- Laneway to the northwest and adjacent to the laneway is the Barlee Street Car Park;
- Use of the property is for low impact professional services;
- Creates a buffer between the Barlee Street Car Park and the residential area;
- Attract only 5 - 10 visitors per day;
- Unlikely to have a material impact on the amount of vehicular traffic in Barlee Street;
- Use will not detract from the residential appearance of the building; and
- Promotes the retention and maintenance of a culturally significant building.

(b) *The non-compliance with the Town's Policy relating to Brigatti Locality and the objectives of the Town's Town Planning Scheme No.1.*

- Proposal is compliant with the Town's Brigatti Locality Plan 27 as it recognises that Brigatti is one of the most diverse localities in the Town of Vincent;
- Provides adequate parking screened from streets and adjacent residences;
- On-site car parking is provided from a right of way; and
- Makes optimum use of a site which is exposed to a public car park and commercial area and would therefore provide a decreased level of amenity if used for a residential use.

(c) *Approval of the proposed development would create an undesirable precedent for other similar commercial use developments encroaching into established residential areas.*

- Creation of an undesirable precedent is not legally relevant to the Council's assessment of an application - each application is unique and must be assessed on its own merits.

(d) *Consideration of the objections received.*

- A response to each objection received during the consultation period is provided in the applicant's submission.

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

The subject application was re-advertised as per the Council's resolution of 12 February 2006 in accordance with the Town's Policy relating to Community Consultation for 21 days from 1 June 2006 until 23 June 2006.

As a result of this consultation, the Town received a total of 10 submissions as follows:

- Seven objection submissions received during the consultation period;
- One objection submission received after the consultation period; and
- Two support submissions received after the consultation period.

A petition objecting to the proposal containing 27 signatures was also received on 5 July 2006 outlining the following concerns:

- Commercial uses belong in commercial areas (such as along Beaufort Street);
- Proposal undermines the viability of the Beaufort Street Commercial Precinct;
- Increase in traffic in Barlee Street;
- Lack of car parking available for Office use; and
- History of conflict and negative impacts on the residential amenity of Barlee Street.

The submissions have been summarised in the amended Consultation Submissions Table as follows:

<b>Consultation Submissions</b>		
Support (2)	<ul style="list-style-type: none"> <li>• Parking and traffic is not an issue from the office, parents taking their children to soccer practice and games at the park cause the traffic problems.</li> <li>• Deterrent to daytime theft on the street.</li> <li>• Buffer from heavy traffic on Beaufort Street.</li> <li>• No negative impact on the lives of Barlee Street residents.</li> </ul>	<p>Not supported - refer to previous 'Comments'.</p> <p>Noted - not substantiated in applicant's submission. Noted.</p> <p>Not supported - addressed in objections and previous 'Comments'.</p>
Objection (8)	<ul style="list-style-type: none"> <li>• Commercial use is in conflict with residential zoning.</li> <li>• Increase in traffic / street parking</li> <li>• Office was used beyond approved hours of operation.</li> <li>• Building has a history of being used for unauthorised uses.</li> <li>• Residential community should be retained and commercial uses should be limited to commercial areas (that is, Beaufort Street).</li> <li>• Set an undesirable precedent.</li> <li>• Staff and visitors of the office are currently parking in the street, across driveways and the front of the office as they can not access on-site car parking.</li> <li>• The use is not consistent with the orderly and proper planning and the preservation of the amenity of the locality.</li> </ul>	<p>Supported - refer to previous 'Comments'.</p> <p>Supported - refer to previous 'Comments'.</p> <p>Noted.</p> <p>Supported - the building has a history of being used for unauthorised uses.</p> <p>Supported - refer to previous 'Comments'.</p> <p>Supported - refer to 'Officer Recommendation'.</p> <p>Supported - refer to previous 'Comments' and 'Further Comments'.</p> <p>Supported - refer to "Officer Recommendation' and previous 'Comments'.</p>
	<ul style="list-style-type: none"> <li>• Non compliant with the Town's Policy relating to the Brigati Locality as a property development company, financial planning and architect does not serve the day to day needs of local residents.</li> </ul>	<p>Supported - refer to 'Officer Recommendation' and previous 'Comments'.</p>

	<ul style="list-style-type: none"> <li>• Proposal undermines the economic viability of the Beaufort Precinct.</li> <li>• The office use has not complied with the previous planning conditions (photographs submitted indicating the office operating outside the previously approved hours of operation).</li> <li>• The subject property is currently acting as the office for "Dynamic Golf Australasia".</li> </ul>	<p>Supported - refer to previous 'Comments'. Noted.</p> <p>Supported - refer to 'Further Comments'.</p>
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**FURTHER COMMENTS:**

**On Site Uses**

The applicant's submission also acknowledges that the property is being used for the office of 'Dynamic Golf'. The submission indicates that this may involve people occasionally attending the premises to view the 'golf swinging robot'. Furthermore, the submission states in regards to Dynamic Golf *"I rent office space and have a demonstration studio located in the garage"*.

It is considered that this 'office' use will attract more people to the premises in addition to those associated with the subject property developer, financial planning and architects office and occupies a portion of the garage which should be used for on-site car parking.

**Town of Vincent Economic Development Strategy**

The proposed use is not considered to be supported on the following grounds:

- the relevant Brigatti Locality Plan Policy does not stipulate non-residential uses as being part of the desired future character of the area;
- the Town's Economic Development Strategy makes reference in its discussions on Beaufort Street regarding car parking and traffic *'to take the pressure off local Residents who can enjoy their own streets without competing with shoppers spilling over from the commercial zone.'* In this respect, it is considered that commercial uses, of a retail or office nature, will reduce the effectiveness of the Town's Strategy to consolidate and strengthen the Town Centre and protect residential areas;
- the office use is not considered to serve the day-to-day needs of the residents and therefore, be more appropriate to be located in areas which have been appropriately zoned and developed for such uses, that is the District Centre and Commercial areas;
- the proposal is likely to encourage further commercial intrusion within the residential area and hence, considered to unduly affect the economic viability of the Town's District Centres and Commercial areas ; and
- in light of the 'Dynamic Golf' use which is in addition to the original proposed use of property developer, financial planning and architects office, the use of the property in this context would need to be strictly controlled and monitored to not create an undue impact on the surrounding residential amenity.

In light of the above, the 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 14 February 2006.

*"OFFICER RECOMMENDATION:*

*That;*

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by Marchmont Group Pty Ltd on behalf of the owner Virium Pty Ltd for proposed Permanent Change of Use to Office (Property Developer, Financial Planning and Architects) Building, at No. 69 (Lot 551 D/P: 92765) Barlee Street, Mount Lawley, and as shown on plans stamp-dated 27 September 2005, 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 non-compliance with the Town's Policy relating to Brigatti Locality and the objectives of the Town's Town Planning Scheme No.1;*
  - (c) *approval of the proposed development would create an undesirable precedent for other similar commercial use developments encroaching into established residential areas; and*
  - (d) *consideration of the objections received; and*
- (ii) *the Council ADVISES the applicant and owners that the Office use shall cease within twenty-eight (28) days of notification, and the Council AUTHORIZES the Chief Executive Officer to commence with legal proceedings should the above Office use remains after this twenty-eight (28) days period.*

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COUNCIL DECISION ITEM 10.1.30

Moved Cr Messina, Seconded Cr Ker

*That the recommendation be adopted.*

*Debate ensued.*

*Cr Farrell departed the Chamber at 9.21pm.*

*Cr Farrell returned to the Chamber at 9.25pm.*

*Cr Torre departed the Chamber at 9.26pm.*

Moved Cr Messina, Seconded Cr Chester

*That the Item be DEFERRED to afford the applicant and owner the opportunity to address the areas of non-compliance and objection received and to ensure that advertising has been carried in accordance with the Town's Community Consultation Policy, and that the objector is aware that the proposed change of use is permanent and not temporary as advertised.*

CARRIED (6-2)

For

Mayor Catania

Cr Chester

Cr Doran-Wu

Cr Farrell

Cr Lake

Cr Messina

Against

Cr Ker

Cr Maier

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

<i>Landowner:</i>	<i>Virium Pty Ltd</i>
<i>Applicant:</i>	<i>Marchmont Group Pty Ltd</i>
<i>Zoning:</i>	<i>Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R50</i>
<i>Existing Land Use:</i>	<i>Office Building</i>
<i>Use Class:</i>	<i>Office Building</i>
<i>Use Classification:</i>	<i>"SA"</i>
<i>Lot Area:</i>	<i>469 square metres</i>
<i>Access to Right of Way</i>	<i>East side, 3 metres wide, sealed, dedicated road. South side, 3 metres wide, sealed, dedicated road.</i>

**BACKGROUND:**

*18 June 1973*                      *The Council of the City of Perth conditionally approved a change of use from Salvation Army church/hall to headquarters of Cracovia Soccer Club, specifically for the following uses;*

- "(a) holding committee meetings;*
- (b) display and storage of Club's trophies and movable property;*
- (c) assembly of club juniors for purpose of voluntary youth work, such as screening of films, talks and similar activities;*
- (d) conducting small socials for the players; and*
- (e) holding various other meetings in relation to Club activities;*

*subject to the Club's activities being conducted in such a way that there is no cause for complaint from nearby residents."*

*12 December 1977*                      *The Council of the City of Perth resolved to refuse an application to the extension of the existing hall used by a sporting club, including a games/dining area, licensed bar and store, for the following reason:*

- "1. The proposed extension to the hall be refused under Clause 30 of the Metropolitan Region Scheme on the grounds that the general disturbance caused by its use and lack of parking facilities would prejudice both the orderly and proper planning of the locality and the amenities of the locality."*

*Use of the caretaker's residence for administration purposes was approved, subject to it being conducted in such a way that it does not prejudice interests of nearby residents.*

*14 June 1999*                      *The Council at its Ordinary Meeting conditionally approved two storey additions and alterations to the existing dwelling. It would appear that these additions were not undertaken.*

*16 October 2003*                      *Proposed partial demolition of and alterations and additions, including mezzanine level to existing single house and free standing garage was conditionally approved under delegated authority.*

14 September 2004      *The Council at its Ordinary Meeting granted conditional approval for temporary change of use from single house to office (property developer, financial planning and architects) building (application for retrospective Planning Approval). Condition (i) (f) of the approval stated as follows:*

*"this approval for a Change of Use is for a period of 12 months only and should the applicant wish to continue the use after that period, it shall be necessary to reapply to and obtain approval from the Town prior to continuation of the use."*

**DETAILS:**

*The proposal involves permanent change of use to office (property developer, financial planning, and architects).*

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

**ASSESSMENT:**

<i>Non-Compliant Requirements</i>			
<i>Requirements</i>	<i>Required</i>	<i>Proposed *</i>	<i>Officer Comments Pursuant to Clause 38(5) of TPS 1</i>
<i>Plot Ratio</i>	<i>N/A</i>	<i>N/A</i>	<i>Noted</i>
<i>Brigatti Locality Plan 27</i>	<i>Refer to 'Comments'</i>	<i>Refer to 'Comments'</i>	<i>Refer to 'Comments'</i>
<i>Consultation Submissions</i>			
<i>Support</i>	<i>Nil</i>		<i>Noted</i>
<i>Objection (1)</i>	<ul style="list-style-type: none"> <li>• <i>Commercial use is in conflict with residential zoning.</i></li> </ul>		<i>Supported - refer to 'Comments'.</i>
	<ul style="list-style-type: none"> <li>• <i>Increase in traffic / street parking</i></li> </ul>		<i>Supported - refer to 'comments'.</i>
	<ul style="list-style-type: none"> <li>• <i>Office was used beyond approved hours of operation.</i></li> </ul>		<i>Noted.</i>
	<ul style="list-style-type: none"> <li>• <i>Building has a history of being used for unauthorised uses.</i></li> </ul>		<i>Supported - the building has a history of being used for unauthorised uses.</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>
<i>Car Parking</i>			
<i>Car Parking Requirement (nearest whole number)</i> <ul style="list-style-type: none"> <li>▪ <i>Office: 1 car bay per 50 square metres gross floor area (185 square metres)</i></li> </ul>			<i>4 car bays</i>

Apply the adjustment factors ▪ 0.85 (within 400 metres of one or more existing public car parking places with in excess of a total of 25 car parking spaces)	(0.85)  3.4 car bays
Minus car parking on-site	5 car bays
Resultant surplus	1.6 car bays
<i>Bicycle Parking</i>	
Office • 1 space per 200 square metres of gross floor area for employees (class 1 or 2)- 0.925 space	Nil facilities indicated on plans, would be conditioned to comply in the event of approval.

\* 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:**

Whilst it is recognised that the proposal will not unduly impact on the physical amenity of the area, and adequate car parking has been provided as per the Town's Policy relating to Parking and Access, the proposed use is not considered to be supportable on the following grounds:

- the relevant Brigatti Locality Plan states that "a limited number of non residential uses which serve the day to day needs of local residents (such as local shops and child care facilities) are also appropriate where they are not likely to cause any significant disturbance to adjacent residences." The future permanent continued use as an office (property developer, financial planning, and architects) is not considered to serve the day-to-day needs of the residents and, therefore, be more appropriate to be located in areas which have been appropriately zoned and developed for such uses, that is the District Centre and Commercial areas;
- while the application is compliant with the Town's Policy relating to Parking and Access, the on-site car parking provided for the office use is located at the rear of the property in a lockable garage. This garage appears to be used for private use and not for clients attending the office building. In light of this, the permanent change of use to office at this property may result in the increase of traffic and off street parking in Barlee Street; and
- the proposal is likely to encourage further commercial intrusion within the residential area and hence, considered to unduly affect the economic viability of the Town's District Centres and Commercial areas.

In light of the above, the objection received, and one of general objectives of the Town's Town Planning Scheme being "to promote and safeguard the economic well-being and functions of the Town", it is recommended that the proposal be refused."

**10.1.9 Nos. 416-418 (Lot 300 D/P: 30854) Oxford Street, corner Scarborough Beach Road, Mount Hawthorn - Proposed Three-Storey Plus Basement Mixed Use Development Comprising Shops, Offices, Consulting Rooms and Four (4) Multiple Dwellings**

<b>Ward:</b>	North	<b>Date:</b>	5 September 2006
<b>Precinct:</b>	Mount Hawthorn Centre; P2	<b>File Ref:</b>	PRO1767; 5.2006.169.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	L Mach		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by C Condipodoro on behalf of the owner Vincorp Holdings Pty Ltd for proposed Three-Storey Plus Basement Mixed Use Development Comprising Shops, Offices, Consulting Rooms and Four (4) Multiple Dwellings, at Nos. 416-418 (Lot 300 D/P: 30854) Oxford Street, corner Scarborough Beach Road, Mount Hawthorn, and as shown on plans stamp-dated 13 April 2006 (first floor, second floor and elevations plans) and 16 August 2006 (site, basement and ground floor plans) , for the following reasons:*

- (i) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality; and*
- (ii) *the non-compliance with the Vehicular Access requirements of the Town's Policy relating to the Mount Hawthorn Centre Precinct.*

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**Moved Cr Farrell, Seconded Cr Messina**

*That the recommendation be adopted.*

Debate ensued.

**LOST (2-6)**

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

(Cr Doran-Wu on approved leave of absence.)

**Reasons:**

1. The proposed development will have better traffic access.
2. Proposed development is an improvement on the previous use of the site.
3. The proposed development will have reduced impact on adjoining properties.

**ALTERNATIVE RECOMMENDATION:**

**Moved Cr Ker, Seconded Cr Maier**

*That the following alternative recommendation be adopted:*

*“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 C Condipodero on behalf of the owner Vincorp Holdings Pty Ltd for proposed Three-Storey Plus Basement Mixed Use Development Comprising Shops, Offices, Consulting Rooms and Four (4) Multiple Dwellings, at Nos. 416-418 (Lot 300 D/P: 30854) Oxford Street, corner Scarborough Beach Road, Mount Hawthorn, and as shown on plans stamped 13 April 2006 (first floor, second floor and elevations plans) and 16 August 2006 (site, basement and ground floor plans), subject to the following conditions:*

- (i) any future vehicular entry gates adjacent to the Scarborough Beach Road and Oxford Street shall be either open at all times or suitable management measures shall be implemented to ensure access is readily available for visitors at all times. Details of the management measures shall be submitted to and approved by the Town prior to the issue of a Building License;*
- (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) prior to the issue of a Building Licence, designs for art work(s) valued at a minimum of 1 per cent of the estimated total cost of the development (\$30,000) shall be submitted to and approved by the Town, OR alternatively, the applicant/owner shall pay a cash-in-lieu contribution of \$30,000, subject to the Town agreeing to this arrangement. The art work(s) shall be in accordance with the Town's Policy relating to Percent for Art Scheme and be developed in full consultation with the Town's Community Development Services with reference to the Percent for Art Scheme Policy Guidelines for Developers. The art work(s) shall be installed prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (iv) a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (v) first obtaining the consent of the owners of No(s). 412-414 Oxford Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No(s). 412-414 Oxford Street in a good and clean condition;*
- (vi) the applicant/owner shall pay a cash-in-lieu contribution of \$18,850 for the equivalent value of 7.25 car parking spaces, based on the cost of \$2,600 per bay as set out in the Town's 2006/2007 Budget. Alternatively, if the car parking shortfall is reduced as a result of a greater number of car bays being provided, the cash in lieu amount can be reduced to reflect the new changes in car parking requirements;*

- (vii) *prior to the first occupation of the development, eight (8) class- one or two and three (3) class three 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) *doors, windows and adjacent floor areas fronting Oxford Street and Scarborough Beach Road shall maintain an active and interactive relationship with these streets. Glazing within the subject doors and windows on the ground floor shall be clear glazing with no heavy/dark tinting nor be reflective;*
- (xi) *prior to the first occupation of the development, eight (8) car parking spaces provided for the residential component of the development shall be clearly marked and signposted for the exclusive use of the residents of the development and shall not be in tandem arrangement unless they service the same residential unit/dwelling;*
- (xii) *the floor areas of the non-residential component shall be limited to;*
  - (a) *434 square metres of gross floor area for the retail/shop component;*
  - (b) *1092 square metres of gross floor area for the office component; and*
  - (c) *2 consulting rooms or 2 practitioners/consultants at any one time.*

*Any increase in floor space or change of use for the subject land shall require Planning Approval to be applied to and obtained from the Town;*
- (xiii) *in keeping with the Town's practice for multiple dwellings, commercial, retail and similar developments the footpaths adjacent to the subject land are to be upgraded, by the applicant, to a brick paved standard to the Town's specification. A refundable footpath upgrading bond and/or bank guarantee of \$4,550 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing facilities have been reinstated to the satisfaction of the Town's Technical Services Division. An application to the Town for the refund of the upgrading bond must be made in writing;*
- (xiv) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, traffic and heavy vehicle access, dust and any other appropriate matters, shall be submitted to and approved by the Town;*
- (xv) *the car parking area of the 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, an acoustic report prepared in accordance with the Town's Policy relating 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;*
- (xvii) *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 residential units/dwellings that:*
- (a) *the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities; and*
  - (b) *the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units/dwellings. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development.*

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

- (xviii) *prior to the first occupation of the development, each dwelling shall be provided with a screened outdoor area for clothes drying or clothes tumbler dryer;*
- (xix) *a report detailing any necessary remedial measures to rectify any unsuitable soil and/or ground water contamination of the subject site to the satisfaction of the Town shall be submitted and approved prior to the issue of a Building Licence. All such measures and works shall be undertaken prior to the first occupation of the development and thereafter maintained, at the applicant's/owner(s)' full expense; and*
- (xx) *prior to the issue of a Building Licence, revised plans and details shall be submitted and approved demonstrating the following:*
- (a) *the vehicular ramp being a minimum width of 5.0 metres with a blind aisle;*
  - (b) *all windows on the eastern elevation, on the first and second floors, being screened with a permanent obscure material and be non- openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees. The 'fixed aluminium louvres' shall be retained on these windows;*
  - (c) *all balconies and decks on the eastern elevation, on the first and second floors, 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; OR suitable planting to the satisfaction of the Town may be used as screening;*

- (d) *any proposed security gates being a minimum 50 percent visually permeable when viewed from the street;*
- (e) *all 'fixed aluminium louvres' along Scarborough Beach Road and Oxford Street providing some visibility to the street;*
- (f) *the provision of walls on either side of the driveway to Oxford Street, incorporating windows to be utilised for display purposes;*
- (g) *1.5 metres by 1.5 metres visual truncations being provided on either side of where the driveway meets the footpath; and*
- (h) *all access and facilities for people with disabilities being provided in accordance with Parts D3 and F2 of the Building Code of Australia and AS 1428.1.*

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

Debate ensued.

**Moved Cr Maier, Seconded**

*That clause (xx)(f) be deleted and the following words be substituted:*

*"(xx) (f) showing access only available from the right of way."*

**AMENDMENT LAPSED FOR WANT OF A SECONDER**

**Moved Cr Farrell, Seconded Cr Messina**

*That clause (xvii)(b) be deleted.*

Debate ensued

**AMENDMENT CARRIED ON THE  
CASTING VOTE OF THE PRESIDING MEMBER (5-4)**

<b><u>For</u></b>	<b><u>Against</u></b>
Mayor Catania (2 votes)	Cr Chester
Cr Farrell	Cr Lake
Cr Messina	Cr Ker
Cr Torre	Cr Maier

(Cr Doran-Wu on approved leave of absence.)

Debate ensued.

**Moved Cr Maier, Seconded**

*That clause (xx)(c) to be amended by deleting the word "planting" in the second last line of the paragraph and inserting the words "measures such as planters".*

**The Presiding Member ruled that he would not accept this amendment.**

Debate ensued.

Moved Cr Messina, Seconded Cr Farrell

*That clause (vii) be amended to read as follows;*

*“(vii) prior to the first occupation of the development, ~~eight (8)~~ four (4) class- one or two and ~~three (3)~~ two (2) class three 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;”*

Debate ensued.

AMENDMENT CARRIED (7-1)

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

(Cr Doran-Wu on approved leave of absence.)

MOTION AS AMENDED CARRIED (5-3)

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

COUNCIL DECISION ITEM 10.1.9

*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 C Condipodero on behalf of the owner Vincorp Holdings Pty Ltd for proposed Three-Storey Plus Basement Mixed Use Development Comprising Shops, Offices, Consulting Rooms and Four (4) Multiple Dwellings, at Nos. 416-418 (Lot 300 D/P: 30854) Oxford Street, corner Scarborough Beach Road, Mount Hawthorn, and as shown on plans stamped 13 April 2006 (first floor, second floor and elevations plans) and 16 August 2006 (site, basement and ground floor plans), subject to the following conditions:*

- (i) any future vehicular entry gates adjacent to the Scarborough Beach Road and Oxford Street shall be either open at all times or suitable management measures shall be implemented to ensure access is readily available for visitors at all times. Details of the management measures shall be submitted to and approved by the Town prior to the issue of a Building License;*

- (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) *prior to the issue of a Building Licence, designs for art work(s) valued at a minimum of 1 per cent of the estimated total cost of the development (\$30,000) shall be submitted to and approved by the Town, OR alternatively, the applicant/owner shall pay a cash-in-lieu contribution of \$30,000, subject to the Town agreeing to this arrangement . The art work(s) shall be in accordance with the Town's Policy relating to Percent for Art Scheme and be developed in full consultation with the Town's Community Development Services with reference to the Percent for Art Scheme Policy Guidelines for Developers. The art work(s) shall be installed prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (iv) *a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (v) *first obtaining the consent of the owners of No(s). 412-414 Oxford Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No(s). 412-414 Oxford Street in a good and clean condition;*
- (vi) *the applicant/owner shall pay a cash-in-lieu contribution of \$18,850 for the equivalent value of 7.25 car parking spaces, based on the cost of \$2,600 per bay as set out in the Town's 2006/2007 Budget. Alternatively, if the car parking shortfall is reduced as a result of a greater number of car bays being provided, the cash in lieu amount can be reduced to reflect the new changes in car parking requirements;*
- (vii) *prior to the first occupation of the development, four (4) class- one or two and two (2) class three 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) *doors, windows and adjacent floor areas fronting Oxford Street and Scarborough Beach Road shall maintain an active and interactive relationship with these streets. Glazing within the subject doors and windows on the ground floor shall be clear glazing with no heavy/dark tinting nor be reflective;*

- (xi) *prior to the first occupation of the development, eight (8) car parking spaces provided for the residential component of the development shall be clearly marked and signposted for the exclusive use of the residents of the development and shall not be in tandem arrangement unless they service the same residential unit/dwelling;*
- (xii) *the floor areas of the non-residential component shall be limited to;*
- (a) *434 square metres of gross floor area for the retail/shop component;*
  - (b) *1092 square metres of gross floor area for the office component; and*
  - (c) *2 consulting rooms or 2 practitioners/consultants at any one time.*
- Any increase in floor space or change of use for the subject land shall require Planning Approval to be applied to and obtained from the Town;*
- (xiii) *in keeping with the Town's practice for multiple dwellings, commercial, retail and similar developments the footpaths adjacent to the subject land are to be upgraded, by the applicant, to a brick paved standard to the Town's specification. A refundable footpath upgrading bond and/or bank guarantee of \$4,550 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing facilities have been reinstated to the satisfaction of the Town's Technical Services Division. An application to the Town for the refund of the upgrading bond must be made in writing;*
- (xiv) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, traffic and heavy vehicle access, dust and any other appropriate matters, shall be submitted to and approved by the Town;*
- (xv) *the car parking area of the 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, an acoustic report prepared in accordance with the Town's Policy relating 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;*
- (xvii) *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 residential units/dwellings that:*
- (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;*
- This notification shall be lodged and registered in accordance with the Transfer of Land Act prior to the first occupation of the development;*
- (xviii) *prior to the first occupation of the development, each dwelling shall be provided with a screened outdoor area for clothes drying or clothes tumbler dryer;*

- (xix) *a report detailing any necessary remedial measures to rectify any unsuitable soil and/or ground water contamination of the subject site to the satisfaction of the Town shall be submitted and approved prior to the issue of a Building Licence. All such measures and works shall be undertaken prior to the first occupation of the development and thereafter maintained, at the applicant's/owner(s)' full expense; and*
- (xx) *prior to the issue of a Building Licence, revised plans and details shall be submitted and approved demonstrating the following:*
- (a) *the vehicular ramp being a minimum width of 5.0 metres with a blind aisle;*
  - (b) *all windows on the eastern elevation, on the first and second floors, being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees. The 'fixed aluminium louvres' shall be retained on these windows;*
  - (c) *all balconies and decks on the eastern elevation, on the first and second floors, 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; OR suitable planting to the satisfaction of the Town may be used as screening;*
  - (d) *any proposed security gates being a minimum 50 percent visually permeable when viewed from the street;*
  - (e) *all 'fixed aluminium louvres' along Scarborough Beach Road and Oxford Street providing some visibility to the street;*
  - (f) *the provision of walls on either side of the driveway to Oxford Street, incorporating windows to be utilised for display purposes;*
  - (g) *1.5 metres by 1.5 metres visual truncations being provided on either side of where the driveway meets the footpath; and*
  - (h) *all access and facilities for people with disabilities being provided in accordance with Parts D3 and F2 of the Building Code of Australia and AS 1428.1.*

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

#### **ADDITIONAL INFORMATION:**

In relation to the correspondence dated 8 September 2006 from Planning Solutions Pty Ltd on behalf of the owner, the Town's email records indicate that Planning Solutions requested a meeting a day prior to the Agenda deadline for the Ordinary Meeting of Council held on 11 September 2006, and, as such, was advised that a meeting to discuss alternatives would delay the planning application being considered at the subject Ordinary Meeting. Planning Solutions were also advised that the Town's Officers would meet the applicant (however, was unavailable at the requested meeting times) and that the planning application would be recommended for refusal if the plans were to remain in its current form. The applicant subsequently advised in writing for the Officers to refer the planning application to this Ordinary Meeting and did not provide any further comments in relation to meeting the Town's Officers to discuss alternatives.

Whilst Planning Solution's comments in its correspondence of justification are noted, it is reiterated that the current access arrangements are considered to seriously interrupt and unduly affect the continuity of pedestrian access (convenience and safety) and the urban form and that sole vehicle access from the right of way should be further investigated via a redesign and a traffic impact study.

<b>Landowner:</b>	Vincorp Holdings Pty Ltd
<b>Applicant:</b>	C Condipodero
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Commercial
<b>Existing Land Use:</b>	Vacant
<b>Use Class:</b>	Office Building, Shop, Consulting Rooms, Multiple Dwellings
<b>Use Classification:</b>	"P", "P", "AA", "AA"
<b>Lot Area:</b>	1383 square metres
<b>Access to Right of Way</b>	East side, 5.0 metres wide, sealed, Town-owned

**BACKGROUND:**

12 February 2006 The Council at its Ordinary Meeting resolved to conditionally approve the proposed demolition of the existing service station and construction of a two storey mixed use development comprising one (1) eating house, three (3) shops, three (3) offices and associated car parking.

**DETAILS:**

The proposal involves three-storey plus basement mixed use development comprising retail, offices, consulting rooms and four (4) multiple dwellings at the subject property. The applicant's submission is "*Laid on the Table*".

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Density	8 dwellings R 60	4 dwellings R 28.9	Noted- no variation.
Plot Ratio	0.7 - 968 square metres	0.65 - 896 square metres	Noted- no variation.
Setbacks: East (1st floor)	7.7 metres (or 3.8 metres if no major openings)	Nil (abuts 5.0 metre right of way)	Not supported- wall to be conditioned to have no major openings in event of approval. Not supported- as above.
East (2nd floor)	10 metres (or 6.0 metres if no major openings)	Nil (abuts 5.0 metre right of way)	
Car bays (commercial component)	40 car bays	32 car bays	Supported- to be conditioned accordingly in event of approval (cash- in- lieu).
Privacy Setbacks	Outdoor Habitable Areas -7.5 metres	Balconies and Decks- 5.0 metres to eastern property	Not supported- to be conditioned accordingly in event of approval.
Vehicular Access	To be from right of way (ROW) where legally available	Oxford Street and ROW	Not supported - refer to 'Comments'

No. of Storeys	Two storeys are encouraged, a third storey can be considered.	Three storeys plus basement.	Supported- refer to 'Comments'
<b>Consultation Submissions</b>			
Support	Nil		Noted.
Objection (5 submissions received, 3 with same signatories)	<ul style="list-style-type: none"> <li>• Privacy</li> <li>• Parking</li> <li>• Natural sunlight being blocked</li> <li>• Right of way use</li> </ul>		<p>Supported- refer to above.</p> <p>Supported in part- refer to above.</p> <p>Not supported- southern over shadowing will be to commercial properties.</p> <p>Not supported- majority of traffic considered to be during 'business hours', only four dwellings proposed and refer to 'Comments'.</p>
	<ul style="list-style-type: none"> <li>• Residential use not supported</li> <li>• Property value will decrease</li> <li>• Residents will complain regarding noise relating to nearby commercial</li> </ul>		<p>Not supported- the proposal promotes the integration of the work place and residences and thus, diversifying the land use and providing casual surveillance of the area and there is a general encouragement from the R-Codes to promote both a diverse range of inner city housing and mixed use development.</p> <p>Not supported- not considered to be a major planning consideration.</p> <p>Noted- standard conditions (relating to notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property that the property may be affect by noise and other impacts associated with nearby non-residential activities; and acoustic report, noise intrusion and noise emission) to be applied in event of approval.</p>
	<ul style="list-style-type: none"> <li>• Height</li> </ul>		Not supported- refer to 'Comments'.
<b>Other Implications</b>			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

<b>Car Parking- Commercial Component</b>	
Car parking requirement (nearest whole number) <ul style="list-style-type: none"> <li>Retail/Shop (434 square metres) – 28.9 car bays</li> <li>Office (1092 square metres) – 21.8 car bays</li> <li>Consulting Rooms (2 rooms)- 6 car bays</li> </ul>	57 car bays
Apply the adjustment factors. <ul style="list-style-type: none"> <li>0.85 (within 400 metres of a bus stop)</li> <li>0.90 (within 400 metres of a car park with excess of 50 car parking spaces)</li> <li>0.90 (provision of ‘end of trip’ facilities)</li> </ul>	(0.6885)  39.25 car bays
Minus the car parking provided on-site	32 car bays
Minus the most recently approved on-site car parking shortfall	Not applicable as proposal is to redevelop a vacant site.
Resultant shortfall	7.25 car bays
<b>Bicycle Parking Facilities</b>	
<p>Retail/Shop</p> <ul style="list-style-type: none"> <li>1 per 300 square metres public area for employees (class 1 or 2)- 1.45 spaces</li> <li>1 space per 200 square metres public area for visitors (class 3)- 2.17 spaces</li> </ul> <p>Office</p> <ul style="list-style-type: none"> <li>1 per 200 square metres public area for employees (class 1 or 2)- 5.46 spaces</li> <li>1 space per 750 square metres over 1000 square metres for visitors (class 3)- 0.12 spaces</li> </ul> <p>Consulting Rooms</p> <ul style="list-style-type: none"> <li>1 space per 8 practitioners for employees (class 2)</li> <li>1 space per 4 practitioners for visitors (class 3)</li> </ul> <p>Number of practitioner unknown at this stage.</p>	Facilities provided on plans, to be further conditioned accordingly in event of approval.

\* 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:**

**Strategic Planning**

The preparation of the draft Local Planning Strategy has looked at the need for a discernable gateway into the Mount Hawthorn District Centre from its southern end. In this respect, land in the Axford Park vicinity is considered to have the potential for much higher and more proficient uses. Strengthening of this quarter, in conjunction with identified strategic development sites, will encourage a strong community focus and generator of human activity within the Town Centre generally.

The subject site has been identified as a strategic development site and it is crucial that development on this site exhibits a strong presence and encourages maximum interaction at street level. Further, it is desirable that buildings facing Axford Park take full advantage of views over the square and the vista down Oxford Street with balconies to the residential components. Sole vehicle access from the right of way is essential; the use of crossovers on Oxford Street should be prohibited as it is considered that they would seriously interrupt and unduly affect the continuity of pedestrian access (convenience and safety) and the urban form.

### **Number of Storeys**

In this instance, the proposed height is supported on the above basis and given its landmark corner location along district distributor roads.

It is further considered that the variations do not unduly impact on the amenity of the adjoining neighbour or streetscape due to the adjoining right of way which provides a 'buffer zone', the adjoining commercial premises nil side setbacks and the buildings design and articulation which limits the perceived bulk and scale of the building and promotes an interactive interface.

### **Vehicular Access and Use of Right of Way**

In this instance, the above comments regarding the sole vehicle access from the right of way are supported. Further to this, the Town's Technical Officers have advised it supports sole vehicular access from the right of way in principle, but have suggested that the applicants undertake a traffic impact study. The suggestion of the redesign of the vehicular access to be solely from the right of way and a traffic impact study has been conveyed to the applicant; however, the applicant has advised the Town to proceed with the subject development application based on the current plans.

### **Summary**

In general, subject to standard and appropriate conditions, the proposal is considered to positively contribute to the surrounding area through the redevelopment of an under-utilised site, to be keeping with what is considered to be an appropriate future built form for the subject location and display an appropriate mix of uses, and development intensity, which will not have an undue impact on the amenity and streetscape of the area.

Notwithstanding the above, the proposed crossover to Oxford Street is not supported for the reasons detailed above and it is considered that this aspect should be redesigned prior to the Town's Officers supporting the proposal. On this basis, the subject planning application is recommended for refusal.

**10.1.4 Nos.337-343 (Lot 5 D/P: 4802, Lot 4 D/P: 4802, Lot 3 D/P: 4802, Lot 2 D/P: 4802) Lord Street, Highgate- Proposed Four (4) Storeys plus Basement Multiple Dwellings Comprising Twenty-Six (26) Multi-Bedroom Dwellings and Two (2) Single Bedroom Dwellings**

<b>Ward:</b>	South	<b>Date:</b>	5 September 2006
<b>Precinct:</b>	Forrest; P14	<b>File Ref:</b>	PRO3586; 5.2006.276.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	L Mach		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**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 BY AN ABSOLUTE MAJORITY the application submitted by Lawrence J Scanlan Associates on behalf of the owner Orchard Holdings Pty Ltd for proposed Four (4) Storeys plus Basement Multiple Dwellings Comprising Twenty-Six (26) Multi-Bedroom Dwellings and Two (2) Single Bedroom Dwellings, at Nos.337-343 (Lot 5 D/P: 4802, Lot 4 D/P: 4802, Lot 3 D/P: 4802, Lot 2 D/P: 4802) Lord Street, Highgate, and as shown on plans stamp-dated 6 June 2006 , subject to the following conditions:*

- (i) prior to the issue of a Building Licence, revised plans and documentation shall be submitted and approved demonstrating the following:*
  - (a) a Construction Management Plan addressing noise, hours of construction, parking of trade person vehicles, footpath access, traffic and vehicle access, dust and any other appropriate matters (such as notifying all affected landowners/occupiers of the commencement of construction works);*
  - (b) a Management Plan addressing rules and regulations including signage relating to appropriate behaviour and use of the common outdoor/communal area. All such works and rules and regulations relating to the use of the communal areas shall be in the Strata Management Plan for the development, and undertaken and maintained thereafter by the owner(s)/occupier (s) in accordance with the approved Management Plan;*
  - (c) each storeroom having minimum dimensions of 1.5 metres and minimum area of 4 square metres;*
  - (d) a major opening or window being incorporated on each of the kitchen and bedroom walls of units 13 and 14 on the eastern elevation which encourages an improved active and interactive relationship with Lord Street; and*
  - (e) all car parking bays being dimensioned and complying with the minimum specifications and dimensions specified in the Town's Policy 3.7.1 Parking and Access and Australian Standards AS2890.1 - "Off Street Parking".*

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

- (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 Lord 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;*
  - (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 Lord Street boundary from the above truncation(s) can increase to a maximum height of 1.8 metres, provided that the fence and gate have at least two (2) significant appropriate design features to reduce the visual impact. Examples of design features may include significant open structures, recesses and/or planters facing the street at regular intervals, and varying materials; and the incorporation of varying materials, finishes and/or colours are considered to be one (1) design feature. Details of these design features shall be submitted to and approved by the Town prior to the issue of a Building Licence.*

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

- (iv) *a detailed landscaping plan, including:*
- (a) *a list of plants and the landscaping and reticulation of the Lord Street verge adjacent to the subject property;*
  - (b) *details of the relocation of mature trees; and*
  - (c) *details of the 'heavy landscaping' privacy screening;*

*shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*

- (v) *prior to the issue of a Building Licence, the subject land shall be amalgamated into one lot on Certificate of Title; OR alternatively, prior to the issue of a Building Licence the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to amalgamate the subject land into one lot within 6 months of the issue of the subject Building Licence. All costs associated with this condition shall be borne by the applicant/owner(s);*
- (vi) *prior to the first occupation of the development, the car parking spaces provided for the development, including a minimum of fifty (50) residential car bays and five (5) visitors car bays, shall be clearly marked and signposted. These visitor car bays shall be either open at all times or suitable management measures shall be implemented to ensure access is available for visitors 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;*
- (vii) *prior to the first occupation of the development, the applicant/owner(s) shall, in at least 12-point size writing, advise (prospective) purchasers of the residential units/dwellings/service apartments that:*
- "the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units/dwellings. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development";*
- (viii) *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;*
- (ix) *in keeping with the Town's practice for multiple dwellings, commercial, retail and similar developments the footpaths adjacent to the subject land are to be upgraded, by the applicant, to a brick paved standard to the Town's specification. A refundable footpath upgrading bond and/or bank guarantee of \$12,000 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing facilities have been reinstated to the satisfaction of the Town's Technical Services Division. An application to the Town for the refund of the upgrading bond must be made in writing; and*
- (x) *prior to the issue of a Building Licence, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property that:*
- (a) *a maximum of one (1) bedroom and two (2) occupants are permitted in each single bedroom dwelling at any one time;*
- (b) *the floor plan layout of the single bedroom dwellings shall be maintained in accordance with the Planning Approval plans; and*
- (c) *the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities.*

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

- (xi) *sound attenuation measures shall be undertaken on any proposed vehicular access gate;*
- (xii) *prior to the first occupation of the development, each apartment shall be provided with a screened outdoor area for clothes drying or clothes tumbler dryer;*
- (xiii) *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; and*
- (xiv) *the support/approval of the Department for Planning and Infrastructure and/or Western Australian Planning Commission, and compliance with its comments and conditions at the applicant(s)/owner(s)' full expense.*

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**Moved Cr Farrell, Seconded Cr Ker**

*That the recommendation be adopted.*

Debate ensued.

**Moved Cr Maier, Seconded Cr Chester**

*That;*

1. *clause (vii) be deleted and the remaining clauses renumbered; and*
2. *a new clauses (x) (d) be added as follows:*

*"(x) (d) the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units/dwellings. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development."*

**AMENDMENT CARRIED (5-3)**

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

(Cr Doran-Wu on approved leave of absence.)

**MOTION AS AMENDED**  
**CARRIED BY AN ABSOLUTE MAJORITY (8-0)**

(Cr Doran-Wu on approved leave of absence.)

**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 BY AN ABSOLUTE MAJORITY the application submitted by Lawrence J Scanlan Associates on behalf of the owner Orchard Holdings Pty Ltd for proposed Four (4) Storeys plus Basement Multiple Dwellings Comprising Twenty-Six (26) Multi-Bedroom Dwellings and Two (2) Single Bedroom Dwellings, at Nos.337-343 (Lot 5 D/P: 4802, Lot 4 D/P: 4802, Lot 3 D/P: 4802, Lot 2 D/P: 4802) Lord Street, Highgate, and as shown on plans stamp-dated 6 June 2006 , subject to the following conditions:*

- (i) prior to the issue of a Building Licence, revised plans and documentation shall be submitted and approved demonstrating the following:*
  - (a) a Construction Management Plan addressing noise, hours of construction, parking of trade person vehicles, footpath access, traffic and vehicle access, dust and any other appropriate matters (such as notifying all affected landowners/occupiers of the commencement of construction works);*
  - (b) a Management Plan addressing rules and regulations including signage relating to appropriate behaviour and use of the common outdoor/communal area. All such works and rules and regulations relating to the use of the communal areas shall be in the Strata Management Plan for the development, and undertaken and maintained thereafter by the owner(s)/occupier (s) in accordance with the approved Management Plan;*
  - (c) each storeroom having minimum dimensions of 1.5 metres and minimum area of 4 square metres;*
  - (d) a major opening or window being incorporated on each of the kitchen and bedroom walls of units 13 and 14 on the eastern elevation which encourages an improved active and interactive relationship with Lord Street; and*
  - (e) all car parking bays being dimensioned and complying with the minimum specifications and dimensions specified in the Town's Policy 3.7.1 Parking and Access and Australian Standards AS2890.1 - "Off Street Parking".*

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

- (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 Lord 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;*
- (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 Lord Street boundary from the above truncation(s) can increase to a maximum height of 1.8 metres, provided that the fence and gate have at least two (2) significant appropriate design features to reduce the visual impact. Examples of design features may include significant open structures, recesses and/or planters facing the street at regular intervals, and varying materials; and the incorporation of varying materials, finishes and/or colours are considered to be one (1) design feature. Details of these design features shall be submitted to and approved by the Town prior to the issue of a Building Licence.*

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

- (iv) *a detailed landscaping plan, including:*
  - (a) *a list of plants and the landscaping and reticulation of the Lord Street verge adjacent to the subject property;*
  - (b) *details of the relocation of mature trees; and*
  - (c) *details of the 'heavy landscaping' privacy screening;*

*shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*

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

- (vi) *prior to the first occupation of the development, the car parking spaces provided for the development, including a minimum of fifty (50) residential car bays and five (5) visitors car bays, shall be clearly marked and signposted. These visitor car bays shall be either open at all times or suitable management measures shall be implemented to ensure access is available for visitors 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;*
- (vii) *the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (viii) *in keeping with the Town's practice for multiple dwellings, commercial, retail and similar developments the footpaths adjacent to the subject land are to be upgraded, by the applicant, to a brick paved standard to the Town's specification. A refundable footpath upgrading bond and/or bank guarantee of \$12,000 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing facilities have been reinstated to the satisfaction of the Town's Technical Services Division. An application to the Town for the refund of the upgrading bond must be made in writing; and*
- (ix) *prior to the issue of a Building Licence, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property that:*
- (a) *a maximum of one (1) bedroom and two (2) occupants are permitted in each single bedroom dwelling at any one time;*
  - (b) *the floor plan layout of the single bedroom dwellings shall be maintained in accordance with the Planning Approval plans;*
  - (c) *the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities; and*
  - (d) *the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units/dwellings. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development.*
- This notification shall be lodged and registered in accordance with the Transfer of Land Act prior to the first occupation of the development;*
- (x) *sound attenuation measures shall be undertaken on any proposed vehicular access gate;*
- (xi) *prior to the first occupation of the development, each apartment shall be provided with a screened outdoor area for clothes drying or clothes tumbler dryer;*
- (xii) *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; and*
- (xiii) *the support/approval of the Department for Planning and Infrastructure and/or Western Australian Planning Commission, and compliance with its comments and conditions at the applicant(s)/owner(s)' full expense.*

<b>Landowner:</b>	Orchard Holdings Pty Ltd
<b>Applicant:</b>	Lawrence J Scanlan Associates
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R80
<b>Existing Land Use:</b>	Vacant
<b>Use Class:</b>	Multiple Dwellings
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	3309 square metres
<b>Access to Right of Way</b>	N/A

**BACKGROUND:**

- 28 June 2005                    The Council at its Ordinary Meeting resolved to conditionally approve the proposed demolition of the existing single houses at Nos.339-343 Lord Street, Highgate (3 houses).
- 27 June 2006                    The Council at its Ordinary Meeting resolved to conditionally approve the proposed demolition of the existing single houses-reconsideration of condition at Nos.339-343 Lord Street, Highgate (3 houses).
- 16 May 2006                    The applicants presented the subject proposal to an Elected Members Forum.

**DETAILS:**

The proposal involves construction of four (4) storeys plus basement multiple dwellings comprising twenty-six (26) multi-bedroom dwellings and two (2) single bedroom dwellings. The applicant's submission is "*Laid on the Table*".

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Density	26 multi-bedroom dwellings R 80	26 multi-bedroom dwellings and 2 single bedroom dwellings R 82.6 3.25 per cent density bonus	Supported- refer to 'Comments'.
Plot Ratio	1.0 - 3311 square metres	0.82 - 2686 square metres	Noted- no variation sought.
Single Bedroom Plot Ratio	60 square metres	73 square metres	Supported- it is considered that another bedroom cannot be reasonably accommodated and that the dwellings provide limited accommodation that is suitable for one or two persons (as per performance criteria of R-Codes). This matter has also been conditioned accordingly.

Street Walls and Fences	Front walls and fences within the primary street setback area are to be visually permeable above 1.2 metres above natural ground level. Walls and fences to district distributors may increase to a maximum height of 1.8 metres, provided that the wall and/or fence has at least two (2) appropriate design features.	Part of fence solid up to 2.3 metres	Not supported- undue impact on streetscape and has been conditioned to comply.
Visitor Car Bays	5 car bays	4 car bays	Not supported- an excess of resident car bays has been provided, therefore, it has been conditioned that a resident car bay be reallocated to visitor car bay to achieve compliance with visitor car bay requirements.
Number of Storeys	2 storeys	4 storeys plus basement	Supported- refer to 'Comments'.
Privacy Setbacks	Outdoor habitable areas- 7.5 metres	Building 1 balconies (level 1 and 2) - 7.0 metres to southern boundary.	Supported- cone of vision encroachment is minor in this instance and not considered to have an undue impact due to the landscaping proposed.
Storerooms	Minimum dimension of 1.5 metres with an internal area of 4.0 square metres	Not demonstrated for stores 1-14.	Not supported- has been conditioned to comply.
<b>Consultation Submissions</b>			
<p>The proposal was referred to the Department for Planning and Infrastructure (DPI) for comment and recommendation for a period of 30 days, which has since lapsed. DPI was advised at the time of the referral that the Town will determine the proposal based on the available information and its merits should no comments be forwarded to the Town by DPI in this time period.</p>			
Support (2)	<ul style="list-style-type: none"> <li>Development essential to create more houses/accommodation</li> </ul>		Noted.
Objection (3)	<ul style="list-style-type: none"> <li>Privacy (northern and western side)</li> </ul>		Not supported- proposal is compliant with relevant requirements of R-Codes in relation to northern and western sides.

	<ul style="list-style-type: none"> <li>• Height and bulk and scale</li> <li>• Design not in keeping with design of existing streetscape</li>   <li>• Density</li> <li>• Resident car parking</li>   <li>• Visitor car parking</li> <li>• Post construction noise from communal areas</li>   <li>• Noise from cars and traffic</li>   <li>• Balconies being used for laundry drying</li> <li>• Tree retention</li> </ul>	<p>Not supported- refer to 'Comments'.</p> <p>Not supported- design considered to be contemporary as encouraged by Brigatti Locality Plan and not to have undue impact on area.</p> <p>Not supported- refer to 'Comments'.</p> <p>Not supported- - proposal is compliant with relevant requirements of R-Codes.</p> <p>Supported- has been conditioned to comply.</p> <p>Noted- not considered to have an unreasonable undue impact given proposed setbacks. Notwithstanding this, management plan has been conditioned to be provided.</p> <p>Not supported- not considered to have an undue impact given proposed setbacks and as majority of car bays and noise is considered to be contained in the basement. Technical Services have advised traffic impact considered to be sustainable and insignificant given Lord Street capacity and status as a district distributor road.</p> <p>Supported - has been conditioned accordingly.</p> <p>Not supported- no trees on site are listed on the Town's Significant Tree Inventory and the proposed landscaping plan (which includes relocation of mature trees) is considered adequate for the site. This matter has also been conditioned accordingly.</p>
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	<ul style="list-style-type: none"> <li>Loss of city views</li> </ul>	Not supported- not considered to be a major planning application.
<b>Other Implications</b>		
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:**

**Density**

Density is considered to be a control of the intensity of a development on site. In the subject planning application, the applicant is seeking a density bonus of two single bedroom dwellings or 3.19 per cent sought, which can be considered under Clause 40 of the Town's Town Planning Scheme No.1 with the absolute majority of the Council. In this instance, the variation sought is supported as the variation is considered minor given the context of the site and the proposal is considered to promote housing affordability and diversity and caters for the changing demographics and housing needs/wants of the community. It is further noted that the R-Codes state that a secondary control of density is plot ratio, which in this case is compliant.

**Height**

The surrounding area of the subject property varies in height from single to three storeys in close proximity and up to 9 storeys within pedestrian site lines. Given the context of the site being along a district distributor road, it is considered that there are sites in the area, including the subject site that are under developed/utilised and appropriate for redevelopment for more intense purposes and at a larger magnitude in terms of building scale. Whilst the height variation sought is significant, it is considered in this context of Lord Street, that it can be supported on the basis that the proposal is of a reasonable design and amenity and accommodates a range of housing sizes.

**Summary**

Lord Street is a particularly diverse environment by virtue of its large traffic volumes, the accommodation of a variety of building types and uses and its proximity to the central business district.

The planning application is considered to improve the streetscape and surrounding area through the redevelopment of an under-utilised site, not have an undue impact on the amenity and streetscape of the area and is considered to be keeping with what is considered to be an appropriate future built form for the subject context.

With the above in mind, planning application is therefore recommended for approval, subject to standard and appropriate conditions to address the scale and nature of the proposal and the matters raised in the report.

**10.3.5 Hyde Park Rotary Community Fair 2007**

<b>Ward:</b>	South	<b>Date:</b>	4 September 2006
<b>Precinct:</b>	Hyde Park Precinct P12	<b>File Ref:</b>	RES0031
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	M Rootsey		
<b>Checked/Endorsed by:</b>	J Anthony	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) **PERMITS** the Rotary Club of North Perth to hold the Hyde Park Community Fair on 4 and 5 March 2007, subject to;
  - (a) event application fees for the fair at Hyde Park being waived;
  - (b) a bond of \$2,000 being lodged by applicant as security for any damage to or clean-up of the park;
  - (c) full compliance with conditions of use being imposed including Environmental Health and other conditions as listed in the report; and
  - (d) acknowledgement of the Town of Vincent as a major sponsor of the events on all publications and advertising materials subject to the conditions listed in the report

*to the satisfaction of the Chief Executive Officer; and*
- (ii) **APPROVES** the sponsorship contribution of \$10,000 to assist with the costs of the event as listed in the 2006/2007 Budget.

**COUNCIL DECISION ITEM 10.3.5**

**Moved Cr Farrell, Seconded Cr Torre**

*That the recommendation be adopted.*

**CARRIED (8-0)**

**(Cr Doran-Wu on approved leave of absence.)**

**PURPOSE OF REPORT:**

To permit the Hyde Park Community Fair to be held in the Town of Vincent subject to conditions as listed in the report.

**DETAILS:**

The Rotary Club of North Perth has submitted a proposal to hold the Hyde Park Community Fair on the Labour Day long weekend of 4th and 5th of March 2007.

The Club has organised the fair since 1988 and runs the event in order to raise funds to meet perceived needs in the community which have a vocational, youth and international focus.

The Rotary Club of North Perth considered the 2006 Hyde Park Fair to be successful, with good attendance figures, increased stall holders and quality entertainment.

In 2005 and 2006, event organisers have continued to put in place the following additional conditions on stall holders to ensure appropriate behaviour in the park;

1. "Exhibitors are not permitted to affix anything to any trees or shrubs in the Park. If exhibitors are erecting a tent or shade, please advise the Organisers on your application form. The Organisers are responsible for any damage to the Park vegetation;
2. Exhibitors are requested to leave their site as clean as possible at the end of the Hyde Park Community Fair and to remove all cardboard cartons, boxes and containers;
3. Leaf and ground coverage is not to be removed from the ground of your site; and
4. All exhibitors must be careful with their vehicles and any damage to facilities, trees or gardens will be charged to the exhibitor. Many trees on the park are of historical significance and must be preserved, please be respectful of this."

An internal Working Group has been established to determine a management plan and coordinate the Fair from the perspective of the.

In previous years, the Working Group has met regularly and discussed the conditions as stipulated plus coordinated a management plan for the smooth running of the fair.

The plan included the following aspects:

1. Parking allocations and permits;
2. Coordination of the Town of Vincent display;
3. Allocation of sites and vetting events;
4. Risk Management Plan;
5. Food stall permits and inspections;
6. Review number of community groups and strategies to increase their involvement;
7. Site inspections; and
8. Noise management.

The Fair will have community stalls, carnival rides, stage entertainment and other community attractions. This year, fair organisers continue to be committed to encouraging the involvement of local community groups. Organisers are also committed to improving the calibre of entertainment.

The Hyde Park Community Fair has in previous years been monitored by Council officers from various service areas. All officers involved reported satisfaction with the proceedings of the Fair with no major problems. Additional conditions pertaining to noise control, litter control and additional temporary toilet facilities (including accessible facilities) were implemented last year and will continue to be enforced in future events.

In seeking permission to hold the event the Rotary Club of North Perth Inc have agreed to the following amongst other conditions imposed by the Town;

1. Abide by all health regulations in regard to food handling and preparation; provision of adequate toilet facilities; isolating pony and camel rides at a distance from food preparation and sales; and arranging for all food permits from food vendors to be completed and submitted to the Town of Vincent at an early date;
2. Provision of staff to monitor the entrances to Hyde Park to prevent illegal parking;
3. Policing of trucks being driven on to the park to ensure that no damage is caused to any equipment or flora; and
4. The Rotary Club of North Perth Inc. will be responsible for carrying out any reasonable request placed on it by the Town of Vincent.

**CONSULTATION/ADVERTISING:**

NIL

**LEGAL/POLICY:**

The standard conditions for sponsorship would apply to this event:

1. The events must not promote smoking, alcohol, any use of illicit substances and/or adult "R" rated entertainment;
2. The sponsorship funds should be expended in keeping with ethical conduct and practices;
3. The Town of Vincent must be acknowledged in associated publicity and promotional material with the Town's Logo displayed appropriately;
4. Event organisers must liaise with relevant Council officers before proceeding to use the Town's Logo or material;
5. Upon completion of the sponsored event, a report outlining the outcomes of the event, publicity/promotion and how the sponsorship monies were expended must be submitted to Council no more than 30 (thirty) days after the event;
6. The event organisers must take out and hold current a policy of insurance for Public Liability for an amount of not less than \$10,000,000 (ten million dollars) for any one event. A copy of the current certificate is to be provided to Council at least 10 (ten) days before the commencement of the event; and
7. The event organisers must indemnify the Council against any claims, damages, writs, summonses or other legal proceedings and any associated costs, expenses, losses or other liabilities as a result of loss of life, personal injury or damage to property arising from an occurrence in or connected with the sponsored event, regardless of the cause. In addition, it is recommended that the Council impose similar conditions that were imposed for last year's event.

**STRATEGIC IMPLICATIONS:**

Strategic Plan 2005-2010

Key Result Area 2.1 Celebrate and acknowledge the Town's cultural diversity

- (a) *Develop, financially support, promote and organise community events and initiatives (including those generated by community groups) that engage the community and celebrate the cultural diversity of the Town.*

**FINANCIAL/BUDGET IMPLICATIONS:**

The Rotary Club of North Perth has received a sponsorship of \$3,000 (three thousand dollars) in 2003 and 2004 for this event. An increase in sponsorship to a total of \$10,000 (ten thousand dollars) was provided for the event in the 2005 and 2006. An amount of \$10,000 has been listed in the 2006/2007 Budget for the 2007 event.

Event organisers have requested an increase in sponsorship from \$10,000 to \$12,000 to cover increased costs in organising the Fair. In return, a platinum sponsorship package is offered which includes exposure of the Town on radio, television, and local and State wide newspaper coverage.

**COMMENTS:**

This is one of the most heavily patronised events organised in the Town apart from the Leederville Street Festival which also receives sponsorship funds from the Town. The sponsorship by the Town will provide the opportunity for the Town to be featured in advertisements in the West Australian and community newspapers. The revenue from the Fair will continue to be allocated to a variety of community based initiatives.

The Rotary Club has taken responsibility for any damage on the park through the forfeit of the bond in previous years and they are proactive in working with officers to ensure damage is minimised. It is considered that the Rotary Club of North Perth has managed the Fair in accordance with the recommendations outlined by officers, if conducted in the same manner incorporating suggested minor improvements, the Fair will continue to be well supported by the Town and the community.

**10.1.8 No.103 (Lot 10 D/P: 56012) Harold Street, corner Stirling Street, Highgate - Proposed Change of Use from Motel to Motel and Office and Associated Alterations and Relocation of Swimming Pool**

<b>Ward:</b>	South	<b>Date:</b>	5 September 2006
<b>Precinct:</b>	Forrest, P14	<b>File Ref:</b>	PRO0308; 5.2006.268.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	L Mach		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**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 Doepel Marsh Architects Pty Ltd on behalf of the owner Lomond Properties Pty Ltd for proposed Change of Use from Motel to Motel and Office and Associated Alterations and Relocation of Swimming Pool, at No. 103 (Lot 10 D/P: 56012) Harold Street, corner Lord Street, Highgate, and as shown on plans stamp-dated 2 June 2006, subject to the following conditions:*

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

- (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) *the relocation of the swimming pool is subject to a separate Swimming Pool/ Building Licence application to be submitted to and approved by the Town;*
- (iv) *a detailed landscaping plan, including a schedule of plant species, the retention of the existing lemon tree adjacent to the eastern boundary, the landscaping and reticulation of the Harold and Stirling Streets verges adjacent to the subject property and the provision of a minimum of one tree per 4 car parking spaces in the car parking areas, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (v) *prior to the first occupation of the development, the provision of the twelve (12) car bays adjacent to Harold Street, as shown on the approved site plan;*
- (vi) *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;*
- (vii) *the proposed vehicular security gate adjacent to the Stirling Street frontage shall be a minimum 50 percent visually permeable when viewed from the street;*
- (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 Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (ix) *doors, windows and adjacent floor areas fronting Harold Street shall maintain an active and interactive relationship with this street. Glazing within the subject doors and windows on the ground floor shall be clear glazing with no heavy/dark tinting nor be reflective;*
- (x) *the gross floor area of the office use shall be limited to 318 square metres. Any increase in floor space or change of use for the subject land shall require a separate Planning Approval being applied for and obtained from the Town;*
- (xi) *prior to the first occupation of the development, two (2) class 1 or 2 bicycle parking facilities shall be provided at a location convenient to the entrances of the approved development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to installation of such facilities; and*
- (xii) *the manager's residence/accommodation shall be associated and ancillary to the motel use and shall not to be rented out or used for any other purposes.*

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**COUNCIL DECISION ITEM 10.1.8**

**Moved Cr Ker, Seconded Cr Farrell**

*That the recommendation be adopted.*

Debate ensued.

Cr Torre departed the Chamber at 7.55pm.

**LOST (0-7)**

(Cr Doran-Wu on approved leave of absence. Cr Torre was absent from the Chamber and did not vote.)

**Reasons:**

1. The development is not consistent with the orderly and proper planning of the area.
2. The application is not consistent with the Brigatti Locality.
3. The proposed development is considered to be an intrusion of commercial components into the residential area.
4. The extent of the commercial component is considered excessive.

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<b>Landowner:</b>	Lomond Properties Pty Ltd
<b>Applicant:</b>	Doepel Marsh Architects Pty Ltd
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R80
<b>Existing Land Use:</b>	Motel
<b>Use Class:</b>	Motel, Office Building
<b>Use Classification:</b>	"SA", "SA"
<b>Lot Area:</b>	2478 square metres
<b>Access to Right of Way</b>	N/A

**BACKGROUND:**

- 11 August 1997                      At its Ordinary Meeting, the Council conditionally approved refurbishments of the motel and the addition of a new foyer and change of use of a reception centre to office, staff facilities and warehouse/storage.
- 2 December 2003                      At its Ordinary Meeting, the Council conditionally approved proposed alterations and additions to existing motel and the change of use from motel to twenty two (22) multiple dwellings and three (3) single bedroom multiple dwellings.
- 17 January 2006                      At its Ordinary Meeting, the Council conditionally approved proposed alterations and additions to existing motel.

**DETAILS:**

The proposal involves change of use from motel to motel and office and associated alterations and relocation of swimming pool. The applicant's submission is "*Laid on the Table*".

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Plot Ratio	N/A	N/A	Noted.
<b>Consultation Submissions</b>			
Support (2)	<ul style="list-style-type: none"> <li>No comments made</li> </ul>		Noted.
Objection	Nil		Noted.
<b>Other Implications</b>			
Legal/Policy			TPS 1 and associated Policies.
Strategic Implications			Nil
Financial/Budget Implications			Nil
<b>Car Parking</b>			
Car parking requirement (nearest whole number) <ul style="list-style-type: none"> <li>Motel (62 bedrooms plus 1 manager's residence which is considered to be ancillary to the motel use on-site) – 62 car bays</li> <li>Office (318 square metres) – 6.36 car bays</li> </ul>			68 car bays
Apply the adjustment factors. <ul style="list-style-type: none"> <li>0.85 (within 400 metres of a bus stop)</li> </ul>			(0.85) 57.8 car bays
Minus the car parking provided on-site			46 car bays
Minus the most recently approved on-site car parking shortfall			12.7 car bays
Resultant surplus			0.9 car bay
<b>Bicycle Parking Facilities</b>			
Office <ul style="list-style-type: none"> <li>1 per 200 square metres public area for employees (class 1 or 2)- 1.59 spaces</li> <li>1 space per 750 square metres over 1000 square metres for visitors (class 3)- Nil</li> </ul>			Facilities provided on plans, has been further conditioned accordingly,

\* 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:**

It is considered that the site is currently dilapidated, posing a safety threat to the public and that the subject proposal will improve the amenity of the area and promote activity on the unoccupied site. In addition, the relocation of the pool is not regarded to have an undue impact on the surrounding neighbours.

In light of the above, adequate car parking being provided and no objections being received, the planning application is recommended for approval, subject to standard and appropriate conditions.

The Chief Executive Officer advised that Cr Maier, Cr Lake and Cr Ker had declared a financial interest in this item. Crs Maier and Lake departed the Chamber at 7.59pm and did not speak or vote on the matter.

### 10.1.13 Municipal Heritage Inventory Review

<b>Ward:</b>	Both Wards	<b>Date:</b>	6 September 2006
<b>Precinct:</b>	All Precincts	<b>File Ref:</b>	PLA0098
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	H Eames		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman, J Giorgi	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the report relating to the Municipal Heritage Inventory Review;*
- (ii) *ADOPTS the Municipal Heritage Inventory as shown in Appendix 10.1.13, pursuant to Section 45 of the Heritage of Western Australia Act 1990 and clauses 23 and 24 of the Town of Vincent Town Planning Scheme No.1, ~~and~~ excluding the following places which will be subject to a further report to Council:*

- (a) Brookman and Moir Streets Precinct, Perth;*  
*(b) Nos. 420-422 (Lots 1 and 2) Beaufort Street, Highgate;*  
*(c) Nos. 380-388 (Lots 1,2,3,4 and 5) Newcastle Street, corner Fitzgerald Street, West Perth;*  
*(d) Nos. 35-37 (Lots 2 and 1) Hutt Street, Mount Lawley;*  
*(e) Nos. 167-169 (Lot 105) Fitzgerald Street, corner Carr Street, West Perth;*  
*(f) No. 258 (Lot 5) Stirling Street, Perth;*  
*(g) No. 459 (Lot 8) Fitzgerald Street, corner Angove Street, North Perth;*  
*(h) Nos. 215-229 (Lot 1) Bulwer Street, Perth;*  
*(i) No. 106 (Lot Y54) Palmerston Street, Perth;*  
*(j) No. 1 (Lot 1) Irene Street, Perth; and*

- (iii) *NOTES that;*

- (a) the submissions received during the consultation period objecting to Category A places will be assessed by the Town's administration and will be reported to the Council within 1-2 months; and*
- (b) a further report will be presented to the Council advising of an appropriate methodology for assessing the submissions relating to Category B places.*

**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 Chester

*That the corrected recommendation be adopted;*

Debate ensued.

Cr Torre returned to the Chamber at 8.01pm.

Cr Ker advised that he had declared a financial interest in item No. 202 of the appendix relating to 92 Vincent Street, Mt Lawley as he is the owner of this property and he requested that it be excluded from this list (and be considered separately).

The Presiding Member and Council agreed to this.

Debate ensued.

The corrected motion excluding No. 202 relating to 92 Vincent Street was put and carried.

**CORRECTED MOTION CARRIED (6-0)**

(Cr Doran-Wu on approved leave of absence. Crs Maier and Lake were absent from the Chamber and did not vote.)

Cr Ker departed the Chamber at 8.03pm.

**Moved** Cr Chester, **Seconded** Cr Farrell

*“That No. 202, 92 Vincent Street, Mount Lawley be included into the Municipal Heritage Inventory in management Category B.”*

**AMENDMENT CARRIED (5-0)**

(Cr Doran-Wu on approved leave of absence. Crs Maier, Lake and Ker were absent from the Chamber and did not vote.)

**MOTION AS AMENDED CARRIED (5-0)**

(Cr Doran-Wu on approved leave of absence. Crs Maier, Lake and Ker were absent from the Chamber and did not vote.)

Crs Ker, Lake and Maier returned to the Chamber at 8.07pm.

Mayor Catania advised them that the corrected recommendation had been carried.

**COUNCIL DECISION ITEM 10.1.13**

- (i) *RECEIVES the report relating to the Municipal Heritage Inventory Review;*
- (ii) *ADOPTS the Municipal Heritage Inventory as shown in Appendix 10.1.13, pursuant to Section 45 of the Heritage of Western Australia Act 1990 and clauses 23 and 24 of the Town of Vincent Town Planning Scheme No.1, excluding the following places which will be subject to a further report to Council:*
  - (a) *Brookman and Moir Streets Precinct, Perth;*
  - (b) *Nos. 420-422 (Lots 1 and 2) Beaufort Street, Highgate;*
  - (c) *Nos. 380-388 (Lots 1,2,3,4 and 5) Newcastle Street, corner Fitzgerald Street, West Perth;*
  - (d) *Nos. 35-37 (Lots 2 and 1) Hutt Street, Mount Lawley;*
  - (e) *Nos. 167-169 (Lot 105) Fitzgerald Street, corner Carr Street, West Perth;*
  - (f) *No. 258 (Lot 5) Stirling Street, Perth;*
  - (g) *No. 459 (Lot 8) Fitzgerald Street, corner Angove Street, North Perth;*
  - (h) *Nos. 215-229 (Lot 1) Bulwer Street, Perth;*
  - (i) *No. 106 (Lot Y54) Palmerston Street, Perth; and*
  - (j) *No. 1 (Lot 1) Irene Street, Perth; and*

(iii) *NOTES that;*

- (a) *the submissions received during the consultation period objecting to Category A places will be assessed by the Town's administration and will be reported to the Council within 1-2 months; and*
- (b) *a further report will be presented to the Council advising of an appropriate methodology for assessing the submissions relating to Category B places.*

**ADDITIONAL INFORMATION:**

Since preparing the Agenda Report relating to the Municipal Heritage Inventory, additional information relating to the following properties has been provided to the Town's Officers. Accordingly, it is considered appropriate that a consideration of these places for inclusion on the Municipal Heritage Inventory should be made in a further report to the Council, along with other properties with which the Town has received objections, or for which there is further investigation required.

**Brookman and Moir Streets Precinct, Perth** (Various Properties)

The Town is currently preparing a draft Heritage Assessment at the request of the owners of No.26 Brookman Street, as a result of considerable discrepancies relating to the physical description of some properties within the Precinct and the Place Record Form information. This Precinct is included on the State Register of Heritage Places. As such, the owner of No.26 Brookman Street has expressed a concern that the place has been included in the Appendix.

**Nos. 420-422 (Lots 1 and 2) Beaufort Street, Highgate** (Semi-detached Dwellings)

This place includes two dwellings. One owner of one dwelling requested during the consultation period, that a telephone call objection would be taken by the Town as a formal objection because of an inability to write at the time due to injury.

The other owner has not received previous information sent in relation to the Municipal Heritage Inventory. The Town's Officers have made efforts to send correspondence to the correct address, however, the owner has not informed the Town of a change of contact address until recently. As such, the owner is requesting the place not be included in the Appendix.

**Nos. 380-388 (Lots 1, 2, 3, 4 and 5) Newcastle Street, West Perth** (Purtell's Building)

A representative of the various owners contacted the Town on 11 September 2006 to advise that the strata body had recently been through mediation and, as such, they were now in a better position to consider the heritage listing proposal. They have requested additional information from the Town in relation to the benefits and obligations of being on the local heritage list and as such have requested more time for considering this.

**Nos. 35-37 (Lots 2 and 1) Hutt Street, Mount Lawley** (Semi-detached Dwellings)

The owner contacted the Town on 11 September 2006 to query the inclusion of this property in the Appendix as the owner had posted an objection letter on 26 June 2006 to the Town via the PO Box 82 address. The Town has not been able to locate the original submission.

**Nos. 167-169 Fitzgerald Street, Corner Carr Street, West Perth** (Commercial Shop)

Ownership change during consultation period (deceased estate) and, as such, has requested more time to discuss with family members.

**No. 258 (Lot 5) Stirling Street, Perth** (Commercial)

This is a Management Category A place. The owner visited the Town's Administration and Civic Centre on 12 September 2006 and highlighted a language difficulty with understanding the documentation. The Town's Officers have assisted by contacting the owner's son (inter-state) who will be providing a submission on behalf of the father.

**No. 459 (Lot 8) Fitzgerald Street, corner Angove Street, North Perth** (Hotel)

Ownership of the Rosemount Hotel has recently changed and as such the new owners, while not necessarily being opposed to the listing, have not had any opportunity to comment and have requested that the matter be deferred so that consultation can occur with the new owners.

**Nos. 215-229 Bulwer Street (Lot 1), Perth** (Shops)

The owner, P. Constanzo, advised that they had contacted the Council "on two separate occasions" to lodge their objection. Unfortunately, the Town did not receive any written submission and the owner is unable to provide further details at this stage.

As the shops are listed as "Category B", these will be assessed and a further report will be submitted to Council. A letter of objection was subsequently received by the Town on 11 September 2006.

**No. 106 (Lot Y54) Palmerston Street, Perth** (dwelling)

Owner's representative telephoned 12 September 2006 requesting further time for family to prepare a submission as owner is elderly and did not understand the correspondence sent to date.

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**PURPOSE OF REPORT:**

To recommend adoption of places onto the Municipal Heritage Inventory (MHI) which have received no objections and receive information concerning the submissions received in relation to the Draft MHI.

**BACKGROUND:**

The Town's Municipal Heritage Inventory has been under consideration for a number of years. At the Ordinary Meeting of Council held on 11 July 2006 the Council resolved as follows;

*"That the Council;*

- (i) RECEIVES the final version of the Policy relating to Heritage Management - Municipal Heritage Inventory (MHI) Incentives and Development Bonuses as shown in Attachment 10.1.16, resulting from the advertised version having been reviewed during the formal advertising period, in accordance with Clauses 47 (4) and (5) (a) of the Town's Town Planning Scheme No. 1;*
- (ii) ADOPTS the final version of the Policy relating to Heritage Management - Municipal Heritage Inventory (MHI) Incentives and Development Bonuses, as shown in Attachment 10.1.16, in accordance with clause 47 (5) (b) of the Town's Town Planning Scheme No. 1; and*
- (iii) AUTHORISES the Chief Executive Officer to advertise the final version of the adopted Policy relating to Heritage Management - Municipal Heritage Inventory (MHI) Incentives and Development Bonuses, as shown in Attachment 10.1.16, in accordance with Clause 47 (6) of the Town's Town Planning Scheme No. 1."*

Written submissions closed on 31 August 2006 after ten (10) weeks of consultation. 133 submissions were received out of a possible 697 affected owners. 121 of these were objections.

The Council is now required to consider the adoption of 348 Place Records (comprising 603 individual properties or sites) nominated for the Municipal Heritage Inventory.

On 1 August 2006, at the conclusion of owner workshops, Elected Members were provided a copy of the Workshop Minutes which recorded the issues and concerns expressed by owners.

Due to the individual nature of each submission and the number of submissions, a methodology for considering the submissions is needed to ensure procedural fairness and natural justice.

This report recommends the adoption of only those places shown in the Appendix to this report, which comprises places which did not receive any written objections and/or are included on the State Register of Heritage Places. Places which received a written submission will be subject to a further report to the Council as per the methodology outlined below.

## DETAILS:

### Consultation Submissions

A total of 697 letters were sent to affected owners, representing a total number of 348 Place Records on the Draft MHI.

The 348 Place Records comprise approximately 603 individual buildings or sites, which are sometimes grouped together as one place entry.

The Table below outlines the number of submissions received during the consultation period:

Nature of Submissions on Draft MHI as at 1 September 2006	Private Places	Public Places	Total
<b>Category A</b> No. of Submissions of <u>SUPPORT</u> in relation to 101 Place Records	2 (1.98%)	1 (0.99%)	3 (2.97%)
<b>Category B</b> No. of Submissions of <u>SUPPORT</u> in relation to 247 Place Records	7 (2.83%)	2 (0.81%)	9 (3.64%)
<b>Category A</b> No. of Submissions of <u>OBJECTION</u> in relation to 101 Place Records	10 (9.9%)	2 (1.98%)	12 (11.88%)
<b>Category B</b> No. of Submissions of <u>OBJECTION</u> in relation to 247 Place Records	105 (42.51%)	4 (1.62%)	109 (44.13%)
<b>TOTAL</b> No. of Submission in relation to 348 Place Records	<b>124 (35.7%)</b>	<b>9 (2.6%)</b>	<b>133 (38.3%)</b>

<b>Nature of Submissions on Properties on Draft MHI as at 1 September 2006</b>	<b>Private Properties</b>	<b>Public Properties</b>	<b>Total</b>
<b>Category A</b> No. of Properties received <u>OBJECTION</u> in relation to 200 Individual <u>Properties</u>	10 (5%)	2 (1%)	12 (6%)
<b>Category B</b> No. of Properties received <u>OBJECTION</u> in relation to 403 Individual <u>Properties</u>	94 (23.32%)	4 (0.99%)	98 (24.32%)
<b>TOTAL No. of Properties received objection in relation to 603 properties.</b>	<b>104 (17.2%)</b>	<b>6 (1%)</b>	<b>110 (18.2%)</b>

The Appendix to this report shows the properties which did not receive written objections and are recommended for adoption onto the Municipal Heritage Inventory.

The 1995 MHI contained 155 places, comprising 270 properties.

A total of 243 places comprising 400 properties is recommended for adoption in the MHI, as follows;

- Category A: 84 places, comprising 163 properties
- Category B: comprising 159 places, 237 properties.

Combined total A & B is 243, comprising 400 properties. A 57% increase in the number of places and a 33% rise in the amount of properties listed over the previous MHI.

### **Dealing with Submissions**

The following is a verbatim extract from a letter dated 24 July 2006, which was sent to all owners of places included on the Draft MHI:

*"4. Dealing with Submissions*

*To ensure that the principles of "procedural fairness" and "natural justice" are observed (which will provide maximum transparency and openness), the following procedure will be used:*

- 4.1 At the closing of the consultation period (i.e. 31 August 2006), all written submissions/comments received by the Town will be compiled and considered.*
- 4.2 Further consultation with owners may be undertaken as required. This may include a site visit, property photographs being taken and checked and/or further research to ensure that all queries and concerns relating to your property are thoroughly followed up before being considered by the Council.*

- 4.3 *Owners will be kept informed of all Officer Recommendations concerning their property and will be given the opportunity to comment on the Officer Recommendation, before it is reported to Council.*
- 4.4 *The Officer Recommendation, together with the owners' comments will be reported to the Council for consideration and determination.*
- 4.5 *Owners will be contacted about when the report on their property will be considered by the Council and will be given the opportunity to personally address the Council."*

Given the varied nature of the submissions received, it is considered appropriate for the Council to provide direction to the Town's Officers as to what methodology should be used for considering the submissions.

The following methodology is proposed:

#### Category A Places

1. The Town's officers to prioritise the consideration of submissions relating to Category A places (total 12 places), requiring detailed investigation by the Officers and which may take 1-2 months to complete. Officers are already familiar with these particular properties and have undertaken preliminary investigation; and

#### Category B Places

2. These submissions comprise the largest group in the Table above, being Category B places. These submissions are varied with some being extensive and complex. Direction from the Council in relation to a methodology for considering these submissions is considered critical at this stage. It is anticipated that if Officers were to undertake detailed investigation of each of these submissions, it would take approximately up to 6 - 12 months. It is considered appropriate that a further report be presented to the Council to consider the methodology for reviewing these submissions.

### **CONSULTATION/ADVERTISING:**

The Draft MHI has been widely and extensively advertised.

Owners have been consulted in writing at various stages throughout the project.

Formal advertising has appeared in local newspapers, workshops for owners have been undertaken, 62 "one-on-one" meetings have occurred between owners and Officers from the Town, Information Packs provided and progress reports have been provided to the Council throughout the project. The Chief Executive Officer conducted media briefings at the start of the consultation period and conducted an interview with Channel 10 television which was considered most positive.

Overall the publicity received was positive. An article appeared in "The West Australian" on 29 June 2006 and this resulted in considerable discussion (but very little "negativity"). Approximately six (6) articles appeared in the two local pages (of which two concerned one property owner). One written complaint was received about a Councillor's comments reported in the media, and this was formally investigated and found to be unjustified.

**LEGAL/POLICY:**

Under the Heritage of Western Australia Act 1990, there is a legal requirement for the Town to review its Municipal Heritage Inventory.

**STRATEGIC IMPLICATIONS:**

Strategic Plan 2005-2010: Key Result Area 1.2: *"Recognise the value of heritage in providing a sense of place and identity"*.

**FINANCIAL IMPLICATIONS:**

The current 2006/2007 Budget lists \$54,800 for the Municipal Heritage Inventory Review.

**COMMENTS:**

It is considered that the Town's process for the consideration of the Municipal Heritage Inventory, although protracted, was carried out in a most professional manner, which resulted in very minimal publicity and more pleasing, very little negative publicity.

The Council, Elected Members and Town's Administration are to be commended on their contribution and input throughout the lengthy process. The handling of the submissions (objections) can also be achieved in a similar manner.

In light of above, it is recommended that the Council receives this report, adopts the places onto the Municipal Heritage Inventory as shown in the Appendix and notes that a further report will be submitted concerning the proposed methodology to finalise the adoption of the Municipal Heritage Inventory.

The Mayor advised that Cr Messina had declared a proximity interest in this item. Cr Messina departed the Chamber at 8.08pm and did not speak or vote on the matter.

**10.1.6 Nos. 148-158 (Lots 13, 31 & 121) Scarborough Beach Road corner Flinders Street and Fairfield Street, Mount Hawthorn - Proposed Signage to Existing Shopping Centre and Car Park**

<b>Ward:</b>	North	<b>Date:</b>	5 September 2006
<b>Precinct:</b>	Mt Hawthorn; P2	<b>File Ref:</b>	PRO0266; 5.2006.411.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	R Rasiah		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**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 Kingman Signs and Graphics Pty Ltd on behalf of the owner Hyde Park Management Ltd/Hawaiian for proposed Signage to Existing Shopping Centre and Car Park at Nos. 148-158 (Lots 13, 31 & 121) Scarborough Beach Road corner Flinders Street and Fairfield Street, Mount Hawthorn and as shown on plans stamp-dated 23 August 2006 , subject to the following conditions:*

- (i) all signage shall be subject to a separate Sign Licence application being submitted to and approved by the Town of Vincent prior to the erection of the signage;*
- (ii) all signage shall be kept in a good state of repair, safe, non-climbable, and free from graffiti for the duration of its display on-site;*
- (iii) the signage shall not have flashing or intermittent lighting;*
- (iv) a new planning application for the "lifestyles signs" shall be submitted to and approved by the Town, if these signs have greater dimensions or size or includes any lettering, than the approved "lifestyles signs"; and*
- (v) prior to the consideration of any additional signage on the property, a Signage Strategy shall be submitted to and approved by the Town.*

**COUNCIL DECISION ITEM 10.1.6**

**Moved Cr Farrell, Seconded Cr Torre**

*That the recommendation be adopted.*

**CARRIED (7-0)**

(Cr Doran-Wu on approved leave of absence. Cr Messina was absent from the Chamber and did not vote.)

Cr Messina returned to the Chamber at 8.10pm.

<b>Landowner:</b>	Hyde Park Management Ltd
<b>Applicant:</b>	Kingman Signs and Graphics Pty Ltd
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): District Centre, Special Use-Car Park, and Residential R30
<b>Existing Land Use:</b>	Shop and Non-Conforming Use-Car Park
<b>Use Class:</b>	Shop & Car Park
<b>Use Classification:</b>	"P" & "P" and "Non-conforming Use"
<b>Lot Area:</b>	12,740 square metres
<b>Access to Right of Way</b>	North of property, 5 metres wide, sealed and is a dedicated road

**BACKGROUND:**

23 December 2004 The Council at its Ordinary Meeting resolved to conditionally approve the proposed partial demolition of and alterations and additions to existing shopping centre and construction of two-storey car park, at Nos. 148-158 (Lots 13, 31 and 121) Scarborough Beach Road, corner Flinders Street and Fairfield Street, Mount Hawthorn.

23 February 2005 The Council at its Ordinary Meeting resolved to approve the reconsideration of conditions imposed at the Ordinary Meeting of Council held on 23 December 2004, for the development at Nos. 148-158 (Lots 13, 31 and 121) Scarborough Beach Road, corner Flinders Street and Fairfield Street, Mount Hawthorn.

**DETAILS:**

The proposal involves signage associated with the Mount Hawthorn shopping centre, which is undergoing major renovation. The signage proposed is as follows:

<b>SIGN TYPE</b>	<b>NO. OF SIGNS</b>	<b>SIGN DIMENSION</b>	<b>LOCATION</b>
Projecting Under Awnings Signs.	Six (6)	1.5 metres x 0.4 metre.	Along Scarborough Beach Road frontage.
Projecting Signs- the "M the mezz Mount Hawthorn"- 14 and 15	Two (2)	1.8 metres x 2.5 metres.	One along Flinders Street and one along Scarborough Beach Road, and attached to building.
Wall Signs (lifestyles) - 1, 2, 3,4,5,6,7,8,9 and 10.	Ten (10)	Sign (1)-2 metres x 1 metre. Sign (2)-8.4 metres x 2.7 metres. Signs (3, 4, 5, and 6) -2.4 metres x 1.8 metres. Signs (7, 8 and 9) - 3.8 metres x 2.4 metres. Sign (10)-2.8 metres x 1.7 metres.	Along Scarborough Beach Road and Flinders and Fairfield Streets.

SIGN TYPE	NO. OF SIGNS	SIGN DIMENSION	LOCATION
Wall Signs- (lifestyles) - 11, 12 and 13.	Three (3)	Sign (11) - 1.2 metres x 1.2 metres. Signs (12 and 13) - 1.8 metres x 1.2 metres.	Along Flinders and Fairfield Streets.
Wall Signs-Car Parking Counters- 16, 17 and 18.	Three (3)	Signs (16, 17 and 18) - 0.68 metre x 0.65 metre.	Along Flinders and Fairfield Streets.
Wall Signs	Two (2)	Existing Woolworths signs.	One each along Fairfield Street and Flinders Street.

It is to be noted that the tenancy leases are currently being negotiated, as such no signs details are proposed for the under-awning signs other than the dimensions and locations. The wall signs depicting "lifestyles" would be similar as per the attachments. The "M the mezz Mount Hawthorn" signs relates to the name branding of the shopping centre.

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

**ASSESSMENT:**

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	Noted
Projecting Sign- "M the mezz Mount Hawthorn"- Signs 14 and 15	Not to project more than 1 metre from the wall and not to exceed 4 square metres in area.	1.8 metres from wall and 4.5 square metres in area	Supported - in terms of location and the overall context of the shopping centre.
Wall Signs	Limited to a maximum number of two (2) such signs on any one wall for each tenancy within a building.	Eight (8) "lifestyle" signs along the Scarborough Beach Road frontage.	As above.
Wall Signs	In aggregate not to exceed 10 square metres in area on any one wall, unless in accordance with an approved sign strategy.	67.32 square metres of "lifestyle" signs along Scarborough Beach Road frontage.	As above.
Consultation Submissions			
The proposal was not advertised as it is considered not to involve intensification of the current use of the site, is incidental, associated and ancillary to the usage and development of the site, and is being referred to the Council for its consideration and determination.			
Support	Not applicable		Noted
Objection	Not applicable		Noted

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

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

**COMMENTS:**

Accordingly, all the proposed signs are recommended for approval, subject to standard and appropriate conditions. The applicant will have to lodge a Sign Licence application which will include the actual advertisement proposed, within the sign space and location approved as part of this approval. To reduce future applications for signage related to the wall signs (lifestyles signs), an appropriate condition is recommended, whereby a new planning application is required if the signs have greater dimensions or size or includes any lettering than the approved signage.

**10.1.7 No. 38 (Lot 2 D/P: 1049) Galwey Street, Dual Frontage with Tennyson Street, Leederville - Proposed Subdivision**

<b>Ward:</b>	South	<b>Date:</b>	4 September 2006
<b>Precinct:</b>	Leederville ; P3	<b>File Ref:</b>	131628; 7.2006.45.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	O Hammond		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Residential Design Codes, the Council RECOMMENDS APPROVAL to the Western Australian Planning Commission of the application submitted by Tuscom Subdivision Consultants Pty Ltd on behalf of the owners P Anderson and Geo-Mining Consultants Pty Ltd for proposed Subdivision of No. 38 (Lot 2 D/P: 1049) Galwey Street, dual frontage with Tennyson Street, Leederville, and as shown on plans stamp-dated 20 June 2006, subject to the following conditions:*

- (i) the street verge tree(s) on Galwey Street and Tennyson Street adjacent to the subject land being retained and measures being taken to ensure their identification and protection to the satisfaction of the Town prior to commencement of site works;*
- (ii) the land being filled and/or drained at the subdivider's cost to the satisfaction of the Town and any easements and/or reserves necessary for the implementation thereof, being provided free of cost. The maximum permitted amount of fill, and height of associated retaining walls, is 500 millimetres above the existing pre-subdivision ground level, and any greater amount of fill or higher retaining wall requires a separate Planning Approval to be applied to and obtained from the Town of Vincent;*
- (iii) all buildings and effluent disposal systems, having the necessary clearance from the new boundaries as required under the relevant legislation;*
- (iv) support of the subdivision is not to be construed as support of the demolition of the existing building(s) and/or any development on the proposed lots;*
- (v) if any portion of the existing building(s) is to be demolished to facilitate the proposed subdivision, a separate Planning Approval and/or Demolition Licence is to be obtained from the Town for the demolition of the existing building(s) prior to the clearance of the Diagram or Plan of Survey by the Town;*
- (vi) all buildings and structures that have been granted Planning Approval and/or Demolition Licence for demolition being demolished and materials removed from the site and the site made good. A separate Planning Approval and/or Demolition Licence is required from the Town prior to the commencement of any demolition works;*
- (vii) the owner(s) shall enter into a legal agreement with and to the satisfaction of the Town, which is secured by an absolute caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to conserve the existing dwelling on site. All costs associated with this condition shall be borne by the applicant/owner(s); and*

- (viii) *the applicant obtaining Planning Approval and/or Building Licence for the development of a house(s) on the lots less than 350 square metres in accordance with clause 2.3.3 of the Residential Design Codes.*

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**Moved Cr Maier, Seconded Cr Ker**

*That the recommendation be adopted.*

Debate ensued.

**Moved Cr Maier, Seconded Cr Ker**

*“That clause (vii) be deleted and the remaining clauses be renumbered.”*

Debate ensued.

**AMENDMENT CARRIED (6-2)**

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

(Cr Doran-Wu on approved leave of absence.)

**MOTION AS AMENDED CARRIED (8-0)**

(Cr Doran-Wu on approved leave of absence.)

**COUNCIL DECISION ITEM 10.1.7**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Residential Design Codes, the Council RECOMMENDS APPROVAL to the Western Australian Planning Commission of the application submitted by Tuscom Subdivision Consultants Pty Ltd on behalf of the owners P Anderson and Geo-Mining Consultants Pty Ltd for proposed Subdivision of No. 38 (Lot 2 D/P: 1049) Galwey Street, dual frontage with Tennyson Street, Leederville, and as shown on plans stamp-dated 20 June 2006, subject to the following conditions:*

- (i) *the street verge tree(s) on Galwey Street and Tennyson Street adjacent to the subject land being retained and measures being taken to ensure their identification and protection to the satisfaction of the Town prior to commencement of site works;*
- (ii) *the land being filled and/or drained at the subdivider’s cost to the satisfaction of the Town and any easements and/or reserves necessary for the implementation thereof, being provided free of cost. The maximum permitted amount of fill, and height of associated retaining walls, is 500 millimetres above the existing pre-subdivision ground level, and any greater amount of fill or higher retaining wall requires a separate Planning Approval to be applied to and obtained from the Town of Vincent;*

- (iii) *all buildings and effluent disposal systems, having the necessary clearance from the new boundaries as required under the relevant legislation;*
- (iv) *support of the subdivision is not to be construed as support of the demolition of the existing building(s) and/or any development on the proposed lots;*
- (v) *if any portion of the existing building(s) is to be demolished to facilitate the proposed subdivision, a separate Planning Approval and/or Demolition Licence is to be obtained from the Town for the demolition of the existing building(s) prior to the clearance of the Diagram or Plan of Survey by the Town;*
- (vi) *all buildings and structures that have been granted Planning Approval and/or Demolition Licence for demolition being demolished and materials removed from the site and the site made good. A separate Planning Approval and/or Demolition Licence is required from the Town prior to the commencement of any demolition works;*
- (vii) *the applicant obtaining Planning Approval and/or Building Licence for the development of a house(s) on the lots less than 350 square metres in accordance with clause 2.3.3 of the Residential Design Codes.*

<b>Landowner:</b>	P Anderson & Geo-Mining Consultants Pty Ltd
<b>Applicant:</b>	Tuscom Subdivision Consultants Pty Ltd
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R30
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Single House
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	597 square metres
<b>Access to Right of Way</b>	N/A

**BACKGROUND:**

The subject site is occupied by a single storey single house with its primary street frontage to Galwey Street.

22 April 2003                      The Council at its Ordinary Meeting resolved to recommend conditional approval of the freehold subdivision of No. 38 (Lot 2) Galwey Street, Leederville.

4 June 2003                        The Western Australian Planning Commission conditionally approved the freehold subdivision of the subject property.

4 September 2003                Conditional Planning Approval was granted under delegation for the construction of an additional single-storey house to existing single house on the subject property.

**DETAILS:**

The proposal involves the subdivision of the subject lot creating two (2) freehold lots.

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Average Site Area	300 square metres	298.5 square metres	Supported- <ul style="list-style-type: none"> <li>• variation considered minor;</li> <li>• overall subdivision is compliant with the minimum site area requirements of the R Codes;</li> <li>• adjacent lots with a lesser area exists along Tennyson Street;</li> <li>• lot has two street frontages and</li> <li>• exact same subdivision has been previously approved.</li> </ul>
Density	1.99 single houses R 30	2 single houses R 33.5 0.005% density bonus	Supported – refer to above conditions.
Plot Ratio	N/A	N/A	Noted
<b>Consultation Submissions</b>			
The proposed subdivision did not require community consultation.			
<b>Other Implications</b>			
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:**

In light of the above, approval is recommended subject to standard and appropriate conditions.

**10.1.10 No. 9 (Lot 35) Clarence Street, Mount Lawley - Proposed Partial Demolition of and Alterations and Additions to Existing Single House and One (1) Additional Two (2) Storey Single House**

<b>Ward:</b>	South	<b>Date:</b>	6 September 2006
<b>Precinct:</b>	Forrest; P14	<b>File Ref:</b>	PRO3491; 5.2006.94.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	B Phillis		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**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 P N Christou on behalf of the owner P & R Christou for proposed Partial Demolition of and Alterations and Additions to Existing Single House and One (1) Additional Two (2) Storey Single House, at No. 9 (Lot 35) Clarence Street, Mount Lawley, and as shown on plans stamp-dated 10 August 2006, subject to the following conditions:*

- (i) *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 Clarence Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following conditions:*
  - (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;*
- (ii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
  - (a) ~~*the upper floor setback for the proposed rear dwelling facing the south eastern boundary being a minimum of 1.5 metres; and*~~

*(ab) the windows to bedrooms 2 and 3 on the first floor southern elevation of the proposed rear dwelling being screened with a permanent obscure material and be non openable to a minimum of 1.6 metres above the finished first floor level. The permanent obscure material does not include self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of Nos.7 and 11 Clarence Street, respectively, stating no objections to the proposed privacy encroachment.*

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

- (iii) prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title and Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town;*
- (iv) 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;*
- (v) the car parking pergola/vergola adjacent to Clarence Street shall be one hundred (100) per cent open on all sides and at all times (open type gates/panels are permitted) and shall not have a water permeable roof;*
- (vi) the entry gazebo structure adjacent to Clarence Street shall be one hundred (100) per cent open on all sides and at all times ( open type gates/panels are permitted); and*
- (vii) a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Clarence Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s).*

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

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**Moved Cr Farrell, Seconded Cr Ker**

***That the recommendation be adopted.***

Debate ensued.

Moved Cr Farrell, Seconded Cr Ker

*That a new clause (viii) be added as follows:*

*"(viii) prior to the first occupation of the proposed development the existing crossover located off Clarence Street shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services, at the applicant's/owner's full expense."*

**AMENDMENT CARRIED (8-0)**

(Cr Doran-Wu on approved leave of absence.)

Debate ensued.

Moved Cr Ker, Seconded Cr Farrell

*That a new clause (ix) be added to read as follows;*

*"(ix) that 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);"*

**AMENDMENT CARRIED (8-0)**

(Cr Doran-Wu on approved leave of absence.)

Debate ensued.

Moved Cr Maier, Seconded Cr Ker

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

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

- (a) the windows to bedrooms 2 and 3 on the first floor southern elevation of the proposed rear dwelling being screened with a permanent obscure material and be non openable to a minimum of 1.6 metres above the finished first floor level. The permanent obscure material does not include self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002; OR screen wing wall extensions being provided perpendicular to the first floor rear/southern elevation adjacent to the windows to bedrooms 2 and 3 and having a minimum protrusion length of 1 metre and 1.5 metres respectively, and a minimum height of 1.6 metres above the respective first floor level. The screens shall be constructed of a permanent obscure material which 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 Nos.7 and 11 Clarence Street, respectively, stating no objections to the proposed privacy encroachment.*

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

**AMENDMENT CARRIED (8-0)**

(Cr Doran-Wu on approved leave of absence.)

Debate ensued.

**Moved Cr Lake, Seconded Cr Ker**

*That clause (v) be amended to read as follows;*

*“(v) the car parking pergola/vergola adjacent to Clarence Street shall be one hundred (100) per cent open on all sides and at all times (open type gates/panels are permitted) ~~and shall not have a water permeable roof;~~”*

Debate ensued.

**AMENDMENT CARRIED (8-0)**

(Cr Doran-Wu on approved leave of absence.)

**Moved Cr Torre, Seconded Cr Messina**

*That clause (v) be amended to read as follows;*

*“(v) the car parking pergola/vergola adjacent to Clarence Street shall be one hundred (100) per cent open on all sides and at all times (open type gates/panels are permitted and the roof material not be reflective) ~~and shall not have a water permeable roof;~~”*

Debate ensued.

**AMENDMENT LOST (0-8)**

(Cr Doran-Wu on approved leave of absence.)

**Moved Cr Maier, Seconded Cr Ker**

*That clause (vi) be amended to read as follows;*

*“(vi) the entry gazebo structure adjacent to Clarence Street shall have a maximum wall height of the solid portion be 1.2m above the adjacent footpath level and the section above this solid portion be visually permeable with a minimum of fifty (50) per cent transparency ~~one hundred (100) per cent open on all sides and at all times (open type gates/panels are permitted); and~~”*

**AMENDMENT CARRIED (7-1)**

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

(Cr Doran-Wu on approved leave of absence.)

Debate ensued.

**MOTION AS AMENDED CARRIED (8-0)**

(Cr Doran-Wu on approved leave of absence.)

**COUNCIL DECISION ITEM 10.1.10**

*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 P N Christou on behalf of the owner P & R Christou for proposed Partial Demolition of and Alterations and Additions to Existing Single House and One (1) Additional Two (2) Storey Single House, at No. 9 (Lot 35) Clarence Street, Mount Lawley, and as shown on plans stamp-dated 10 August 2006, subject to the following conditions:*

- (i) *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 Clarence Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following conditions:*
  - (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;*

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

(a) *the windows to bedrooms 2 and 3 on the first floor southern elevation of the proposed rear dwelling being screened with a permanent obscure material and be non openable to a minimum of 1.6 metres above the finished first floor level. The permanent obscure material does not include self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002; OR screen wing wall extensions being provided perpendicular to the first floor rear/southern elevation adjacent to the windows to bedrooms 2 and 3 and having a minimum protrusion length of 1 metre and 1.5 metres respectively, and a minimum height of 1.6 metres above the respective first floor level. The screens shall be constructed of a permanent obscure material which 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 Nos.7 and 11 Clarence Street, respectively, stating no objections to the proposed privacy encroachment.*

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

(iii) *prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title and Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town;*

(iv) *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;*

(v) *the car parking pergola/vergola adjacent to Clarence Street shall be one hundred (100) per cent open on all sides and at all times (open type gates/panels are permitted); and*

(vi) *the entry gazebo structure adjacent to Clarence Street shall have a maximum wall height of the solid portion be 1.2m above the adjacent footpath level and the section above this solid portion be visually permeable with a minimum of fifty (50) per cent transparency;*

(vii) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Clarence Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*

- (viii) *prior to the first occupation of the proposed development the existing crossover located off Clarence Street shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services, at the applicant's/owner's full expense; and*
- (ix) *that 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).*

**ADDITIONAL INFORMATION:**

A re-assessment of the subject (amended) plans stamp-dated 10 August 2006 has revealed that the proposed upper floor setbacks for the south-east and north-west elevations comply with the minimum setback requirements as specified in Table 2a of the Residential Design Codes - 1.2 metres required, 1.2 metres proposed. A *Corrected Assessment Table* is indicated in the report.

<b>Landowner:</b>	P & R Christou
<b>Applicant:</b>	P Christou
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R50
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Single House
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	473 square metres
<b>Access to Right of Way</b>	South west side, 3 metres wide, sealed, resumed and vested.

**BACKGROUND:**

No specific background directly relates to the proposal.

**DETAILS:**

The proposal involves a proposed partial demolition of and alterations and additions to existing single house and one (1) additional two (2) storey single house.

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

**Council Determination**

The new Delegated Authority No. 110 recently adopted by the Council at its Ordinary Meeting held on 22 August 2006 allows for the subject application to be determined under delegated authority; however, in this particular instance, a previous commitment was made to the objector that the application would be presented to the Council for determination.

**ASSESSMENT:**

**Note:** *The following Assessment Table was corrected and distributed prior to the meeting. Changes are indicated by strikethrough, italic font and underline*

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Density	2.63 dwellings R50	2 dwellings R42.28	Noted - no variation
Plot Ratio	N/A	N/A	Noted

<p>Building Setbacks: Car Parking Pergola/Vergola South East - (Side)</p> <p>Entry Gazebo- North East - (Front)</p>	<p>1.0 metre</p> <p>1.0 metre</p>	<p>Nil</p> <p>Nil</p>	<p>Supported - as the carport wall can be considered under the Buildings on Boundary requirements of the R Codes in R50.</p> <p>The wall is semi-open, is less than 3 metres in height and measures 5.1 metres in length and is considered to have minimal bulk or overshadow impact to the south eastern adjoining property.</p> <p>Supported - as the entry gazebo is a minimal 6.75 square metres in area. It is considered to be a minor structure, which supports a pitched style roof, blending with the character of the main dwelling.</p> <p>The entry gazebo would have little consequence to the north west adjoining property and promotes an intimate style of interaction with the streetscape at a pedestrian level.</p>
<p>Building Setbacks: Front Dwelling (North East)</p>	<p>3.3 metres</p>	<p>1.04 metres - 3.2 metres</p>	<p>Supported - as the wall height on this side ranges from 3.7 metres to 3.4 metres and it would be unreasonable to impose a 3.3 metre setback requirement, considering that 2/3 of the wall already exists and that the existing building line is setback 1.04 metres.</p> <p>A portion of the new extension is setback at 3.2 metres and is similar in length and height to the existing portion proposed to be demolished, which means that there will be a similar impact to the north east adjoining property that as currently exists.</p> <p>Further to the above, the proposed development retains the existing single storey dwelling in order to renovate,</p>

			rather than demolish and re-build potentially a two-storey dwelling, which would have a more detrimental impact to an adjoining property and streetscape.
Building Setbacks:			
Proposed Rear Dwelling- South East - Upper	<del>1.5 metres</del> <u>1.2 metres</u>	1.2 metres	<del>Not supported</del> as there is adequate land area available without compromising the quality of the development, while reducing bulk, scale and overshadow impact to the south east adjoining property. Also, the south eastern adjoining neighbour has expressed strong objection in relation to feeling 'closed in' and this would only exasperate the problem. Also, it is noted that a boundary wall is proposed on this side.
North West - Ground	1.5 metres	1.2 metres	<u>Noted - no variation</u> Supported - as the subject wall is on the southern side of the adjoining property, therefore, not impacting on winter sunlight, is not considered as bulky as the south eastern side due to the ground floor not proposed on the boundary.  Also, it is noted that the adjoining owner has submitted no objection to the proposal.
North West - Upper	<del>1.5 metres</del> <u>1.2 metres</u>	1.2 metres	<del>Supported</del> see comments immediately above. <u>Noted - no variation.</u>
<b>Consultation Submissions</b>			
Support (0)	Nil		Noted.
Objection (1) from owner of No. 7 Clarence Street	<u>Building Bulk and Building Setbacks</u> 1) No. 11 Clarence Street owner feels "hemmed in" and that the impact of the whole development is loaded onto No. 7 Clarence Street due to:		

	<ul style="list-style-type: none"> <li>• Building on boundary line;</li> <li>• Side setback variations to the carport on the eastern side;</li> <li>• Side setback variations for the extensions proposed to the front dwelling; and</li> <li>• South eastern side setback variation to the upper floor.</li> </ul> <p>2) Due to sufficient space on the property, the rear dwelling should be setback from the eastern boundary.</p> <p>3) Why can't the rear dwelling be shifted across to the western boundary? There is no development on the adjoining western property to impact on.</p> <p><u>Height of Rear Dwelling</u></p> <p>1) The high profile roof appears equivalent to a three-storey dwelling which means it is an overbearing structure.</p> <p>2) The height of the roof should be revised. The height of the roof is excessive - and inconsiderate in a high-density zoning.</p> <p><u>Glare of Colorbond Roof Material</u></p> <p>1) The amount of light this will reflect back onto other homes.</p>	<p>Not supported- further assessment revealed no variation.</p> <p>Not supported- see Non-Compliant Table above.</p> <p>Not supported- see Non-Compliant Table above.</p> <p>Supported - as the section of wall between the bathroom and bedroom 2 on the south east side upper floor could be made to comply with the 1.5 metre setback requirement.</p> <p>Not supported- the Town has no powers that would require a re-design of the dwelling to be sited on the western boundary</p> <p>Supported- see comments immediately above.</p> <p>Not supported- the roof height complies.</p> <p>Not supported- the wall and roof heights comply.</p> <p>Not supported- the Town has no specific restrictions on roofing colour or materials in the subject area.</p> <p>Also, as the topography for the site is reasonably flat and that the dwelling is two storey, reflectivity from the roof will not unduly impact on adjoining properties.</p>
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	<p><u>Overshadowing</u></p> <p>1) The house blocks along Clarence Street are not square to the compass points (that is, do not face directly north) and, therefore, overshadow will fall onto the rear dwelling of No. 7. A large building on the adjoining boundary will mean that sunlight into the rear yard and the main windows to the dwelling of No. 7 will be very limited. These windows are the main sources of light into the building.</p> <p>2) The proposed building would also reduce the hours of sunlight in outdoor areas, especially for the rear dwelling's courtyard and landscaped areas, therefore, imposing on the quality of the amenity in a way that is considered excessive and unnecessary.</p> <p><u>Streetscape</u></p> <p>1) The style of the modifications to the original front dwelling do not capitalise on the Mount Lawley character and instead, represents another misconceived notion of upgrading, reminiscent of the 'Italian makeovers' in past years.</p> <p>2) The developer has built a set of townhouses elsewhere in the street in a contemporary style that contributes positively to the evolution of the streetscape – not seen as happening at the subject property.</p>	<p>Not supported- amended plans have since been submitted showing accurate north points. The amount of overshadowing to the south eastern property does not exceed the permitted 50 per cent as per the Residential Design Codes.</p> <p>Not supported- see comments immediately above.</p> <p>Also, the Officer Recommendation for a 1.5 metre minimum setback from the south eastern boundary would improve sunlight access to the objector's property.</p> <p>Noted.</p> <p>Noted.</p>
<b>Other Implications</b>		
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:**

In light of the above, it is recommended that the proposed demolition of and alterations and additions to existing single house and one (1) additional two (2) storey single house be approved, subject to standard and appropriate conditions to address the above matters.

**10.1.11 Further Report - Amendment No. 31 to Planning and Building Policies – Consulting Rooms**

<b>Ward:</b>	Both Wards	<b>Date:</b>	1 September 2006
<b>Precinct:</b>	All Precincts	<b>File Ref:</b>	PLA0166
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	A Denford		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**FURTHER OFFICER RECOMMENDATION:**

*That the Council;*

(i) **RECEIVES** the Draft Policy relating to Consulting Rooms, as shown in Attachment 10.1.3 and **AMENDS** the Policy as follows:

(a) *clause 3 being amended to read as follows:*

*"3) Location*

*Specific*

*Residential Areas*

*~~While not actively encouraged within a Residential zone~~ While generally discouraged within a Residential zone, the following provisions are to be matters will be considered by the Town when determining an when making application for a consulting rooms development in a Residential Zone area;"*

(ii) **ADOPTS** the Draft Policy relating to Consulting Rooms in the interim until the formal adoption of the Policy;

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

(a) *advertising a summary of the subject Policy once a week for four (4) consecutive weeks in a newspaper circulating in the locality;*

(b) *where practicable, notifying those persons who in the opinion of the Town, might be directly affected by the subject Policy; and*

(c) *forwarding a copy of the subject Policy to the Western Australian Planning Commission (WAPC);*

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

(a) **REVIEWS** the Draft Policy relating to Consulting Rooms, having regard to any written submissions; and

(b) **DETERMINES** the Draft Policy relating to Consulting Rooms, with or without amendments; and

- (v) **RECOMMENDS** consideration be given to the following amendments being made to the Town Planning Scheme as part of the Town Planning Scheme Review:
- (a) **Zone Table;**
- DELETION of the ‘consulting rooms’ use class and REPLACEMENT with three (3) consulting rooms use classes as set out in the draft Consulting Rooms Policy; and*
- (b) **Schedule 1;**
- (1) **DELETION** of the ‘consulting rooms’ definition and **REPLACEMENT** with definitions for the three (3) consulting rooms use classes as set out in the draft Consulting Rooms Policy; and
- (2) **INCLUSION** of the definitions stated in clause 7 of the draft Consulting Rooms Policy, being the definitions of ‘brothel’, ‘brothel business’, ‘escort agency’, ‘massage premises’ and ‘prostitution’; and
- (c) **MODIFICATION** of Clause 38(7) of the Town Planning Scheme to expressly recognise the power of the Town to impose conditions on approvals limiting the hours of operation where the Town is able to do so.
- 

**Moved Cr Farrell, Seconded Cr Ker**

*That the recommendation be adopted.*

**Moved Cr Maier, Seconded Cr Ker**

*“That the policy at page 4 under No. 2 in the last line of the second paragraph the words “without notice” be deleted. “*

Debate ensued.

**AMENDMENT CARRIED (8-0)**

(Cr Doran-Wu on approved leave of absence.)

Debate ensued.

**Moved Cr Chester, Seconded Cr Farrell**

*That a new clause (v) (d) be added as follows:*

*“(v)(d) ADDRESS active discouragement of Consulting Rooms in areas zoned ‘Residential’.”*

**AMENDMENT CARRIED (8-0)**

(Cr Doran-Wu on approved leave of absence.)

**COUNCIL DECISION ITEM 10.1.11**

*That the Council;*

(i) **RECEIVES** the Draft Policy relating to Consulting Rooms, as shown in Attachment 10.1.3 and **AMENDS** the Policy as follows:

(a) *clause 3 being amended to read as follows:*

*"3) Location*

*Specific*

*Residential Areas*

*~~While not actively encouraged within a Residential zone~~ While generally discouraged within a Residential zone, the following provisions are to be matters will be considered by the Town when determining an ~~when making~~ application for a consulting rooms development in a Residential Zone area;"*

(b) *clause 2 being amended to read as follows*

*"2) Standard Conditions of Approval*

*The standard conditions as set out in this Policy may be amended by the Town from time to time without notice.*"

(ii) **ADOPTS** the Draft Policy relating to Consulting Rooms in the interim until the formal adoption of the Policy;

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

(a) *advertising a summary of the subject Policy once a week for four (4) consecutive weeks in a newspaper circulating in the locality;*

(b) *where practicable, notifying those persons who in the opinion of the Town, might be directly affected by the subject Policy; and*

(c) *forwarding a copy of the subject Policy to the Western Australian Planning Commission (WAPC);*

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

(a) **REVIEWS** the Draft Policy relating to Consulting Rooms, having regard to any written submissions; and

(b) **DETERMINES** the Draft Policy relating to Consulting Rooms, with or without amendments; and

(v) **RECOMMENDS** consideration be given to the following amendments being made to the Town Planning Scheme as part of the Town Planning Scheme Review:

(a) **Zone Table;**

**DELETION** of the 'consulting rooms' use class and **REPLACEMENT** with three (3) consulting rooms use classes as set out in the draft Consulting Rooms Policy; and

- (b) *Schedule 1;*
- (1) *DELETION of the 'consulting rooms' definition and REPLACEMENT with definitions for the three (3) consulting rooms use classes as set out in the draft Consulting Rooms Policy; and*
  - (2) *INCLUSION of the definitions stated in clause 7 of the draft Consulting Rooms Policy, being the definitions of 'brothel', 'brothel business', 'escort agency', 'massage premises' and 'prostitution';*
- (c) *MODIFICATION of Clause 38(7) of the Town Planning Scheme to expressly recognise the power of the Town to impose conditions on approvals limiting the hours of operation where the Town is able to do so; and*
- (d) *ADDRESS active discouragement of Consulting Rooms in areas zoned 'Residential'.*

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**FURTHER REPORT:**

The Council at its Ordinary Meeting held on 25 July 2006 considered the proposed amendment and resolved the following:

*"That the Item be DEFERRED to allow for the definitions listed in the proposed policy to be further researched and clarified".*

**Definition of Prostitution**

The Town's Officers have subsequently undertaken research into the definition of 'Prostitution' that is included in the Draft Consulting Rooms Policy. The *Prostitution Act 2000* and the *Prostitution Control Bill 2003* both define 'Prostitution' as follows:

*"When this Act refers to prostitution it means prostitution in which payment is consideration for the sexual stimulation of a person ("the client") by means of physical contact between the client and another person ("the prostitute"), or between either of them and anything controlled by or emanating from the other, and is irrelevant whether payment is in money or any other form".*

The definition of 'Prostitution' in the Draft Consulting Rooms Policy is consistent with the definition under the *Prostitution Act 2000* and the *Prostitution Control Bill 2003*. It is clear from this definition that the issue of physical contact between "the client" and "the prostitute" is critical in determining actions that constitute an act of prostitution.

Consequently the Officer Recommendation has not been amended, other than to incorporate the two (2) amendments carried by the Council at its Ordinary Meeting held on 25 July 2006.

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 25 July 2006:

***"FURTHER OFFICER RECOMMENDATION:***

*That the Council;*

- (i) *RECEIVES the Draft Policy relating to Consulting Rooms, as shown in Attachment 10.1.4;*
- (ii) *ADOPTS the Draft Policy relating to Consulting Rooms in the interim until the formal adoption of the Policy;*

- (iii) *ADVERTISES the Draft Policy relating to Consulting Rooms for public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:*
- (a) *advertising a summary of the subject Policy once a week for four (4) consecutive weeks in a newspaper circulating in the locality;*
  - (b) *where practicable, notifying those persons who in the opinion of the Town, might be directly affected by the subject Policy; and*
  - (c) *forwarding a copy of the subject Policy to the Western Australian Planning Commission (WAPC);*
- (iv) *after the expiry of the period for submissions:*
- (a) *REVIEWS the Draft Policy relating to Consulting Rooms, having regard to any written submissions; and*
  - (b) *DETERMINES the Draft Policy relating to Consulting Rooms, with or without amendments; and*
- (v) *RECOMMENDS consideration be given to the following amendments being made to the Town Planning Scheme as part of the Town Planning Scheme Review:*
- (a) *Zone Table;*  
*DELETION of the 'consulting rooms' use class and REPLACEMENT with three (3) consulting rooms use classes as set out in the draft Consulting Rooms Policy; and*
  - (b) *Schedule 1;*
    - (1) *DELETION of the 'consulting rooms' definition and REPLACEMENT with definitions for the three (3) consulting rooms use classes as set out in the draft Consulting Rooms Policy; and*
    - (2) *INCLUSION of the definitions stated in clause 7 of the draft Consulting Rooms Policy, being the definitions of 'brothel', 'brothel business', 'escort agency', 'massage premises' and 'prostitution'.*

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

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COUNCIL DECISION ITEM 10.1.4

Moved Cr Torre, Seconded Cr Farrell

*That the recommendation be adopted.*

*Debate ensued.*

Moved Cr Maier, Seconded Cr Chester

*That a new clause (v)(c) be added as follows:*

- “(v) (c) clause 38(7) of the Town Planning Scheme be amended to expressly recognise the power of the Town to impose conditions on approvals limiting the hours of operation where the Town is able to do it.”*

Debate ensued.

Cr Torre departed the Chamber at 8.45pm.

AMENDMENT CARRIED (7-0)

(Cr Ker on leave of absence. Cr Torre was absent from the Chamber and did not vote.)

Moved Cr Chester, Seconded Cr Farrell

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

"(i) RECEIVES the Draft Policy relating to Consulting Rooms, as shown in Attachment 10.1.4; and AMENDS the Policy as follows:

(a) clause 3 being amended to read as follows:

"3) Location

Specific

Residential Areas

~~While not actively encouraged within a Residential zone~~ While generally discouraged within a Residential zone, the following provisions are to be matters will be considered by the Town when determining an when making application for a consulting rooms development in a Residential Zone area;"

Debate ensued.

AMENDMENT CARRIED (7-0)

(Cr Ker on leave of absence. Cr Torre was absent from the Chamber and did not vote.)

Debate ensued.

Cr Torre returned to the Chamber at 8.50pm.

Moved Cr Maier, Seconded Cr Lake

That clause (v)(b)(2) be deleted.

Debate ensued.

AMENDMENT LOST (1-7)

For

Cr Maier

Against

Mayor Catania

Cr Chester

Cr Doran-Wu

Cr Farrell

Cr Lake

Cr Messina

Cr Torre

(Cr Ker on leave of absence.)

*Moved Cr Torre, Seconded Cr Chester*

*That the Item be DEFERRED to allow for the definitions listed in the proposed policy to be further researched and clarified.*

*CARRIED (8-0)*

*(Cr Ker on leave of absence.)*

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**FURTHER REPORT:**

*The Council at its Ordinary Meeting held on 25 October 2005 considered Item 10.1.10 relating to a draft Consulting Rooms Policy. The Council resolved:*

*“That the Item be DEFERRED to allow for further information to be included in the proposed policy and a legal opinion to be obtained on the policy’s scope, strength of provisions and effectiveness of implementation prior to it being advertised for public consultation.”*

*Details*

*In accordance with the resolution from the Ordinary Meeting of Council held on 25 October 2005, the Town’s Officers instructed the Town’s Solicitors, Mullins Handcock to review the draft Consulting Rooms Policy in relation to its scope, strength of provisions and effectiveness of implementation. Legal advice was duly received from Mullins Handcock, which forms a ‘Confidential Attachment’ to this report.*

*The Policy has been subsequently modified to reflect the recommended changes made by Mullins Handcock, and additional comments made have been taken into consideration and included as part of the recommendation of this report. Briefly, the changes recommended by Mullins Handcock included the following:*

- Rectifying the existing Town Planning Scheme text to reflect the different consulting room types, detailed in the Policy;*
- Removal of the provision relating to requiring all previous approvals granted under the City of Perth being granted a new approval by the Town of Vincent, consistent with the Consulting Rooms Policy;*
- Removal of subjective or suggestive wording and phrases, making the Policy more generic; and*
- Modifications to some of the definitions provided.*

*In light of the comments provided by the Town’s Solicitors, the Policy has been modified accordingly.*

*Comments*

*The draft Consulting Rooms Policy has been prepared so to provide applicants with concise guidelines and requirements for establishing ‘Consulting Rooms’ within the Town of Vincent. The Policy is intended to provide a clear definition of what constitutes a ‘Consulting Room’ within the Town and discourage the proliferation of non-compliant ‘Consulting Room’ premises that accommodate unlawful activities such as prostitution from occurring within the Town.*

*The manner in which this is proposed to be achieved is through the introduction of three (3) different categories of ‘Consulting Rooms’, namely Medical Consulting Rooms, Alternative Consulting Rooms and Non-Medical Consulting Rooms. In addition, the definitions for “Brothel”, “Brothel Business”, “Escort Agency”, “Massage Premises” and “Prostitution” have been modified, in an effort to clarify the Town’s position on these matters.*

*Specifically, the Policy outlines the following in relation to any prospective Consulting Room applications:*

- *permitted activities;*
- *standard conditions of approval;*
- *location considerations;*
- *issues of compliance with the Building Code of Australia;*
- *car parking and vehicular access;*
- *advertising signage;*
- *hours of operation; and*
- *definitions.*

*In light of the above, it is recommended that Council adopts the revised draft Consulting Rooms Policy and advertises the Policy in accordance with clause 47 of the Town of Vincent Town Planning Scheme No.1 (TPS). Additionally, it is recommended that further consideration be given to amendments relating to the Zoning Table and Schedule 1 of the Town Planning Scheme, as suggested in the legal advice received.*

*The following is a verbatim copy of the Minutes for the item placed before the Council at its Ordinary Meeting held on 25 October 2005:*

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the draft Policy relating to Consulting Rooms, as shown in Attachment 10.1.10;*
- (ii) *ADVERTISES the draft Policy relating to Consulting Rooms for public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:*
  - (a) *advertising a summary of the subject Policy once a week for four consecutive weeks in a newspaper circulating in the locality;*
  - (b) *where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the subject Policy; and*
  - (c) *forwarding a copy of the subject Policy to the Western Australian Planning Commission; and*
- (iii) *after the expiry of the period for submissions:*
  - (a) *REVIEWS the draft Policy relating to Consulting Rooms, having regard to any written submissions; and*
  - (b) *determines the draft Policy relating to Consulting Rooms, with or without amendment, to or not to proceed with them.*

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**COUNCIL DECISION ITEM 10.1.10**

*Moved Cr Chester, Seconded Cr Messina*

*That the recommendation be adopted.*

*Debate ensued.*

*Cr Messina departed the Chamber at 8.19pm.  
Cr Messina returned to the Chamber at 8.21pm.*

Moved Cr Chester, Seconded Cr Ker

*That the Item be DEFERRED to allow for further information to be included in the proposed policy and a legal opinion to be obtained on the policy's scope, strength of provisions and effectiveness of implementation prior to it being advertised for public consultation.*

CARRIED (8-0)

*(Cr Farrell on leave of absence.)*

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**PURPOSE OF REPORT:**

*The purpose of this report is to present the draft version of the Policy relating to Consulting Rooms and to seek Council's approval to advertise the draft Policy.*

**BACKGROUND:**

*4 August 2005*

*The Town received a letter from the proprietor of the Mount Hawthorn Medical Centre regarding a recent Planning Approval for extensions to a waiting room at the medical centre at No.81 Scarborough Beach Road, Mount Hawthorn.*

*Part of the conditional approval for the extension required that the applicant apply for a new planning approval in three years time. The proprietor expressed disappointment in being subject to this requirement, due to houses of ill-repute within the Town. The proprietor requested a review of this matter so that consulting rooms such as medical centres are not subject to the same treatment and requirements as other types of consulting rooms within the Town.*

*5 September 2005*

*The Mayor replied to the above proprietor informing that an examination will be undertaken as to how the Town will be able to grant reputable business with a more permanent concession.*

*28 June 2005*

*The Council at its Ordinary Meeting considered Item 10.4.4 relating to a change of use application from 'office building' to 'consulting rooms and ancillary and incidental shop and office' at Unit 2/ No.643 Newcastle Street, Leederville. The Council resolved to adopt the Officer Recommendation, subject to clause (viii) being amended as follows to address escort agencies, prostitution, brothels and the like.*

*“(viii) all activities at the premises shall be in compliance with the Town's Policy requirements relating to consulting rooms, and no massage activity of a non-medical nature, prostitution, brothel business, agency business associated with prostitution, escort agency business, and the like, shall occur at the premises and no bedding shall be provided at the premises; and”*

*DETAILS:*

*In light of the Mayor's response and Clause (viii) of the Council Resolution from the Ordinary Meeting of Council held on 28 June 2005, the Town's Officers have prepared a draft Policy relating to Consulting Rooms, to enable such consulting room types, as medical centres and consulting rooms, to gain permanent approval, rather than periodic approval, requiring renewal every one to three years, as is the case now.*

*CONSULTATION/ADVERTISING:*

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

*LEGAL/POLICY:*

*Town Planning Scheme No. 1 and associated Policies.*

*STRATEGIC IMPLICATIONS:*

*Strategic Plan 2005-2010 – Key Result Area One: Environment and Infrastructure:  
“1.3 Develop, implement and promote sustainable urban design”*

*FINANCIAL/BUDGET IMPLICATIONS:*

*The current 2005/2006 Budget allocates \$80,000 for Town Planning Scheme Amendments and Policies.*

*COMMENTS:*

*The draft Policy relating to Consulting Rooms has been prepared so to provide applicants and developers with a set of concise guidelines and requirements for establishing Consulting Rooms within the Town. It is intended that the Policy will give a clear definition of what is defined as a ‘ Consulting Room’ and discourage the continuation of other use types that are presently defined under the guise of ‘Consulting Rooms’.*

*Specifically, the Policy outlines matters, such as the permitted activities, location considerations, public consultation requirements, compliance with the Building Code of Australia, car parking and vehicular access, advertising signage, hours of operation and provides clear definitions as to what constitutes a ‘ Consulting Room’ within the Town of Vincent.*

*In light of the above, it is recommended that Council adopts the draft version of the Policy relating to Consulting Rooms and advertises the draft version of the Policy in accordance with clause 47 of the Town of Vincent Town Planning Scheme No.1”.*

**10.1.12 Amendment No.25 - Planning and Building Policies - Policy - Appendix No.16 - Design Guidelines for the Half Street Block Bounded by Fitzgerald, Newcastle (All Lots Between Palmerston and Fitzgerald Streets) and Stuart Streets and Pandal Lane, Perth**

<b>Ward:</b>	South	<b>Date:</b>	5 September 2006
<b>Precinct:</b>	Beaufort, P13	<b>File Ref:</b>	PLA0168
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	H Smith		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

(i) *RECEIVES the final amended version of the Policy - Appendix No.16 - Design Guidelines for the half street block bounded by Fitzgerald, Newcastle (all lots between Palmerston and Fitzgerald Streets) and Stuart Streets and Pandal Lane, Perth, as shown in Attachment 10.1.15, resulting from the advertised version having been reviewed and regard to the nine (9) written submissions received during the formal advertising period, in accordance with Clauses 47 (4), and (5) (a) of the Town's Town Planning Scheme No. 1;*

"(ii) *ADOPTS the final amended version of the Policy - Appendix No.16 - Design Guidelines for the half street block bounded by Fitzgerald, Newcastle (all lots between Palmerston and Fitzgerald Streets) and Stuart Streets and Pandal Lane, Perth, as shown in Attachment 10.1.15-2; ~~and~~, subject to the Policy being amended as follows:*

(a) *clause 7) be renumbered to read as follows:*

**'7) DESIGN GUIDELINES**

*These Guidelines will achieve the above objectives by considering the following design features:*

*↳ SITE PLANNING*

- a) i) Subdivision - ...*
- b) ii) Density and Mix - ...*
- c) iii) Height and Massing - ...*
- d) iv) Plot Ratio - ...*
- e) v) Connectivity and Legibility - ...*
- f) vi) Facade and Interface - ...*
- g) vii) Vehicle and Pedestrian Access - ...*
- h) viii) Car Parking - ...*
- i) ix) High Quality Design and Function - ...*

~~j) x)~~ *Total Open and Personal Outdoor Space and External Amenities - ...*

~~k) xi)~~ *Landscaping and Public Art - ...*

~~l) xii)~~ *Sound Attenuation and Proximity to Commercial and Entertainment Uses - ...*

~~m) xiii)~~ *Location of General Plant - ...'''*

(iii) *AUTHORISES the Chief Executive Officer to advertise the final amended version of the adopted Policy - Appendix No.16 - Design Guidelines for the half street block bounded by Fitzgerald, Newcastle (all lots between Palmerston and Fitzgerald Streets) and Stuart Streets and Pandal Lane, Perth, as shown in Attachment 10.1.15, in accordance with Clause 47 (6) of the Town's Town Planning Scheme No. 1.*

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

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**Moved Cr Farrell, Seconded Cr Torre**

*That the recommendation be adopted.*

Debate ensued.

**COUNCIL DECISION ITEM 10.1.12**

**Moved Cr Chester, Seconded Cr Farrell**

*That this item be DEFERRED for further consideration.*

**CARRIED (8-0)**

(Cr Doran-Wu on approved leave of absence.)

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**PURPOSE OF REPORT:**

The purpose of this report is to provide the Council with an overview of the submissions received during the advertising period for this Policy and to present to the Council the final version of the Policy - Appendix No.16 - Design Guidelines for the half street block bounded by Fitzgerald, Newcastle (all lots between Palmerston and Fitzgerald Streets) and Stuart Streets and Pandal Lane, Perth, and to seek final adoption.

**BACKGROUND:**

The Council at its Ordinary Meeting held on 6 December 2005 resolved the following:

*"That the Council;*

(i) *RECEIVES the Draft Policy Relating to Appendix No.16 Design Guidelines for the Area bounded by Newcastle, Fitzgerald and Stuart Streets and Pandal Lane, Perth, as shown in Attachment 10.1.16;*

- (ii) *ADVERTISES the Draft Policy Relating to Appendix 16 Design Guidelines for the Area bounded by Newcastle, Fitzgerald and Stuart Streets and Pandal Lane, Perth, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:*
- (a) *advertising a summary of the subject Policy once a week for four consecutive weeks in a newspaper circulating in the locality;*
  - (b) *where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the subject Policy; and*
  - (c) *forwarding a copy of the subject Policy to the Western Australian Planning Commission; and*
- (iii) *after the expiry of the period for submissions:*
- (a) *REVIEWS the draft Policy Relating to Appendix 16 Design Guidelines for the Area bounded by Newcastle, Fitzgerald and Stuart Streets and Pandal Lane, Perth, having regard to any written submissions; and*
  - (b) *determines the draft Policy Relating to Appendix 16 Design Guidelines for the Area bounded by Newcastle, Fitzgerald and Stuart Streets and Pandal Lane, Perth, with or without amendment, to or not to proceed with them.*
- (iv) *AMENDS the Draft Policy relating to Appendix No.16 Design Guidelines for the Area bounded by Newcastle, Fitzgerald and Stuart Streets and Pandal Lane, Perth as shown in Attachment 10.1.16, prior to clauses (i), (ii) and (iii) above being actioned by:*
- (a) *amending the heading of the Policy as follows:*  

*“DESIGN GUIDELINES FOR THE HALF STREET BLOCK AREA BOUNDED BY FITZGERALD, NEWCASTLE (ALL LOTS BETWEEN PALMERSTON AND FITZGERALD STREETS) AND STUART STREETS AND PENDAL LANE, PERTH”*
  - (b) *amending heading 3 as follows:*  

*3) ~~CHARCATERISTICS~~ CHARACTERISTICS*
  - (c) *amending clause 5 as follows:*  

*5) i) SITE PLANNING*

    - d) *Plot Ratio - Plot ratio provisions for residential development are to be in accordance with ~~the Residential Design Codes R160~~ pertaining to the Residential Design Codes however, the Town of Vincent may consider variations. ~~Non-residential floorspace is silent in this respect.~~*
    - f) *Façade and Interface - Buildings are to have nil setbacks to the front, side and rear boundaries and the Fitzgerald Street road widening line ~~to create an urban edge.....~~*
    - h) *Car Parking - Car parking bays are to be provided in accordance with the Town Planning Scheme, the Town's Policy relating to Parking and Access ~~Policy..~~*

j) *Total Open and Personal Outdoor Space and External Amenities - Open space provision is to be generally in accordance with Residential R160 pertaining to the Residential Design Codes however, the Town of Vincent may consider variations in the context of the development's proximity to Robertson Park. The provision of private open space for all residential dwellings is to be highly functional, well-designed and where possible, located to capture views and sunlight. ~~The provision of total open space is to be considered in the context of the development's proximity to Robertson Park and the Town of Vincent will consider variations in this respect.~~"*

(d) *amending clause 1 as follows:*

*"1) INTRODUCTION*

*These Guidelines apply to all land within the development area bounded by Fitzgerald, Newcastle (all lots between Palmerston and Fitzgerald Streets) and Stuart Streets and Pental Lane, Perth."*

(e) *amending clause 2 as follows:*

*"2) CONTEXT*

*The half street block bounded by Fitzgerald, Newcastle (all lots between Palmerston and Fitzgerald Streets) and Stuart Street and Pental Lane covers an area just over 2 hectares. It is characterised by a variety of semi-industrial and commercial uses fronting Newcastle Street and ~~Miss Maud's head office and bakehouse, warehouses and a large recently vacated piece of land fronting~~ Fitzgerald Street and backing onto Pental Lane."*

(f) *amending clause 5 as follows:*

*"5) DESIGN FEATURES*

i) b) *Density and Mix - The street block is located within a transitional area characterised by a wide variety of uses. The remaining semi-industrial and commercial service uses are expected to relocate and be replaced by appropriate inner-city uses. These will be characterised by:*

- *Mixed use, minimum 50 per cent residential (commensurate with R160 density) and compatible commercial and non-residential uses;*
- *Contemporary robust buildings, containing a variety of housing types to meet differing household types; and*
- ~~*Opportunity for an eating house fronting Stuart Street and overlooking Robertson Park; and*~~
- *Opportunity for affordable housing.*

- f) Façade and Interface Buildings are to have nil setbacks to the front, side and rear boundaries, and the Fitzgerald Street road widening to create an urban edge line, with the exception of Stuart Street, where a setback requirement of at least 1.5 metres from Stuart Street on the ground floor is required.
- k) ~~Landscaping and Public Art - High quality landscaping is to be provided to all hard and soft areas. In this respect, landscaping to the Stuart Street properties is to recognise and carry through the known layers of history relevant to this area, in particular, the seasonal wetland, former Chinese market gardens and the Aboriginal heritage trail. The Town's Community Development and Parks and Heritage Services will be able to provide information in this respect. Likewise, there are a myriad of focus for public art interpretation. The Town's Policy Relating to Public Art should be referred to.~~
- ~~l) Sound Attenuation and Proximity to Commercial and Entertainment Uses - Noise attenuation in inner city and urban areas is critical to ensure the harmonious co-existence of a mix of land uses. The East Perth Redevelopment Authority, in New Northbridge, have prepared comprehensive measures addressing noise intrusion, for developments that receive noise, and noise emissions, for developments that emit noise. Similarly, new developments within the Guidelines area will be required to prove sound attenuation at the planning stage with a view to the following aspects:~~
- ~~• Identifying and addressing existing noise sources;~~
  - ~~• Designing building layout taking into consideration identified noise emitters; and~~
  - ~~• The incorporation of appropriate noise attenuation measures at the time of construction to minimise the intrusion and emission of noise, whatever the case may be.~~
- ~~The Town may require that acoustic reporting and noise management plans demonstrating the level of acoustic measures, are taken into account in the design of the building to reduce and/or minimise noise intrusion and/or emissions prior to the issue of a Building Licence for the development and that any management plans and measures be maintained and on going.~~
- l) Sound Attenuation - A development objective is to facilitate good quality and well-designed buildings for residential, commercial and mixed-use purposes. In doing so, it is acknowledged that certain measures may need to be taken to minimise any adverse effect on amenity, particularly residential. In addition to land uses, the impact caused by other associated noise sources such as machinery/infrastructure, needs to be taken into account. In

this regard, the Town may, where appropriate, seek alterations to plans to limit the impact of noise on a development, or impose conditions to reduce the level of noise emitted and/or received by a development. Any new or refurbished development or any conversion of part or all of an existing building that will accommodate new residential or other noise sensitive uses must:

- Be designed, orientated and constructed to include noise attenuation measures such as appropriate glazing of windows, position balconies having regard for noise sources, minimise window areas facing a noise source and designating certain areas within the building layout for less noise sensitive uses or activities.
- Consider the incorporation of ducted air conditioning and/or ventilation systems in consultation with an acoustic consultant.
- Have walls, roofs, external glazing and doors and the air conditioning or ventilation systems designed by a qualified acoustic consultant, who must certify that the incorporation of the design features recommended by the consultant will achieve a satisfactory level of sound attenuation. Any application for residential or other noise sensitive uses, as determined by the Town, will need to be accompanied by an acoustic report prepared by a qualified acoustic (noise) consultant.

For further information regarding sound attenuation, it is recommended that applicants refer to Australian Standard AS-NZS2107:2000 - Acoustics -Recommended Design Sound Levels and Reverberation Times for Building Interiors."

#### **DETAILS:**

The Policy/Design Guidelines aim to achieve the following objectives:

- i) To facilitate good quality and well-designed buildings for residential, commercial and mixed-use purposes.
- ii) To maximise the use and enjoyment of the excellent public open space afforded in the area.
- iii) To maximise the opportunities afforded by the area's proximity to the central business district, major public transport routes, road networks and gateway to the Town of Vincent.
- iv) To create a premier example of robust building forms catering to a variety of uses within a pleasant inner-urban environment.
- v) To create a mixed-use environment where the amenity of all users is respected and considered.
- vi) To build on the sense of place evidenced by the area's history and cultural diversity.
- vii) To provide incentive for the use of 'green building' techniques and the provision of 'affordable housing'.

**CONSULTATION/ADVERTISING:**

Advertising commenced on 10 January 2006 and concluded on 14 February 2006, pursuant to Clause 47 of the Town of Vincent Town Planning Scheme No.1.

The advertising included:

- an advertisement circulated for four weeks consecutively in the *Guardian* and *Voice* newspapers;
- referral letters to: affected and neighbouring landowners, relevant agencies, including the Western Australian Planning Commission, Main Roads of Western Australia, City of Perth, East Perth Redevelopment Authority, Heritage Council of Western Australia and Precinct Groups; and
- displayed in the Town of Vincent's Administration and Civic Centre, Library and Beatty Park Leisure Centre, and was accessible from the Community Consultation page of the Town's website.

At the completion of the advertising period, a total of 9 submissions were received, including three (3) submissions (stating no objection) from referral agencies.

The remaining 6 submissions were not necessarily objecting to the Draft Guidelines but rather, making comment on aspects of the Guidelines. A summary of the salient points of these submissions and recommended outcome are as follows:

Name/Address	Summary of Submission	Officers Comment
Heritage Council of Western Australia	<p><i>"...the following comments are provided for consideration at the review stage of the proposed amendment:</i></p> <p><u><i>Height and Massing</i></u>  <i>New development should respond sympathetically in terms of scale to the adjacent State Registered places. The scale of new development should not dominate a heritage place and should not have an adverse impact on the cultural heritage significance of the place.</i></p> <p><u><i>Façade and Interface</i></u>  <i>It is noted that new buildings are to have a nil setback to boundaries except for Stuart Street, where a setback of 1.5 metres is required. Appropriate boundary and street setbacks should be required for development adjacent to the former Maltings Plant (ie Stuart and Palmerston Street frontages and Newcastle and Fitzgerald Street rears)."</i></p>	<p>Noted, and duly reflected in the policy.</p> <p>Noted, however, it is not considered necessary that additional setback of buildings from Pandal Lane be provided. It is noted that only those lots adjacent to Pandal Lane and the Maltings (new buildings) have the potential for re-development.</p>
Mr J Connor, Maltings unit owner	<p><i>"That any structures located on the north side of Newcastle Street, between Pandal Lane and Palmerston Street, be restricted to a maximum height of three storeys.</i></p> <p><i>a) be in keeping with the height and presence of buildings located on the south side of Newcastle Street, and will therefore result in a balanced streetscape; and</i></p> <p><i>b) minimise the interruption of views and lines of sight from existing residences within the Maltings development."</i></p>	<p>Noted, and the Policy states:  <i>".. a maximum of three storeys to the primary streets...A minimum height of two storeys to the primary streets is considered appropriate."</i></p>

<p>George Sheldon, Architect for owner of Lot 2, corner of Fitzgerald and Stuart Streets, Perth</p>	<p><i>"...the stated aims of the Town, as expressed in the documents provided are fully and enthusiastically supported. On the assumption that the aims and objectives of the Town will be supported..., this submission addresses the anticipated potential problems that are likely to arise when ...developing his property further... It would be impossible to develop the site with open space at ground or upper levels...The setback requirements of at least 1.5 metres from Stuart Street on ground floor would not be able to be implemented and, in our opinion, would not be justified given the narrowness of the site and the newly established existing conversion of the building for use as an art gallery ... Given the circumstances, there really is no scope or capacity for increasing the parking provisions for use by residents within the property."</i></p>	<p>Noted, however, the aspects of concern would be considered as part of a development application, determination of which would be based on the individual merit of the proposal.</p>
<p>Alinta Network Services</p>	<p><i>Standard conditions relating to construction</i></p>	<p>Noted.</p>
<p>Main Roads, Western Australia</p>	<p><i>"The proposal does not affect roads under Main Roads control and as such no comment is made."</i></p>	<p>Noted.</p>
<p>Roy Gardner (co-owner of two units within the Maltings complex)</p>	<p><i>"...I have some reservations regarding the 8 storey height guidelines for the development. ...As such, I am hopeful that at this time of economic prosperity, it may be possible to see constructed a significant landmark building that will be regarded by future generations with a degree of approval....I would be disappointed though if such an opportunity was missed on this occasion and a boring, drab building was constructed that maximised developer profits and left the area blighted with an ordinary eight storey high office/residential block that contributed nothing to the ambiance of the local area. ...Conversely an imaginative and impressive development (such as the Maltings and Rialto development nearby) would endure well into the future and support the areas progress, and reflect positively on the wisdom of the Council for their contribution to the process."</i></p>	<p>Noted. Clause i) 'High Quality Design and Function' of the Draft Design Guidelines states the following in this respect: <i>"The use of highly qualified practitioners for architectural and urban design is strongly encouraged given the expectation for architectural diversity in innovative, contemporary development in this area. The resultant development should be robust, with well-designed buildings facilitating flexible spaces adaptive to a range of uses and housing types. Buildings should have a rich visual character with reference made to the local character, heritage and features by complementary or contrasting design."</i></p>
<p>East Perth Redevelopment Authority</p>	<ul style="list-style-type: none"> <li>• <i>"Development Objectives: An objective of the guidelines is to provide incentives for the use of green building techniques and the provision of affordable housing, yet there appears to be nothing in the guidelines to support this. .... the Town should be prepared</i></li> </ul>	<p>Supported, with wording modified to reflect encouragement.</p>

	<p><i>with a comprehensive strategy and incentives in place.</i></p> <ul style="list-style-type: none"> <li>● <u>Site Planning – Subdivision:</u> <i>The guidelines identify that the existing subdivision pattern is irregular and reflective of its past industrial uses. It is therefore apparent that the site will need to be re-subdivided and the design guidelines should provide some guidance to the developer on what form the future subdivision pattern should take, dependent on the future built form that is desired. ....</i></li> <li>● <u>Site Planning – Density and Mix:</u> <ul style="list-style-type: none"> <li>– <i>It is considered that this section should be more specific about what type of non-residential uses should be developed (i.e. retail, commercial, entertainment etc) and that the development of active ground floor uses should be made a requirement;</i></li> <li>– <i>This section states that the existing semi-industrial uses are to be replaced by “appropriate inner city uses”. It is considered that the term “appropriate inner city uses” may not be the most appropriate choice of words, as this is a subjective statement that suggests that light industrial uses have no place in the inner city, which is not entirely true. It is suggested that the desired new uses should be stated in lieu of this term.</i></li> </ul> </li> <li>● <u>Site Planning – Height and Massing:</u> <i>We refer you to our earlier comments about height and massing. It is also considered that special corner treatments to reinforce and emphasise street corners should be made a requirement, rather than simply encouraged. This should also be supported with guidance on how corner elements should be treated (e.g. taller parapet on the corner, prominent, cantilevered canopy higher than flanking canopies etc).</i></li> <li>● <u>Site Planning – Connectivity and Legibility:</u> <ul style="list-style-type: none"> <li>– <i>The requirement for active frontages is supported, and it is considered that this should be further clarified by stating what the Town expects in this regard (active uses, permeable shop fronts, multiple openings etc); and</i></li> <li>– <i>The activation of Pandal Lane is also supported, and again it is</i></li> </ul> </li> </ul>	<p>Noted, however it is not considered that a reconfiguration of the lots is necessary given that development on the lots fronting Newcastle and Fitzgerald Streets are encouraged to be robust.</p> <p>Supported, with amendments made to the respective section of the Policy.</p> <p>Supported, as above.</p> <p>Supported, with amendments made to the respective section of the Policy.</p>
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	<p><i>considered that the guidelines should be more specific about how this can be achieved (such as balconies, terraces and windows to overlook the laneway, development above garages to ensure additional activity, permeable fencing, lighting etc).</i></p> <p>● <u>Site Planning – Facade and Interface:</u></p> <p>– <i>We query why a 1.5 metre setback is required at ground floor level along Stuart Street, and suggest that a nil setback at all levels should be required (if possible) to reinforce the public realm;</i></p> <p>– <i>It is considered that the requirement that “openings are to be provided to all levels facing the primary street” could be interpreted as meaning that blank walls will be permitted along the other street frontages. It is recommended that this be reworded to state that openings will be required along all street frontages and that blank walls will not be permitted;</i></p> <p>– <i>It is recommended that the requirement to provide weather protection should apply to all frontages and not just the Newcastle Street frontage; and</i></p> <p>– <i>It is suggested that this section should be further developed to ensure that all street front elevations are articulated to provide visual interest to the detail and scale of the development. Architectural detailing to provide visual richness and variety through the use of colour, texture, materials and a combination of elements (balconies, awnings, windows and other architectural features) should also be stated as a requirement.</i></p> <p>● <u>Site Planning – Vehicle and Pedestrian Access:</u></p> <p><i>We query the relevance of the requirement that car parking is discouraged within the front setback area, given that nil street setbacks are a requirement (with the exception of Stuart Street). Notwithstanding this, if the potential for parking in front setback areas does exist, it is considered that the Town should take a stronger stance on this matter and not permit any parking in the front setback area, rather than simply discouraging it as per the current draft guidelines.</i></p>	<p>Supported, with amendments made to the respective section of the Policy.</p> <p>Supported, with amendments made to the respective section of the Policy.</p> <p>Noted.</p>
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	<ul style="list-style-type: none"> <li>● <u>Site Planning – High Quality Design and Function:</u> <i>This section is supported as it is considered important that innovative and high quality buildings are developed in this location. However, it is suggested that this section could benefit from the inclusion of more specific guidance as to what the Town considers to be a “well designed building”. Design is a subjective matter, so the provision of greater clarity on the characteristics of good design should minimise the risk of leaving this open to interpretation by developers or in an appeal situation.</i></li>   <li>● <u>Total Open and Personal Outdoor Space and External Amenities:</u> <i>This section is supported, however it is further suggested that minimum balcony dimensions should be specified to ensure that the objective of providing functional private outdoor spaces is met. EPRA generally requires a minimum balcony dimension of 2.4 metres in its own guidelines;</i></li>   <li>● <u>Site Planning – Landscaping and Public Art:</u> <i>Whilst public art is mentioned in the title of this section, there is no further mention of it in the ensuing guidelines. It is considered that the Town’s percent for art scheme should be referenced in this section.</i></li>   <li>● <u>Safe Design (CPTED) Principles:</u> <i>It is recommended that some specific requirements about how buildings should be designed to minimise crime and improve public perceptions of safety should be included in the guidelines.</i></li>   <li>● <u>Site Planning - Sound Attenuation and Proximity to Commercial and Entertainment Uses:</u> <i>This is a very significant consideration in Northbridge and it is suggested that this section could be improved by referencing EPRA’s policy on sound attenuation and our previous experiences in this area."</i></li> </ul>	<p>Supported, with amendments made to the respective section of the Policy.</p> <p>Supported, with amendments made to the respective section of the Policy.</p> <p>Supported, with amendments made to the respective section of the Policy.</p> <p>Noted.</p>
<p>City of Perth</p>	<p>"The City has no comment to make on this proposed amendment."</p>	<p>Noted.</p>

Water Corporation	<i>"...the Water Corporation has no objection in principle to the proposal but would like to make the following comment. This existing area is served by the Water Corporation wastewater system; some sewer pipes are located within private with and without the protection of easements. ...it is important that the location of these sewer pipes be investigated to ensure they don't conflict or are located to facilitate the proposed development."</i>	Noted.
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**LEGAL/POLICY:**

Town Planning Scheme No.1 and associated Policies.

**STRATEGIC IMPLICATIONS:**

Strategic Plan 2005 – 2010 Key Result Area One: Environment and Infrastructure:

*"1.3 Develop, implement and promote sustainable urban design..."*

**FINANCIAL/BUDGET IMPLICATIONS:**

There is provision of \$88,760 in the 2006/2007 Budget for Town Planning Scheme Amendments and Policies.

**COMMENTS:**

The comments received during the consultation process are acknowledged as above. With regard to the comprehensive comments received from the East Perth Redevelopment Authority, its experience in the nearby area is acknowledged and aspects of the Policy duly reflect those comments; however, matters regarding re-subdivision of the land and the Town's intervention in the development of the street block, have not resulted in amendments to the Policy. The Town's approach to the Draft Guidelines was not to be over-prescriptive, but rather to encourage and provide guidance to landowners in this area.

In light of the above, it is recommended that the Council receives, adopts and advertises the final amended version of the draft new Policy as outlined in the Officer Recommendation.

Mayor Catania advised that he and Cr Messina had declared a proximity interest in this Item and requested that Deputy Mayor Cr Farrell assume the chair. He also requested that the other item that he and Cr Messina (Item 10.3.2) be considered whilst they were out of the Chamber and this was agreed.

Mayor Catania and Cr Messina departed the Chamber at 8.30pm and did not speak or vote on the matter.

Deputy Mayor - Cr Farrell assumed the Chair.

#### 10.1.14 Wasley Street Car Park - Formal Parking Agreement

<b>Ward:</b>	North	<b>Date:</b>	5 September 2006
<b>Precinct:</b>	North Perth Centre, P9	<b>File Ref:</b>	-
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	J MacLean, A Munyard		
<b>Checked/Endorsed by:</b>	R Boardman,	<b>Amended by:</b>	

#### **OFFICER RECOMMENDATION:**

*That the Council APPROVES:*

- (i) *the incorporation of the small portion of privately owned right-of-way land, owned by VIR Holdings Pty Ltd and Babacus Holdings Pty Ltd, adjacent to Wasley Street Car Park, as part of Wasley Street Car Park, for the purposes of parking enforcement;*
- (ii) *the Town of Vincent entering into a formal agreement with VIR Holdings Pty Ltd and Babacus Holdings Pty Ltd to incorporate the subject land, as part of Wasley Street Car Park, for enforcement purposes; and*
- (ii) *the issue of 9 all-day Parking Permits to VIR Holdings Pty Ltd and Babacus Holdings Pty Ltd, in return for the incorporation of the subject land as part of the Wasley Street Car Park, as illustrated in the attached plan.*

#### **COUNCIL DECISION ITEM 10.1.14**

**Moved Cr Ker, Seconded Cr Chester**

*That the recommendation be adopted.*

**CARRIED (6-0)**

(Cr Doran-Wu on approved leave of absence. Mayor Catania and Cr Messina were absent from the Chamber and did not vote.)

#### **PURPOSE OF REPORT:**

The purpose of this report is to rationalise a confusing situation, by incorporating a portion of privately owned land into the Wasley Street Car Park, for the purpose of enforcement.

**BACKGROUND:**

At the Ordinary Meeting of Council held on 8 August 2006, the Council considered a report, recommending that ticket issuing machines should not be installed in Wasley Street Car Park, but that Rangers should strictly enforce the existing three-hour (3P) time restriction. Wasley Street Car Park is situated behind the shops on the east side of Fitzgerald Street, between Wasley Street and Forrest Street, North Perth and it has recently come to light that a small parcel of the land, that has previously been treated as part of the car park, is privately owned. The Town owns the majority of the land in the car parking area, but a small narrow right-of-way portion is privately owned by VIR Holdings Pty Ltd and Babacus Holdings Pty Ltd.

An approach was received from VIR Holdings Pty Ltd and Babacus Holdings Pty Ltd, seeking to form an agreement to reduce the current confusion, by using all of the subject land as the Wasley Street Car Park. In return for this agreement, the Town would supply VIR Holdings Pty Ltd and Babacus Holdings Pty Ltd with nine (9) all-day Parking Permits, to be used by the tenants. A total of eleven (11) additional bays can be provided, under the agreement, so the number of permits being allocated will be slightly less than the number of additional parking bays that can be accommodated.

**DETAILS:**

For many years and probably before the Town of Vincent was formed, the private land, adjacent to Wasley Street Car Park has been generally accepted as part of the Car Park. In 1998, Wasley Street Car Park was resurfaced and the land that is owned by VIR Holdings Pty Ltd and Babacus Holdings Pty Ltd, continued to be included, as part of the Car Park. Subsequently, the Town's line-marker also delineated a number of parking bays on the private land and this has been treated by Rangers, who were and are unaware of ownership details, as a defacto part of the facility. From the attached plan, if the land currently owned by the Town of Vincent and the land owned by VIR Holdings Pty Ltd and Babacus Holdings Pty Ltd are combined, for the purpose of parking enforcement, it would create a larger Wasley Street Car Park, with eleven (11) more parking bays.

Currently, if a vehicle is parked on the land, owned by VIR Holdings Pty Ltd and Babacus Holdings Pty Ltd, the driver commits an offence against clause 67 of the Parking Facilities Local Law and could be liable to a penalty of \$100.00. However, since the whole area was resurfaced in 1998, this land appears to be part of the Wasley Street Car Park, so it could be argued that the different areas are confusing. To avoid continued confusion and to make the best possible use of the area, it is suggested that the Town should enter into an agreement with VIR Holdings Pty Ltd and Babacus Holdings Pty Ltd for the on-going use of the privately owned land.

A formal agreement, between the Town and VIR Holdings Pty Ltd and Babacus Holdings Pty Ltd would allow for a more efficient use of the facility, by creating an additional eleven (11) parking bays and the Town would provide 9 parking permits to VIR Holdings Pty Ltd and Babacus Holdings Pty Ltd for use by their tenants, when their businesses are open. It would also result in two (2) additional bays being available to the Town, during working hours and an additional eleven (11) bays, when these businesses were not trading.

A similar agreement was signed by the Town, following approval at the Ordinary Meeting of Council on 8 December 1997, where land, owned by Silverleaf Investments Pty Ltd, was incorporated as part of the Raglan Road Car Park. In exchange for this agreement, the Town continues to provide eighteen (18) annual parking permits for use by tenants of the Alexander Building. This system has operated well since the agreement was signed.

**CONSULTATION/ADVERTISING:**

There is no need to advertise the above proposal or to consult with the public, because it is simply an agreement to formalise what has been happening for a number of years.

**LEGAL/POLICY:**

There is no legal impediment to the above proposal.

**STRATEGIC IMPLICATIONS:**

This proposal is in keeping with the Town's Strategic Plan 2005-2010 Key Result Area 1.4(i) *"Develop a strategy for parking management in business, residential and mixed use precincts."*

**FINANCIAL/BUDGET IMPLICATIONS:**

Other than the erection of 3 signs and line-marking, there would be no financial implications associated with the above proposal. It is estimated that the total cost would be approximately \$350.00 and this can be met from the existing signage budget.

**COMMENTS:**

A report was considered and approved at the Ordinary Meeting of Council held on 8 August 2006, for Rangers to strictly enforce the three-hour (3P) parking time restrictions in Wasley Street Car Park. There is a current anomaly, whereby the area of Wasley Street Car Park that is enforced by Rangers, incorporates a small parcel of privately owned land. This report has been submitted to resolve that anomaly, by recommending that the Town enters into a formal agreement with the owner of the land, to incorporate it as part of the Wasley Street Car Park, for enforcement purposes and that it provides a number of all-day parking permits for use in the car park. It is recommended for approval.

The Chief Executive Officer advised that Mayor Catania and Cr Messina had declared a financial interest in this Item. Mayor Catania and Cr Messina were not in the Chamber.

Deputy Mayor - Cr Farrell was the Presiding Member.

**10.3.2 Investment Report as at 31 August 2006**

<b>Ward:</b>	Both	<b>Date:</b>	6 September 2006
<b>Precinct:</b>	All	<b>File Ref:</b>	FIN0005
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	M Howard-Bath		
<b>Checked/Endorsed by:</b>	Bee Choo Tan	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council RECEIVES the Investment Report for the month ended 31 August 2006 as detailed in Appendix 10.3.2.*

**COUNCIL DECISION ITEM 10.3.2**

**Moved Cr Ker, Seconded Cr Lake**

*That the recommendation be adopted.*

**CARRIED (6-0)**

(Cr Doran-Wu on approved leave of absence. Mayor Catania and Cr Messina were absent from the Chamber and did not vote.)

**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 10.3.2.

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 31 August 2006 were \$11,251,365 compared with \$11,251,365 at 31 July 2006. At 31 August 2005, \$10,301,433 was invested.

Total accrued interest earned on Investments as at 31 August 2006:

	Budget	Actual	%
	\$	\$	
Municipal	370,000	42,126	11.39
Reserve	434,300	82,799	19.06

**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.

**10.2.1 Further Report - Proposed Streetscape Improvements - Scarborough Beach Road, Mount Hawthorn**

<b>Ward:</b>	North Perth	<b>Date:</b>	5 September 2006
<b>Precinct:</b>	Mt Hawthorn Centre P.2	<b>File Ref:</b>	TES0077
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	C Wilson, J van den Bok		
<b>Checked/Endorsed by:</b>	R Lotznicker	<b>Amended by:</b>	

OFFICER RECOMMENDATION:

*That the Council;*

- (i) *RECEIVES the further report on the Proposed Streetscape Improvements for Scarborough Beach Road, Mount Hawthorn;*
- (ii) *APPROVES IN PRINCIPLE: the Scarborough Beach Road Streetscape Improvement Project between Fairfield Street to The Boulevarde, as shown on attached revised Plan No's 2152-LS-01 and 2152-LS-02 estimated to cost \$480,000;*
- (iii) *NOTES that*
  - (a) *funds totalling \$327,000 have been allocated in the 2006/2007 budget for Mt Hawthorn Precinct Streetscape and \$175,000 has been allocated for improvements works on Scarborough Beach Road between Killarney Street and Federation Street;*
  - (b) *the new street lighting for the above section, from Western Power's "Street Vision" range, is the "Parkville" fitting, powder coated ebony*
  - (c) *the existing trees are proposed to be removed and replaced with 'pryus bradford' (Bradford Pear) and additional trees planted to achieve a more uniform streetscape;*
- (iv) *APPROVES BY AN ABSOLUTE MAJORITY the reallocation of \$153,000 from Scarborough Beach Road between Killarney Street and Federation Street to the Scarborough Beach Road Streetscape Improvement Project between Fairfield Street to The Boulevarde;*
- (v) *ADVERTISE the proposal for public comment for a period of twenty one (21) days, in accordance with Council Policy No. 4.1.21 "Community Consultation", inviting written submissions;*
- (vi) *RECEIVES a further report at the conclusion of the Community Consultation phase; and*
- (vii) *NOTES that a separate report on the improvement proposal for Scarborough Beach Road, between Killarney and Federation Streets, will be presented to Council outlining the financial implications;*
- (viii) *CONSIDERS listing appropriate contributory funding in the 2007/2008 draft budget for the improvement proposal for Scarborough Beach Road, between Killarney and Federation Streets, as outlined in clause (vi) once the matter has been further determined.,*

Mayor Catania returned to the Chamber at 8.30pm and assumed the chair.

Moved Cr Chester, Seconded Cr Farrell

*That the recommendation be adopted.*

Cr Messina returned to the Chamber at 8.33pm as he has approval to participate in this matter but not vote.

Debate ensued.

Moved Cr Maier, Seconded Cr Chester

*That Clause (iii)(c) be amended as follows:*

*“(iii) (c) the existing trees are proposed to be removed and replaced with ‘pryus bradford’ (Bradford Pear) or Eucalyptus leucoxlyn “rosea” (commonly referred to as White Wood or Yellow Wood) and additional trees planted to achieve a more uniform streetscape.”*

Debate ensued.

Cr Torre departed the Chamber at 8.42pm.  
Cr Messina departed the Chamber at 8.42pm.

Debate ensued.

**AMENDMENT LOST (2-4)**

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

(Cr Doran-Wu on approved leave of absence. Crs Messina and Torre were absent from the Chamber and did not vote.)

Debate ensued.

Crs Messina and Torre returned to the Chamber at 8.45pm.

Debate ensued.

Cr Messina departed the Chamber at 8.50pm.

**MOTION AS AMENDED**  
**CARRIED BY AN ABSOLUTE MAJORITY (7-0)**

(Cr Doran-Wu on approved leave of absence. Cr Messina was absent from the Chamber and did not vote.)

Cr Messina returned to the Chamber at 8.57pm.

**COUNCIL DECISION ITEM 10.2.1**

*That the Council;*

- (i) *RECEIVES the further report on the Proposed Streetscape Improvements for Scarborough Beach Road, Mount Hawthorn;*
- (ii) *APPROVES IN PRINCIPLE: the Scarborough Beach Road Streetscape Improvement Project between Fairfield Street to The Boulevarde, as shown on attached revised Plan No's 2152-LS-01 and 2152-LS-02 estimated to cost \$480,000;*
- (iii) *NOTES that;*
  - (a) *funds totalling \$327,000 have been allocated in the 2006/2007 budget for Mt Hawthorn Precinct Streetscape and \$175,000 has been allocated for improvements works on Scarborough Beach Road between Killarney Street and Federation Street;*
  - (b) *the new street lighting for the above section, from Western Power's "Street Vision" range, is the "Parkville" fitting, powder coated ebony; and*
  - (c) *the existing trees are proposed to be removed and replaced with 'pryus bradford' (Bradford Pear) and additional trees planted to achieve a more uniform streetscape;*
- (iv) *APPROVES BY AN ABSOLUTE MAJORITY the reallocation of \$153,000 from Scarborough Beach Road between Killarney Street and Federation Street to the Scarborough Beach Road Streetscape Improvement Project between Fairfield Street to The Boulevarde;*
- (v) *ADVERTISE the proposal for public comment for a period of twenty one (21) days, in accordance with Council Policy No. 4.1.21 "Community Consultation", inviting written submissions;*
- (vi) *RECEIVES a further report at the conclusion of the Community Consultation phase;*
- (vii) *NOTES that a separate report on the improvement proposal for Scarborough Beach Road, between Killarney and Federation Streets, will be presented to Council outlining the financial implications; and*
- (viii) *CONSIDERS listing appropriate contributory funding in the 2007/2008 draft budget for the improvement proposal for Scarborough Beach Road, between Killarney and Federation Streets, as outlined in clause (vi) once the matter has been further determined.*

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**PURPOSE OF REPORT:**

The purpose of this report is to present to Council a revised Mount Hawthorn Centre Precinct Upgrade Concept Plan, based upon the outcome of discussions with an Urban Designer.

**BACKGROUND:**

At its Ordinary meeting held on 28 March 2006, the Council received a further report on Proposed Streetscape Improvements along Scarborough Beach Road through the Mount Hawthorn Centre Precinct, where the following decision was made:

*That the Council;*

- (i) *RECEIVES the further report on the Proposed Streetscape Improvements for Scarborough Beach Road, Mount Hawthorn;*
- (ii) *APPROVES the appointment of an Urban Designer to provide input in the development of a Concept Plan in liaison with the Town's Officers and refers the Concept Plan to Council for approval prior to consulting with the community;*
- (iii) *NOTES that funds totalling \$327,000 have been allocated in the 2006/2007 budget for Mt Hawthorn Precinct Streetscape Upgrade and additional funds may need to be allocated or reallocated to this project once a preferred option has been adopted by the Council;*
- (iv) *NOTES the additional information provided in the report regarding the removal of the 'embayed' bus stop on Scarborough Beach Road;*
- (v) *REQUESTS the applicant to submit the proposal to remove the 'embayed' bus stop on Scarborough Beach Road to the Public Transport Authority and Main Roads WA for comment and provide the Town with a report on the outcome as soon as this information has been received;*
- (vi) *RECEIVES a further report on the 'overall' proposal including the Streetscape Improvement options and the possible removal of bus embayment, following the conclusion of the formal consultation period as outlined in clause (iii);*
- (vii) *REQUESTS that the final design be reviewed by a qualified Urban Designer, prior to being advertised for public comment;*
- (viii) *ENSURES that the final design option does not to exceed \$500,000 and that this includes the proposed safety improvement works for Scarborough Beach Road between Kilarney and Federation Streets; and*
- (ix) *REQUESTS that the main focus of the streetscape upgrade be within the commercial precinct between The Boulevarde and Fairfield Street.*

In accordance with clauses (ii) and (vii) above, the Town engaged the services of TractWA\* to provide professional advice on the Town's Scarborough Beach Road Upgrade concept plan, for the section between Fairfield Street and The Boulevarde.

\* Landscape Architects, Environmental Consultants, Urban Designers. TractWA are part of a national consultancy who have had extensive experience in the Urban Design field and whose clients include the East Perth Redevelopment Authority.

In respect of the deletion of the embayed bus zone in Scarborough Beach Road adjacent the Mt Hawthorn Plaza Shopping Centre, and in accordance with clauses (iv), (v) and (vi) of the above decision, a report was presented to Council at its Ordinary Meeting of 25 July 2006 where upon Council adopted the following:

*That the Council;*

- (i) *RECEIVES the further report on the proposed modification to the bus stop adjacent to the Mount Hawthorn Plaza Shopping Centre, in Scarborough Beach Road, Mt Hawthorn;*
- (ii) *NOTES that the majority of respondents (78.5%) were 'in favour' of the proposal; and*

- (iii) *APPROVES the proposed modification of the bus stop, as shown on attached plan SK\_01, subject to either the existing or a new bus shelter being relocated and retained at this location to the satisfaction of the Chief Executive officer.*

The bus embayment modifications are likely to be undertaken in the later part of September 2006.

#### **DETAILS:**

At its Ordinary Meeting held on 28 March 2006, Council considered a further report on the proposed Scarborough Beach Road streetscape enhancement through Mt Hawthorn Centre Precinct, focusing on the section between Fairfield Street and The Boulevarde.

The report also made mention of a proposal to reduce Scarborough Beach Road to two (2) lanes between Kilarney and Federation Streets.

Clauses (viii) and (ix) of the decision required that the scope of works:

- (viii) *ENSURES that the final design option does not to exceed \$500,000 and that this includes the proposed safety improvement works for Scarborough Beach Road between Kilarney and Federation Streets; and*
- (ix) *REQUESTS that the main focus of the streetscape upgrade be within the commercial precinct between The Boulevarde and Fairfield Street.*

#### **Fairfield Street to The Boulevarde**

In accordance with the Council's decision, the Town engaged the services of TractWA to provide professional advice on the Urban Design elements.

Using the Town's base plans as a starting point the Manager's of Engineering Design Services (MEDS) and Parks Services (MPS) met with a senior Landscape Architect/Urban Designer from TractWA on several occasions including two (2) site visits.

The discussions covered all elements of the streetscape design taking into account the existing constraints such as, width of road reserve, services, function of the road, built form, land usage, existing street trees and budget.

#### **Street Trees**

In discussions with TractWA it was agreed that the success of the project was largely dependent upon the selection of a suitable street tree species.

It was previously proposed to retain the majority of existing trees (Spotted gum *Eucalyptus maculata* and White Ironbark *Eucalyptus leucoxydon*) and only remove specimens that were either in poor condition or were not native to Western Australia. It was also proposed that additional spotted gums be planted in the area between Fairfield and Coogee Streets and that additional white iron barks be planted where existing exotic species are removed between Coogee Street and The Boulevarde.

Therefore in light of the above the following two options were considered:

- retain the better specimens of the existing native trees and integrate them into the 'new' streetscape proposal, or
- remove them completely and start with a 'clean slate'.

The consensus was that the larger / healthier specimens of the existing Eucalypts were wrong variety of tree for the location and could lead to long term maintenance and potential liability issues. Further the scale of trees is such that it would be several years before the new plantings would be of similar stature. Therefore to achieve the desired outcome the existing native trees should be removed.

In regards the variety of replacement trees, and having considered numerous species, both TractWA and the MPS agreed on '*Pyrus Bradford*', commonly know as Flowering or Bradford Pear (please refer attached data sheet).

The intention is for the trees to be planted at regular spacings (yet to be determined) and aligned three (3) across the road reserve, *footpath, centre of road, footpath* creating a shady boulevard or avenue effect.

The Bradford Pear has established itself very quickly at the corners of Woodville and Angove Streets in North Perth, and being of upright habit will be an ideal shape and form for the proposed narrow median islands. However it should be noted that the very narrow median and continual passing traffic does not create the ideal environment for trees to thrive and the success of any tree planting in such a narrow median is questionable.

The new street trees, and associated landscaping (see below) would be watered via new bore and mainline reticulation system to be installed in the Coogee Street carpark.

Note: As a result of a recent traffic accident outside the Paddington Ale House in Scarborough Beach Road, one of the large 'Spotted Gums' had to be removed. Parks Services also took the opportunity remove some of the 'poorer' specimens of native trees west of Flinders Street.

### **Safety Fence Railing incorporating Public Art and a Town insignia**

It was considered that there is not a lot of opportunity to incorporate substantial 'public art' in the confines of the existing road reserve. The consultant, while not averse to the Town's existing safety fencing, suggested that the safety fencing could serve a multi functional purpose such as, street art, a unique identifier for the Mt Hawthorn precinct and as safety fence.

The resultant fence profile, as per the attached diagram, is a contemporary design that achieves all three objectives. Further, the wording is not restricted to '*Town of Vincent*' or '*Vincent*'. As an example on the primary intersection of Flinders Street and Scarborough Beach Road the fence railing could be '*Town of Vincent*' or '*Vincent*' on two diagonally opposed corners and '*Mt Hawthorn*' on the other two. In respect of colours there are a multitude of options. The two suggested are either the Town's burgundy or a metallic grey.

However the cost is prohibitive, at an estimated \$400/500 per linear metre installed, and therefore it would best be used sparingly such as at the aforementioned intersection which is a focal point.

### **Landscaped areas / Planter Beds**

The suggested design incorporates several planter beds of low level native landscaping to 'soften' the streetscape. These areas would include public seating or 'conversation pits' at appropriate locations. The planter beds would be watered via the aforementioned new reticulation mainline and bore to be installed in the Coogee carpark.

### **Street Furniture**

Design elements such as street furniture were not considered in detail. It was agreed that if the right variety of street tree were chosen, in conjunction with the landscaped areas, decorative fence railings and new streetlights that 'benches and bins' could be a functional contemporary design but largely unobtrusive.

### **Artworks**

It was proposed that a series of site-specific tiles would be embedded into the footpath using cement and resin with materials relevant to the site, such as photographs, objects and texts used to create an image which captures the features of the area, blending the history with the present and future developments.

### **Street Lighting**

It was proposed to replace the existing fittings with streetlights from the Western Power decorative range. The nominated streetlight is the 10.5m standard column with a 250 watt Metal Halide Parkville fitting on a either a single or double ETSA outreach (dependent upon location) in 'ebony' same as was approved for the William Street Upgrade Project (Ordinary Meeting of Council 22 August 2006).

The difference in cost between a direct replacement of existing and installation of new central lights is estimated at \$30,000, as re-cabling is required (at a higher standard than the initial installation in the late 1980's).

### **Community Art Banner Poles**

It is proposed to install additional, regularly spaced, raised median islands to accommodate a series of banner poles which will match the streetlight light columns.

### **Proposed Scope of Works**

The following scope of works is common to both the previous and current proposal with the proposed changes, as a result of discussions with Urban Designer, shown with a 'strike through'.

- Extension of mainline reticulation for trees/gardens
- Removal/~~addition~~/replacement of verge trees
- Garden/planter beds protected by safety fencing
- Replacement of streetlights with decorative lighting
- ~~Decorative~~ public litter bins
- Additional bicycle parking rails
- Street Art Work
- Public seating
- Brick paving reinstatements
- Additional Pattern Paved Concrete infill with cream header course
- Banner poles
- Line Marking
- Resurfacing of Embayed parking with red asphalt
- Resurfacing of traffic lanes and reinstatement of speed humps
- Traffic control / contingency

In addition

- New safety fencing incorporating a unique 'motif' at the intersection of Scarborough Beach Road and Flinders Street being a focal point in the precinct.
- Consultancy fees.

### **Decorative road treatment at the Flinders Street & Scarborough Beach Road Intersection**

This proposal includes the excavation and removal of a layer of existing road pavement on the four legs of the intersection and infilling with textured patterned paved concrete to create more of a focal point at this location. The area within the patterned paved concrete will be overlaid with gravel pave (red) asphalt. This has been designed to minimise impact on the existing below ground traffic sign 'activation loops'

### **Killarney Street to Federation Street.**

It was originally intended to incorporate the above Mt Hawthorn Centre Precinct Upgrade proposal and the concept to reduce Scarborough Beach Road to two (2) lanes of traffic between Killarney Street and Federation Street, into a single report. However while the two projects are geographically in close proximity the issues involved are significantly different.

One is focusing on enhancing the streetscape through a commercial precinct while the other involves traffic management and road safety improvements on the periphery of the precinct.

Therefore it was considered that rather than present an unwieldy report that may not satisfactorily address all the issues involved (for either proposal) it would be preferable to submit a separate report specific the 'two lane' proposal.

Further, the large volume of information required for Community Consultation, if it were undertaken as a single consultation, would be onerous and confusing as the projects will have differing impacts upon the community.

### **CONSULTATION/ADVERTISING:**

The proposal will be advertised for public comment for a period of twenty one (21) days, in accordance with Council Policy No. 4.1.21 "Community Consultation". Written submissions will be invited, and a public meeting will be held with the relevant stakeholders, businesses and community groups including playgroup, school, church and seniors groups.

### **STRATEGIC IMPLICATIONS:**

In accordance with Key Result Area Three of Strategic Plan 2005-2010 – 1.4 *"Identify the needs and expectations of the business community, promote business development and facilitate outcomes in the Town"*

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

Funds totalling \$327,000 have been allocated in the 2006/2007 budget for Mt Hawthorn Precinct Streetscape Upgrade. In addition \$175,000 has been allocated for improvements along Scarb Bch Road between Killarney and Federation. The following table provides a breakdown of estimated costs for each of the upgrade options:

<b>Item</b>	<b>Estimated Cost</b>
<u>Verges</u>	<b>\$</b>
• Construction of domestic bore, reticulation mainline and associated works	65,000
• Removal / replacement of 'all' verge trees with alternative species	35,000
• Garden beds protected by safety fencing	55,000

<b>Item</b>	<b>Estimated Cost</b>
• Replacement of existing streetlights with double outreach decorative lighting	55,000
• Litter Bins	8,000
• Additional bicycle parking rails	1,500
• Street Art Work	8,500
• Brick paving reinstatements	10,000
• Bench Seats	7,000
• Decorative fencing	10,000
<u>Central Median</u>	
• Additional Pattern Paved Concrete infill with cream header course	12,000
• Banner poles	18,000
• Centrally planted trees (including flush kerbing/bollards)	45,000
<u>Road</u>	
• Line Marking	4,000
• Resurfacing of Embayed parking with red asphalt	34,000
• Resurfacing of traffic lanes with black asphalt	55,000
• Decorative road treatment at Flinders / Scarborough Bch Rd	32,000
<u>Miscellaneous</u>	
• Traffic control / contingency	20,000
• Design, survey, consultancy	5,000
<b>TOTAL ESTIMATED COST:</b>	<b>\$480,000</b>

**COMMENTS:**

The success of the streetscape upgrades carried out in the Town to date suggests that most members of the community, be they businesses, visitors or residents, are very much in favour of these types of upgrading works.

Streetscape improvements not only improve the aesthetics of roadways but also reduce the liability on the Town resulting from ageing and unsafe footpaths and pavements.

It is therefore recommended that the Council receives the report on the Proposed Streetscape Improvements for Scarborough Beach Road, Mt Hawthorn, and adopts the recommendation to further progress this matter

**10.4.2 Economic Development Strategy – Governance and Implementation Report - Appointment of Consultant – Terms of Reference**

<b>Ward:</b>	Both Wards	<b>Date:</b>	16 August 2006
<b>Precinct:</b>	All Precincts	<b>File Ref:</b>	ADM0067
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	K Batina		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman, John Giorgi	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *APPROVES the Terms of Reference relating to the Economic Development Strategy Governance and Implementation Report – Appointment of Consultant; and*
- (ii) *AUTHORISES the Chief Executive Officer to call quotations for a consultant to prepare an Economic Development Strategy Governance and Implementation Report.*

**Moved Cr Farrell, Seconded Cr Torre**

*That the recommendation be adopted.*

Debate ensued.

**Moved Cr Maier, Seconded Cr Lake**

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

- “(ii) *AUTHORISES the Chief Executive Officer to call quotations for a consultant to prepare an Economic Development Strategy Governance and Implementation Report subject to Items 1.1 and 1.2 of the “Quotation Evaluation” table being amended as follows:*

Criteria	%	Weighting
1.1 <b>Financial Offer/Fee Proposal</b>		
<ul style="list-style-type: none"> <li>• The contract being offered on a lump sum fee basis. Include in the lump sum fee all fees, any other costs and disbursements to provide the required service and the appropriate level of the Goods and Services Tax (GST)</li> </ul>	40	<b>40%</b>
<ul style="list-style-type: none"> <li>• Represents the "best value" for money</li> </ul>	<u>20</u>	<u>20%</u>
<ul style="list-style-type: none"> <li>• Application of a reasonable fee structure in proportion to the service provided</li> </ul>		

Criteria	%	Weighting
<b>1.2 Relevant experience, expertise and project team</b> Demonstrate your: <ul style="list-style-type: none"> <li>• experience, expertise and project team</li> <li>• capacity to address the range of services required</li> <li>• role and credentials of the key person(s) in the provision of the service (i.e. formal qualifications and experience)</li> <li>• ongoing availability to provide sufficient skilled persons capable of performing the tasks consistent with the required standards</li> <li>• understanding of the required service associated with delivering the services to the Town</li> </ul>	<del>20</del>  40	<del>20%</del>  <u>40%</u>

**AMENDMENT CARRIED (5-3)**

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

**MOTION AS AMENDED CARRIED (8-0)**

(Cr Doran-Wu on approved leave of absence.)

**COUNCIL DECISION ITEM 10.4.2**

*That the Council;*

- (i) ***APPROVES the Terms of Reference relating to the Economic Development Strategy Governance and Implementation Report – Appointment of Consultant; and***
- (ii) ***AUTHORISES the Chief Executive Officer to call quotations for a consultant to prepare an Economic Development Strategy Governance and Implementation Report subject to Items 1.1 and 1.2 of the “Quotation Evaluation” table being amended as follows:***

Criteria	%	Weighting
<b>1.1 Financial Offer/Fee Proposal</b> <ul style="list-style-type: none"> <li>• The contract being offered on a lump sum fee basis. Include in the lump sum fee all fees, any other costs and disbursements to provide the required service and the appropriate level of the Goods and Services Tax (GST)</li> <li>• Represents the "best value" for money</li> <li>• Application of a reasonable fee structure in proportion to the service provided</li> </ul>	40  <u>20</u>	40%  <u>20%</u>

Criteria	%	Weighting
<p>1.2 <b>Relevant experience, expertise and project team</b> Demonstrate your:</p> <ul style="list-style-type: none"> <li>• experience, expertise and project team</li> <li>• capacity to address the range of services required</li> <li>• role and credentials of the key person(s) in the provision of the service (i.e. formal qualifications and experience)</li> <li>• ongoing availability to provide sufficient skilled persons capable of performing the tasks consistent with the required standards</li> <li>• understanding of the required service associated with delivering the services to the Town</li> </ul>	<p><del>20</del> 40</p>	<p><del>20%</del> <u>40%</u></p>

**PURPOSE OF REPORT:**

The purpose of this report is to provide the Council with a project brief and terms of reference for the engagement of a consultant to prepare an Economic Development Strategy Governance and Implementation Report and authorise the Chief Executive Officer to call quotations.

**BACKGROUND:**

This report was submitted to the Ordinary Meeting of Council held on 22 August 2006. However, due to the lateness of the hour, the item was not considered.

At the Ordinary Meeting of Council held on 27 June 2006, the Council considered a Notice of Motion and resolved as follows:

*“That the Council;*

- (i) *AUTHORISES the Chief Executive Officer to prepare project brief and the terms of reference for Council’s approval for a consultant to be engaged to provide a further report on Part 4 - Governance of the Town’s 2005 Economic Development Strategy. The “Economic Development Strategy Governance and Implementation Report” terms of reference should consider;*
  - (a) *provision of further details of the definition, scope and role of the Town, business and stakeholders in the Place Management Process including examples of similar;*
  - (b) *how the proposed Place Management Committee would fit into the Town’s existing governance structure including defining its authority, accountabilities, responsibilities and resource requirements;*
  - (c) *identification and assessment of the alternative funding models available to fund the activities of the Place Management Committee;*
  - (d) *the accountabilities; responsibilities and resource requirements of the proposed Manager Place Activation and whether they be engaged as an internal or external agent to the Town’s administration;*

- (e) *an implementation plan for the Economic Development Strategy particularly the aspects of governance and administration; and*
- (f) *development of an alternative simplified governance model as interim measure to implement the strategies identified in the Town's 2005 Economic Development Strategy;*
- (ii) *APPROVES BY AN ABSOLUTE MAJORITY an amount of \$10,000 to be re-allocated from the 2006-2007 Budget Item "Mt Hawthorn Strategy" to the "Economic Development Strategy Governance and Implementation Report"; and*
- (iii) *REQUESTS the "Economic Development Strategy Governance and Implementation Report" project brief and terms of reference be prepared for Council's consideration no later than August 2006."*

**DETAILS:**

The Town's Officers are developing the project brief and terms of reference for the Economic Development Strategy Governance and Implementation Report. The draft brief and terms of reference will be finalised and presented to the Ordinary Meeting of Council by no later than 26 September 2006.

**Project Scope and Terms of Reference**

The preliminary draft scope and Terms of Reference of the project will be to:

1. Seek further details in regard to the definition, scope and role of the Town, business, residents and stakeholders in the Place Management Process, including investigating like sized Metropolitan Councils, both locally and nationally.
2. Determine how a proposed Place Management Committee would fit into the Town's existing governance structure.
3. Define the proposed Place Management Committee's authority, accountabilities and responsibilities in relation to the existing governance structure and make recommendations on the necessary resource requirements, including the appointment of a Manager Place Management and the Manager's key duties and responsibilities.
4. Recommend, through research and discussion with other local governments with Place Management Committees and employees already in place, whether the Place Management Committee and Manager Place Management be engaged as internal or external agents of the Town's administration.
5. Identify and assess alternative funding models available to finance the activities and functions of the Place Management Committee.
6. Develop an implementation plan for the Economic Development Strategy specifically in relation to the creation of the Place Management Committee and Manager Place Management, with particular focus on the aspect of governance and administration.
7. Develop an alternative simplified governance model as an interim measure to implement the strategies identified within the Town's 2005 – 2010 Economic Development Strategy.

## Project Methodology

The preliminary draft methodology will involve the following tasks:

1. Interview other local government authorities and agencies, both locally and nationally that are already undertaking Place Management initiatives and reporting the findings back to the Council.
2. Conduct interviews with relevant stakeholders including representatives from Town's Precinct and Business groups, and other such groups deemed relevant, to ascertain what the expectations are of the Place Management Model.
3. Review current regional, State and Commonwealth Government policies and programs and evaluating the relevance to the Town of Vincent in relation to Place Management.
4. Review the Town of Vincent's Strategic Plan 2005-2011, Economic Development Strategy 2005 – 2010, internal policies and project documentation to ensure integration with the Place Management model proposed.
5. Develop a Place Management Model, demonstrating its relationship with the Town's existing governance structure.
6. Provide recommendations with respect to the following areas relating to the creation of a Place Management Committee and Manager Place Management:
  - The relationship of the Place Management Committee with the Town's existing governance structure;
  - The role and key duties and responsibilities of the Place Management Committee and the Manager Place Management; and
  - Identify the source of funding to implement the Place Management model proposed.
7. Present outcomes from the study undertaken to the Chief Executive Officer and the Executive Management Team, as required, with the provision of 15 bounded coloured copies, one (1) bound and one (1) unbounded laminated black and white copy of the final report on the outcomes of the research and recommendations, and an electronic copy in word format.

## Project Timeframe

The indicative timeframe will be as follows:

	<b>Item</b>	<b>Timeline</b>
1	Advertise for Expression of Interest (EOI) and quotation	20 September 2006
2	EOI and quotations close	4 October 2006
3	Assessment of EOI and quotations	4-11 October 2006
4	Decision to appoint Consultant	16 October 2006
5	Initial briefing with Chief Executive Officer	16 October – 20 October 2006
6	Consultant to carry out Project and preparation of draft Outcomes Report	23 October - 30 November 2006

	<b>Item</b>	<b>Timeline</b>
7	Consultant to submit Outcomes Report and electronic version to Chief Executive Officer	4 - 8 December 2006
8	Consultant to present findings of Outcomes Report to an Elected Members Forum on or before specified date.	13 December 2006
9	Report to an Ordinary Meeting of Council on or earlier than specified date	23 January 2007
10	Powerpoint presentation of Report to relevant Town's employees	February 2007

### Quotation Evaluation

It is suggested that the following preliminary draft weighted criteria be used in selecting the appropriate Consultant to undertake the specified works:

	<b>Criteria</b>	<b>%</b>	<b>Weighting</b>
1.1	<b>Financial Offer/Fee Proposal</b> <ul style="list-style-type: none"> <li>• The contract being offered on a lump sum fee basis. Include in the lump sum fee all fees, any other costs and disbursements to provide the required service and the appropriate level of the Goods and Services Tax (GST)</li> <li>• Represents the "<i>best value</i>" for money</li> <li>• Application of a reasonable fee structure in proportion to the service provided</li> </ul>	40	<b>40%</b>
1.2	<b>Relevant experience, expertise and project team</b> Demonstrate your: <ul style="list-style-type: none"> <li>• experience, expertise and project team</li> <li>• capacity to address the range of services required</li> <li>• role and credentials of the key person(s) in the provision of the service (i.e. formal qualifications and experience)</li> <li>• ongoing availability to provide sufficient skilled persons capable of performing the tasks consistent with the required standards</li> <li>• understanding of the required service associated with delivering the services to the Town</li> </ul>	20	<b>20%</b>
1.3	<b>History and Viability of Organisation</b> <ul style="list-style-type: none"> <li>• Detail your history and viability</li> <li>• Include any comments received from referees</li> <li>• Demonstrate your capacity to deliver</li> <li>• Demonstrate your capacity and depth to effectively address the range of requirements of the Town</li> </ul>	20	<b>20%</b>
1.4	<b>Methodology</b> <ul style="list-style-type: none"> <li>• Proposed methodology for this project to be completed on time and within budget</li> <li>• Proposed methodology for this project and demonstrated evidence of successful results, particularly in WA</li> <li>• Demonstrated experience in projects of a similar nature, particularly in WA</li> </ul>	20	<b>20%</b>
	<b>TOTAL</b>	100	<b>100%</b>

**Evaluation Panel**

The Evaluation Panel will consist of Chief Executive Officer, Executive Manager Corporate Services, Executive Manager Technical Services and Executive Manager Environmental and Development Services.

**CONSULTATION/ADVERTISING:**

Not required at this stage.

**LEGAL/POLICY:**

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

**STRATEGIC IMPLICATIONS:**

The Town's Strategic Plan 2005-2010: Key Result Area 3 – Economic Development and Key Result Area 4 – Governance Management.

**FINANCIAL/BUDGET IMPLICATIONS:**

At the Ordinary Meeting of Council held on 27 June 2006, the Council considered a Notice of Motion and resolved as follows in relation to the budgeted amount for the proposed report:

*“That the Council;*

*.....*

*(ii) APPROVES BY AN ABSOLUTE MAJORITY an amount of \$10,000 to be re-allocated from the 2006-2007 Budget Item “Mt Hawthorn Strategy” to the “Economic Development Strategy Governance and Implementation Report”;*

*and  
.....”*

**COMMENTS:**

It is recommended that the Council approve of the officer recommendation.

**10.4.3 10th World Conference of Historical Cities - Ballarat, Victoria - 29 October - 1 November 2006**

<b>Ward:</b>	-	<b>Date:</b>	6 September 2006
<b>Precinct:</b>	-	<b>File Ref:</b>	ADM0031
<b>Attachments:</b>			
<b>Reporting Officer(s):</b>	John Giorgi		
<b>Checked/Endorsed by:</b>	-	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *AUTHORISES the Chief Executive Officer and up to one (1) Elected Member, ....., to attend the 10th World Conference of Historical Cities to be held in Ballarat, Victoria from 29 October to 1 November 2006, at an estimated cost of \$1,593 each; and*
- (ii) *AUTHORISES the attendance of the Conference and payment of conference registration, three (3) nights' accommodation and daily expenses for the Town's Senior Heritage Officer, Ms Hannah Eames, at an estimated cost of \$1,118; OR*

*ALTERNATIVELY, in the event that an Elected Member does not nominate to attend the Conference;*

- (iii) *AUTHORISES the Chief Executive Officer and the Senior Heritage Officer, Ms Hannah Eames, to attend the 10th World Conference of Historical Cities to be held in Ballarat, Victoria from 29 October to 1 November 2006, at an estimated cost of \$1,593 each.*

**Moved Cr Farrell, Seconded Cr Ker**

*That the recommendation be adopted.*

Mayor Catania called for nominations to attend the conference and none were received.

Debate ensued.

Mayor Catania ruled that he would consider the recommendation in two parts namely clauses (i) and (ii) and then depending on the outcome clause (iii).

Clauses (i) and (ii) were put.

**LOST (3-5)**

- |                   |                       |
|-------------------|-----------------------|
| <b><u>For</u></b> | <b><u>Against</u></b> |
| Mayor Catania     | Cr Chester            |
| Cr Ker            | Cr Lake               |
| Cr Farrell        | Cr Maier              |
|                   | Cr Messina            |
|                   | Cr Torre              |

(Cr Doran-Wu on approved leave of absence.)

**To be deleted**

*“OR ALTERNATIVELY, in the event that an Elected Member does not nominate to attend the Conference;”*

Clause (iii) was put

**CARRIED (8-0)**

**COUNCIL DECISION ITEM 10.4.3**

*That the Council;*

- (i) *AUTHORISES the Chief Executive Officer and the Senior Heritage Officer, Ms Hannah Eames, to attend the 10th World Conference of Historical Cities to be held in Ballarat, Victoria from 29 October to 1 November 2006, at an estimated cost of \$1,593 each.*

**PURPOSE OF REPORT:**

The purpose of this report is to obtain the Council's approval to attend the 10th World Conference of Historical Cities to be held in Ballarat, Victoria from 29 October to 1 November 2006.

**BACKGROUND:**

In 1987, historical cities from around the world came together in Kyoto, Japan with the aim *"to share information, celebrate experiences and discuss the unique development challenges facing historical cities in our modern world."*

In 1994 - at the fourth of such gatherings - the League of Historical Cities was formed and has now grown to comprise 65 member cities from 49 countries.

The World Conferences of Historical Cities provide member cities, as well as guest cities, with an opportunity to exchange valuable experiences and successes with the view to improving the quality of life of the world community in the 21st Century.

Previous conferences have been held as follows;

<b>Year</b>	<b>City</b>	<b>Country</b>	<b>No. of Participating Cities</b>	<b>No. of Countries</b>
2005	Gyeonggu	Korea	25	18
2003	Montreal	Canada	19	13
2000	Montpellier	France	53	24
1998	Cracow	Poland	30	22
1996	Xian	China	51	37
1994	Kyoto	Japan	45	40
1991	Barcelona	Spain	40	23
1988	Florence	Italy	33	27
1987	Kyoto	Japan	26	23

**DETAILS:**

The City of Ballarat will host the 10th Conference with the overarching theme of "*Sustainable Historical Cities: Economics, Preservation and Vision for the Future.*" The conference will provide member cities and guests with the opportunity to discuss how the heritage and history of their cities is preserved and reconciled with the need for them to operate as modern, liveable cities.

Ballarat is a city rich in history and heritage. It is famed for its superb architecture and breathtaking heritage artefacts.

A number of overseas and Australian speakers with expertise in heritage and associated topics will address the Conference.

The Conference Program will encompass the following themes;

*Forum 1: Protection and Guidance:*

The integration of heritage protection into policies, strategies and management programs is typically the method by which government bodies, at all levels, are most able to protect the historic urban setting. This Forum will cover;

- How do we improve, develop and implement legislative, regulatory, administrative or management measures to address the needs for protection and adequate control of historical cities?
- What are the strengths, weaknesses, successes and failures of policies, strategies and guidelines? How do they compare?
- What are the strategies for financing urban heritage conservation?
- What mechanism can facilitate the protection and enhancement of heritage, as well as plan for a sustainable future?

*Forum 2: Impact and Benefit:*

There is a growing body of evidence that suggests the sustainable management of the heritage environment can lead to the social and economic regeneration of historic centres. This Forum will cover;

- What are the benefits of heritage conservation and can they be measured?
- How can urban heritage be utilised as a cultural, social and economic asset? What role does the adaptive re-use of historic buildings play in sustainable development?
- What is the social and economic value of public/private cooperation in conservation?
- Is conservation the most sustainable development act of all? Is it a long-term investment that will accumulate value over time?
- How can sufficient funds be generated for heritage preservation?
- Does conservation offer any direct or indirect opportunities, such as job opportunities?
- What are the current legal and economic implications of heritage "ownership"?

*Forum 3: Desire and Expectation:*

It is considered that there is more to heritage than buildings and artefacts - there are also values and attitudes, memories and stories. Urban development is a complex issue of interrelated social, economic and legal interests, variously belonging to inhabitants. This Forum will cover;

- What are the different perspectives and divergent economic interests that come about from managing change?
- What motivations, strategies, knowledge, understanding and skills are involved with resident action groups?

- How are community skills strengthened in heritage conservation?
- How do we 'preserve' a living historic environment? Is modern urban life in conflict with historical preservation?
- How do we reconcile the rights of those who own property with the community's rights over heritage?
- Conservation versus development, or conservation as part of development?

*Forum 4: Evolution and Innovation:*

Historic cities and city centres are increasingly being confronted with intense pressures from 21st century requirements for appropriate urban mobility, housing, commerce, public services and other demands linked to development and modernisation. The Conference will explore;

- How do we balance the preservation, transformation, modernisation and ecologically sustainable development of historic urban centres?
- How do we insert contemporary architecture and urban development into the historic urban landscape?
- Sustainable management of our historic towns relies upon the protection of historic urban areas.

A copy of the Conference Program is "Laid on the Table".

**CONSULTATION/ADVERTISING:**

Nil.

**LEGAL/POLICY:**

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

- "(i) When it is considered desirable that the Council be represented at an interstate conference, up to a maximum of one Elected Member and one Officer may attend;*
- (ii) In certain circumstances (for example where the Conference is of a technical nature) and where an Elected Member is not attending the CEO may recommend that two (2) officers attend, in lieu of the Elected Member. In this instance, the CEO will specify reasons in the report to the Council."*

The Chief Executive Officer's Contract of Employment entitles the Chief Executive Officer to attend one inter-state conference per annum.

**Reasons for Attendance of the Senior Heritage Officer**

(a) Personal Contribution towards Costs

The Town's Senior Heritage Officer, Ms Hannah Eames, will be visiting the eastern states in a personal capacity at the same time as this conference. She has expressed an interest to attend the conference and will be paying her own airfare. She has asked for the Town to consider payment of the conference registration fees (\$500) and this would be in lieu of her attending a conference in WA (which she would attend as part of the Town's Employee Training and Development Policy).

(b) Role in Organisation

Ms Eames has been employed by the Town since February 2000 and has been primarily responsible for the Town's heritage matters during this period.

(c) Further Studies

Ms Eames has furthered her post-graduate studies in heritage (which also benefits the Town) and has a strong personal interest in the subject.

(d) Uniqueness of Conference

This is the first occasion that this conference has been held in Australia and there is a unique opportunity to meet a variety of people from around the world, who share similar views on heritage.

(e) Budget Implications

There will be no additional cost to the Town if approved, as attendance at this conference would be instead of the Officer's attendance at a state conference.

The Chief Executive Officer considers that, in view of Ms Eames' role in the organisation and the strong emphasis the Town has placed on heritage, together with Ms Eames' willingness to personally contribute towards the cost of the airfare, he supports the Town contributing towards the other associated conference costs, as this would be almost the same costs as for a conference within WA - which Ms Eames would be entitled to attend. Therefore, there would be no additional cost to the Town.

**STRATEGIC IMPLICATIONS:**

In accordance with Key Result Area Four of Strategic Plan 2005-2010 - 1.4(c) "*Actively participate in community, Local, State and Federal Government forums and professional seminars*".

**FINANCIAL/BUDGET IMPLICATIONS:**

Conference Registration	\$500
Accommodation (3 nights) (\$129 per night)	\$387
Airfare (economy class)*	\$475
Expenses allowance	\$231
<b>Total</b>	<b>\$1,593</b>

\* *Economy Fare (subject to availability)*  
*Business Class Fare = \$1,989.*

(Note: The Policy allows for the CEO to travel Business Class. The CEO has chosen to travel economy class.)

**Attendance at Previous Conferences**

The Town has not previously attended this conference, as this is the first occasion that the Conference has been held in Australia.

**COMMENTS:**

It is recommended that approval be granted for the Chief Executive Officer, Senior Heritage Officer, Ms Hannah Eames, and up to one (1) Elected Member (if a nomination is received) to attend the 10th World Conference of Historical Cities to be held in Ballarat, Victoria from 29 October to 1 November 2006.

**10.4.4 Proposed Redevelopment of the Loftus Centre, incorporating a State Gymnastics Centre, Construction of a New Town Library and Local History Centre and Modified Loftus Community Centre, 99 Loftus Street, Leederville - Progress Report No. 12 and Proposed Vincent Police Station Feasibility - Progress Report No. 1**

<b>Ward:</b>	South	<b>Date:</b>	6 September 2006
<b>Precinct:</b>	Oxford Centre, P4	<b>File Ref:</b>	RES0061
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	John Giorgi		
<b>Checked/Endorsed by:</b>	-	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the Progress Report No. 12 as at 6 September 2006, relating to the proposed Loftus Centre Redevelopment which incorporates a State Gymnastics Centre and construction of a new Town Library and Local History Centre and modified Loftus Community Centre, 99 Loftus Street, Leederville and adjoining land and Progress Report No. 1 relating to the Vincent Police Station Feasibility;*
- (ii) *CONSIDERS the submission received concerning the Major Land Transaction Business Plan for the Loftus Centre Redevelopment and APPROVES BY AN ABSOLUTE MAJORITY to proceed with the Major Land Transaction for the Redevelopment of the Loftus Centre, as detailed in this report;*
- (iii) *APPROVES IN PRINCIPLE the plans, as detailed in the report and shown in Appendix 10.4.4(A-J), which is estimated to cost \$12 million (plus GST); and*
- (iv) *AUTHORISES the Chief Executive Officer to;*
  - (a) *advertise the concept plans for public comment for a period of fourteen (14) days, in accordance with the Council Policy No. 4.1.21 "Community Consultation", inviting written submissions as part of the consultation process; and*
  - (b) *make minor changes to the concept plans, as a result of matters which may arise during the public consultation period and/or of a technical or infrastructure improvement.*

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**COUNCIL DECISION ITEM 10.4.4**

**Moved Cr Messina, Seconded Cr Chester**

*That the Council proceed "behind closed doors" to consider this matter as it contained commercially sensitive financial information.*

**CARRIED (6-2)**

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

**(Cr Doran-Wu on approved leave of absence.)**

The Media, Lindsay McPhee and Giovanni Torre departed the Chamber at 9.08pm, there were no members of the public present.

The Item was considered "*behind closed doors*".

Moved Cr Torre, Seconded Cr Farrell

*That the recommendation be adopted.*

Debate ensued and the Chief Executive Officer answered questions relating to this item.

**MOTION CARRIED**  
**BY AN ABSOLUTE MAJORITY (8-0)**

(Cr Doran-Wu on approved leave of absence.)

**ADDITIONAL INFORMATION:**

**INDICATIVE PHASED EXPENDITURE**

<b>Commercial in Confidence</b>
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**PURPOSE OF REPORT:**

To update the Council on the progress of the proposed Loftus Centre Redevelopment and Vincent Police Station Feasibility, as at 6 September 2006.

**BACKGROUND:**

**Submission - Smith's Lake Precinct Group**

The Business Plan was advertised on 26 May 2006 for a period of six (6) weeks.

At the close of the community consultation period for the Business Plan on 10 July 2006, one submission was received from Smith's Lake Precinct Group as follows;

*"We have studied the Business Plan and considered the answers given by the CEO, John Giorgi, to our earlier queries asking for clarification on details. We have sent him some further queries but have not yet received a reply. These queries are incorporated into the comments below.*

*We endorse the Business Plan but have some reservations about the contract arrangements with Belgravia Leisure Pty Ltd. We are still concerned about the risks associated with this despite the replies from the CEO to our queries on the draft contract to lease the Loftus Recreation Centre to Belgravia on terms that include loan repayments and interest on a \$3 million loan taken out by the Town. How sound are the back-up guarantees that Belgravia has agreed to on these loan repayments, and are their provisions in the contract for revision of terms if circumstances change? We are also concerned about the consequence of the lease being for a 20 years. We would have preferred a lease to a local company, not an international one; or to the YMCA who we understand put in a tender.*

*We estimate that Belgravia's total lease payments will be some \$429,000 a year. Their operating expenses and profit will be on top of that. The Business Plan does not, in our view, adequately explain the income generating potential of the centre and likely patronage and charges to users, other than Gymnastics WA. Is it likely that Leederville TAFE will be a customer of the Recreation Centre? We understand that this possibility was explored earlier this year.*

*The new underground car park will have about 86 bays and the current reserved bays for staff will be abolished. The building extensions will also reduce the number of current parking bays. How many public parking bays exist now and how many will there be when the redevelopment is completed? Will the expanded facility have an increased number of customers? Is it intended that the proposed new Child Care Centre's patrons will use the Loftus Centre car park, consequent upon arrangements being finalised for the new Police Station in Vincent St?*

*We consider answers are needed to these queries before Council endorses the Business Plan."*

CEO's Comments:

1. Endorsement of the Business Plan

It is pleasing that the Smith's Lake Precinct Group endorses the plan. A reply to the queries was provided on 20 June 2006. This was re-sent (via email) on 11 July 2006.

2. Guarantees

The Town will enter into a formal legal document requiring Belgravia to provide a bank guarantee or mortgage over real property to the value of \$3 million. This guarantee will remain in effect for the duration of the lease.

3. Lease

A 20-year lease is required by the Centre Management in order that the \$3 million capital contribution towards the Centre redevelopment is amortised over a significant period.

Only three tenders were received and these were considered at the Ordinary Meeting of Council held on 23 May 2006, whereby the Council awarded the tender to Belgravia Leisure Pty Ltd. The Council considered that this organisation provided the "best value" to the Town.

It is interesting to note that LeisureCo - the current Centre Managers - have now lost all tenders in Western Australia and no longer manage a Centre in WA. (Last week they lost the Bunbury Centre.)

The other tenderer, YMCA, did not provide the most attractive and best value tender to the Town.

4. Car Parking Requirements

The Loftus Centre redevelopment will have increased car parking which comprises; basement car park and revised "flat top" car park layout. The use of the car park will be designed to meet the needs of all users. It is not proposed to charge a fee for the car parking.

**Draft Financial Assistance Agreement**

On 10 January 2006, the Town was advised by the Department of Sport and Recreation (DSR) that the State Government has approved of funding of \$3.6 million for the proposed redevelopment of the Loftus Centre, as follows;

*"I am pleased to advise that the State has agreed to increase its contribution to the State Gymnastics Centre from \$1.7 million up to \$3.6 million. While a formal agreement is required to finalise the level of contribution from the State, the \$3.6 million amount is capped and is to incorporate contributions to construction, on-costs and equipment.*

*There will be a requirement for the Town and the State to enter into a Financial Assistance Agreement [FAA] to outline the conditions and expectations associated with the additional funding, which will include:*

- *The Town of Vincent confirms that all other funding has been secured.*
- *The Town of Vincent has entered into a long term lease arrangement with Gymnastics WA.*
- *The replacement courts are to be to a specification to accommodate Netball.*
- *Netball WA will be able to access the Loftus Recreation Centre for a minimum of 50 hours per annum, subject to terms and conditions associated with appropriate notification and agreed hire changes.*
- *The Town will commit to Loftus Recreation Centre remaining accessible to the community, in that the future management will not be able to declare the centre a "members only" establishment.*
- *The department will be represented on any Project control groups relating to this project."*

The Town has met with the DSR and the proposed FAA conditions can be met. A report will be submitted to Council to approve the FAA, in October 2006.

**DESCRIPTION OF DESIGN CONCEPT FOR THE LOFTUS CENTRE REDEVELOPMENT, FEATURING ALTERATIONS AND ADDITIONS AND A NEW LIBRARY AND LOCAL HISTORY CENTRE (PRESENTED TO THE CONFIDENTIAL FORUM HELD ON 23 AUGUST 2006)**

The Project Architect presented Concept Plans dated August 2006 (Appendices 10.4.4(A-J)):

Loftus Centre (Concept Plans shown at Appendix 10.4.4 (B-G))

- A new indoor 3 court sports hall built at the same level as the existing change rooms and sports hall with a viewing gallery. (10.4.4(E))
- Minor alterations of part of the existing crèche to create a smaller crèche area of approximately 120m<sup>2</sup>.
- Minor alterations to the cardio area to create a Board Room.
- An extension at ground floor (west side of the change rooms) to create an office area for the centre management and additional storage capacity.
- At first floor level, extend the existing gym to create a large group fitness area/function area overlooking the oval with new windows also overlooking the gymnastics hall - (490m<sup>2</sup>). (10.4.4(F))
- Relocation of the gym into the existing library area.
- Retain the existing reception and kiosk areas without alteration or refurbishment.
- Increase the facilities of the Community Centre by incorporating additional craft room area as well as a child's toilets, toy library and improved office facilities.
- Relocate the child play area into an internal courtyard.
- Create an outdoor soccer area on the west side of the new sports hall, accessible to both the sports hall and the existing change rooms. (10.4.4(E))

- A design concept to increase the present car parking by approximately 40 cars in an underground car park, with ramp access and reconfiguration of the car bays. (10.4.4 (C))
- Revised entry via Loftus Street.
- Elevations which gives greater activation onto the oval and public open space. (10.4.4(G))

State Gymnastics Centre (Concept Plans shown at Appendix 10.4.4 (D-E))

- Conversion of the existing two (2) courts to a gymnastics area - (1,342m<sup>2</sup>).
- An extension of the existing southern two (2) court Sports Hall. This Sports Hall to become a dedicated WA Gymnastic and Rhythmic Gymnastics Performance Hall - (590m<sup>2</sup>).
- Alterations to the existing physio and adjacent areas to create gymnastics admin offices and meeting room areas.
- Fixed seating (500) in the Gymnastics Hall and 100 retractable seats in the Rhythmic Gymnastics Hall.

Library and Local History Centre (Concept Plans shown at Appendix 10.4.4 (I-J))

A new Library and Local History Centre of approximately 1,455m<sup>2</sup>.

New facilities include;

- Possible expansion and needs for "Vincent Vision 2024".

There are three possible scenarios that may influence the growth of the library, in stock and in usage. The first is the growth in the Town's population. As the State Library bases the library stock allocation on population, the Town would see a gradual increase in stock in parallel to the population growth. Subject to the Town's support in increasing options for new services, with appropriate publicity, one would expect the public attendance and usage of the library to increase at a similar rate.

The second consideration is the current change of boundary plans, which if successful will also see a major increase in the Town's population and therefore stock allocation. Whilst there will be no need for these new member's of the Town's population to move their library usage from their current library to Vincent, if the services and promotion are increased, many will be attracted to this library. Library membership is no longer limited to just one local library, so the Town's library service needs to be actively promoted to create and sustain interest and membership.

Lastly, the construction of a new library is expected to result in significant increase in library membership and usage. It is predicted that an initial increase of 30% is could result.

- Library Books to meet State Library of Western Australia requirements.

As the stock allocation increases, to reflect the increase in population, the State Library of Western Australia (SLWA), who currently provide most of the library stock will offer extra stock to meet the minimum standard of 1.25 items per head of population. This stock may be adult or junior, and staff will be able to select titles and formats (books, DVDs, etc) to suit the Town's client base. However, if there is insufficient room to store and display this stock, the Town will be unable to accept this offer. Sufficient shelving to cater for the current stock and to allow for predicted growth will need to be provided. The current plan addresses this as much as is possible, given constraints of size and budget. Also, given the predicted 30% increase in turnover, the number of items that will be on the shelves will be a smaller proportion than currently occurs.

- Separate reading area (with tea preparation room) for up to 50 people, to also serve as a launch area.

Today, the public library is seen as the 'third place' (home is the first place, work is the second and the library meets the criteria of a third place where people can meet and relax together), and as such must provide a community meeting place where people can meet in a safe non-threatening environment. Currently the library hosts a monthly Vincent Library Forum, with speakers on various issues, and incorporating morning tea where visitors and guest speakers can mingle and chat in a friendly atmosphere. At present, this event is held in the library proper, and whilst every care is taken to minimise disruption to other users of the library, there are times when this is not successful.

The plan includes a separate reading area to meet both of these needs. It will be a place where people can sit with a coffee and read the daily paper, or meet friends and relax together. The library will be offering book clubs, and other similar small groups, an opportunity to meet in an informal but welcoming environment. It will also use this space to host the monthly forums, Local History Awards nights, and institute book launches and other similar events in this area.

A tea preparation area meeting current health requirements, such as small fridge and dishwasher, and secure space to store crockery and provisions is also required.

- Separate "Young Adults" area with access to Information Technology (IT) and listening posts.

The Town is very fortunate to have young people who are generally good community members. To keep it that way, it is important to provide services to meet their educational and recreational needs. Whilst HQ addresses youth needs in many ways, the library can meet other needs, such as educational information, employment information, recreational reading, advanced IT instruction, and a safe place for them to meet in small numbers. The Young Adults (YA) area therefore needs to be space where their identity is recognised and separate from children, where they can slouch in soft seating, listen to their choice of music, meet friends, and generally relax.

The plan includes a separate and slightly enclosed area for the YA, which will meet these needs. Shelving to provide a colourful display of the YA literature, including career information, topical magazines etc will meet YA needs and expectations. Listening posts with the option to select music and options to use IT for study and leisure will be provided.

- Separate children's area with access to "wet area" for crafts.

Currently the library hosts two story time events each week, which are attended by between 30 and 50 children, plus parents and siblings in prams. Since the library has been running the *Better Beginnings* program, these figures have increased from 20 to 30 children at each session.

Recognising that reading to young children, and providing facilities in a friendly and welcoming atmosphere is good training for their school lives. Therefore, the children's area needs to be sufficiently large to accommodate these large groups, but not too large to lose the comfortable and cosy atmosphere that children like. It needs to be bright and colourful, and a place that a small child can immediately identify as his own. The western wall will be decorated with a theme (eg trees / Hyde Park / dinosaurs) that will be visible from the entry of library and attract the children into that area.

Each story time session includes a craft activity, which at times involves paints and glue. Ideally, flooring in this area should be hard surface (not carpet), which can be mopped over in the events of spills. Children will be provided with large cushions and small furniture for use individually, or as a group at story time.

The wet area will have a sink for washing hands, or paint brushes, etc., and will include a block of lockable cupboards, finished in colours and surfaces to reflect the theme. Books for the preschoolers will be stored in specially designed boxes (which may form part of the theme) around the hard floor of this area, and books and resources for the primary age children will be stored on low shelving surrounding this area. Ideally this shelving should be mobile, to allow flexibility of use of this area. Attractive lighting will add to the interest and identity of this area.

- Separate Media Room for up to 10 computers.

This room will be used to offer training to members of the community on the use of computers and the internet, with special focus on the needs of seniors. It is possible that the Loftus Community Centre staff may provide some of this training.

- Separate Interview Room (for oral history interviews).

This room will have a level of sound proofing to limit the sounds of phones and closing doors being recorded. It may also be offered for tutors, such as Read, Write Now! Adult literacy volunteers.

- Separate Local History Area with IT terminals for research.

This area will be flexible to allow for growth of the collection. It will also include appropriate storage for large items such as maps and historical photos, and will be able to be closed off when unattended. There will be a dedicated printer and photocopier so that Local History items are not removed from the area.

- Archives Store.

A large compactus, with space to store large items in archival conditions will be provided. It will contain separate air conditioning, damp and light control, staff only access.

- Large Foyer - which can also hold displays.

A large foyer adds to the "*sense of place*", and may provide an opportunity for public art.

- Separate book return and control desk.

This is to be a work area where a member of staff will be rostered to work at all hours of opening. Many tasks, such as book repairs can be performed in situ, which will be a much more efficient approach than we have at present. This area will also contain a computer work station, shelving and a large work bench.

- Staff offices and workstation and amenities.

Work stations with room for trolleys will be provided. Offices to reflect the Town's current standards, with options to oversee work taking place in the public area will also be included.

- Separate public toilets and accessible parents' room.  
These will address public needs and meet current standards expected in a public building of this nature.
- Communications Room – to house IT controls, server, and other electrical wiring. Must have dedicated air conditioning, and be waterproof.
- Store rooms – also need to consider space for large display boards, Christmas trees, etc.
- Utility room – house photocopier, printer, fax etc. Considering one machine to meet all needs.
- After hours book return – vandal proof after hours chute, with disabled access via ramp.

#### Possible Basement Store

A separate basement storage area, with access via the basement car park has been indicatively costed at \$150,000 to \$200,000. Should access be required via a lift and stairs directly from the library, this would cost \$120,000 extra. It is considered that this storage is not required. The Town's Work Depot has ample room for storage - if it is required in the future.

#### Review of Kiosk Location

The Project Architects were requested to review the location as requested by Council. The Centre Management were consulted and they expressed the view that the current location was considered the most suitable. The Architects did prepare a concept, locating the Kiosk near the main entrance, however, this was considered to compromise the operations of the Centre and therefore was not pursued. A modified plan to relocate the Customer Service Desk away from the Kiosk was also explored and proved beneficial, as it would allow the Kiosk to be more prominent. However, this was estimated to cost approximately \$400,000 and therefore was not pursued.

#### Community Water Grant

The Town submitted an application to the Australian Government's Community Water Grants Round 1, but was unsuccessful. A further grant was submitted to Round 2 and a decision is expected in December 2006.

#### **Previous Council Decisions**

At the Special Council Meeting held on 30 October 2001, the Council approved of entering into a partnership with the State Government of Western Australia to redevelop and construct a number of sporting facilities, including a State Indoor Sports Centre on Loftus Centre land.

#### **Previous Reports**

Previous progress reports were previously submitted to the Council on 23 July 2002, 12 August 2003, 7 October 2003, 16 December 2003, 10 February 2004, 23 March 2004, 26 October 2004, 2 March 2005, 12 July 2005, 22 November 2005, 28 February 2006 and 23 May 2006.

**Negotiations with Gymnastics WA**

Several meetings have been held with Gymnastics WA. They have advised the Town in writing of their agreement to the proposed concept plans and for a lease of that portion of the Loftus Centre, subject to the following conditions;

<b>Item</b>	<b>Amount</b>
Lease Term	20 years
Rent	\$40,000 per annum, increased annually by CPI
Contribution to Capital Reserve Fund	\$10,000 per annum, increased annually by CPI
Contribution to Outgoings	On a proportion basis
Number of Employee Car Bays	10 car bays

This matter will be reported to the Council Meeting in October 2006 for final approval.

**Negotiations with Loftus Community Centre**

The Town has held several meetings with the Centre Management in mid 2006.

Previous Lease Conditions

The City of Perth granted the first lease from 1 July 1989 to 30 June 1995, with a base rent of \$100 per annum, indexed to CPI. For the same period, a Sinking Fund contribution of \$3,900, indexed to CPI.

A new lease commenced from 1 July 1996 to 30 June 2002 had a rent of \$170 per annum, with the Reserve Fund contribution of \$6,065 per annum (due to CPI increases).

The Centre was on a monthly lease from 1 July 2002 until February 2003. The Sinking Fund contribution was suspended from 1 July 2002, to date, due to the proposed redevelopment of the Centre.

A one year lease was granted from 1 March 2003 to 30 April 2004. The Centre is currently on a monthly lease.

In the 2005/06 Budget, the Council approved the Annual Grant to be increased from \$15,000 to \$30,000.

The proposed Centre will be increased in size from approximately 650m<sup>2</sup> to 850m<sup>2</sup> (including play area).

Proposed Lease Conditions

<b>Item</b>	<b>Amount</b>
Lease Term	20 years (4 x 5 year terms)
Rent	\$5,200 per annum, increased annually by CPI
Contribution to Capital Reserve Fund	\$1,000 per annum, increased annually by CPI
Contribution to Outgoings	On a proportion basis
Number of Employee Car Bays	Nil

Proposed Refurbishment

The proposed refurbishment of the Community Centre will include the following;

- new crafts room - 75m<sup>2</sup> (approx)
- new playground area - 227m<sup>2</sup>
- replacement storeroom
- new toilets
- internal modifications and improved office accommodation.

**Discussions with Central TAFE**

Following the Council decision on 28 February 2006, a number of meetings have been held with Central TAFE. The following is the outcome of the meetings.

Transfer of TAFE Department of Sport to Leederville Campus

This proposal is strongly supported by both TAFE and the Town. As a result of a meeting held on 14 August 2006, TAFE wrote to the Town on 15 August 2006, advising it is TAFE's intention to transfer the Sport and Recreation programs from the Mount Lawley Campus to the Leederville Campus, effective from the beginning of 2007. This transfer is subject to a number of conditions, which include the following;

1. Signing of a Memorandum of Understanding (MOU) - this to be progressed over the forthcoming months.
2. Use of Leederville Oval, as follows;

<i>"Sporting Facility</i>	<i>Times Required</i>	<i>Purpose</i>
<i>Leederville Oval</i>	<i>9.00am-3.00pm Monday to Friday  Maximum of 25 students at any one time</i>	<i>Main focus is on skills development and coaching instruction relating to outdoor sports activities including softball, hockey, soccer and touch football.  (Students are only permitted to wear running shoes and NOT sprigs.)</i>
<i>** General purpose sports hall</i>	<i>2 half days per week.  There is flexibility regarding the specific days.  Maximum of 25 students at any one time.</i>	<i>Main focus is on skills development and coaching instruction relating to indoor sports activities including basketball, volleyball, badminton and indoor soccer."</i>

Cost for Leederville Oval would be nominal, e.g. \$1,000 per annum, increased by CPI - yet to be negotiated.

Cost for the use of the Loftus Sports Hall would be nominal and yet to be negotiated.

The transfer of the Sport and Recreation programs involves approximately 250 students. The East Perth and Subiaco Football Clubs have been consulted and they have verbally agreed to the proposal.

#### Establishment of Programmes and Services Associated with HQ Youth Facility

TAFE have indicated that they are keen to pursue this proposal and have instructed their Project Architect to prepare a plan for the refurbishment of an existing trades building for use as a Contemporary Music Centre. This proposal is still at an early stage and discussions concerning programs associated with the Headquarters Youth Facility are also in an early stage.

#### Campus Masterplan

TAFE has advised the Town that have engaged Peter Hunt Architect to prepare a masterplan for their land and an "indicative" concept plan was presented to the Elected Member Forum held on 23 August 2006. This concept masterplan is at an early stage and preliminary information is as follows;

- TAFE masterplan timeline is much slower than the Town;
- TAFE minor refurbishment work is contemplated for 2007; and
- a long term plan could envisage new buildings on the Oxford Street frontage, relocation of staff car park, away from Oxford Street, a central pedestrian accessway/greenway linking Oxford Street to the Leederville Public Open Space and re-use of existing buildings. This plan is still in its preliminary stages and are confidential.

#### **Vincent Police Station Feasibility** (Concept Plans shown at Appendix 10.4.4(K))

The Town has engaged Peter Hunt Architect to prepare a concept plan for the proposed Vincent Police Station to be located on the current Leederville Early Childhood Centre site. This feasibility proposes the following;

1. Concept Plans

Concept plans have been prepared in accordance with the strict criteria of the WA Police and have been agreed in principle by WA Police.

2. Indicative Costing

An indicative cost (which includes cost escalations over the project construction period) is indicatively \$7 million.

3. Lease Options

The Town has written to WA Police advising that the proposed site can be made available with the following options;

- (a) Town to construct - this would involve the Town borrowing the full amount of the project and WA Police entering into a long term lease and payback arrangement.
- (b) WA Police to construct - this would involve only a long term lease with the Town.

WA Police are currently carrying out financial analysis of their options (which also includes rebuilding on their current Oxford Street site). At the time of writing this report, the Town was awaiting a formal response. It should be noted that WA Police and the Minister for Police have indicated strong interest in this feasibility project.

**Discussions with Leederville Early Childhood Centre Inc (LECC)** (*Current site is approximately 3,005m<sup>2</sup>*)

As part of the Vincent Police Station Feasibility, if this is to proceed it would require the relocation of the LECC. A number of discussions have been held with the LECC concerning their future needs. They have advised that there is strong demand for places at the Centre. They have also advised that they have a synergy with the Margaret Kindergarten and would not object to relocating to an area adjacent to the Margaret Kindergarten, subject to their needs being met.

A concept plan reveals that a suitable site can be found on the north-eastern side of Leederville Oval (just south of the existing Margaret Kindergarten site).

Concept Option (See Appendix 10.4.4(A))

The Project Architect (in liaison with the LECC) has prepared a concept plan which would create three (3) smaller buildings, connected by a "circulation spine". The three (3) smaller buildings would provide the following advantages:

- Increased capacity for up to 90 children;
- Improved layout and internal efficiencies;
- Smaller and separate play areas; and
- Better flexibility for LECC.

An indicative replacement cost for a new building of 850m<sup>2</sup> (based on \$2,000 per m<sup>2</sup>) would be approximately \$1.7 million (escalation costs to mid-2007 would be approximately \$102,000 extra).

Lease

LECC has a lease on their site until 30 April 2014.

Approval in Principle

On 22 June 2006, a letter was received from the LECC, giving in principle agreement, subject to;

- "1. LECC is given full and timely information concerning the progress of consultations between the TOV and its consultant Architect in the preparation of the detailed design of the new centre (should this project advance beyond the feasibility stage); and*
- 2. During the period of preparation of the detailed design of the new centre, LECC is consulted by TOV concerning LECC's views on the suitability of design with respect to the service currently provided by LECC (including the opportunity to meet with TOV and its consultant Architect in order to express and receive feedback on LECC's views); and*
- 3. Due weight is given to LECC's views on the detailed design of the new centre.*
- 4. Conditional lease arrangements between LECC and TOV with respect to the new centre are formally agreed (LECC would seek a twenty (20) year lease which would include the continuation of the current "peppercorn" lease conditions enjoyed by LECC in its current location, consistent with your stated commitment that 'such a venture must not place a financial burden on the Leederville Early Childhood Centre...').*

5. *TOV confirms its intention that the new centre will remain 'community based' (not for profit) and will maintain existing support to ensure the ongoing feasibility of LECC."*

LECC have indicated that they could justify a significant increase in size from 430m<sup>2</sup> to 850m<sup>2</sup>. This would accommodate approximately 90 children. (Currently there are 60 children at LECC.) The overall site area would be 2,700m<sup>2</sup>.

**Margaret Kindergarten** (Current site is 2,407m<sup>2</sup>, main building 285m<sup>2</sup>, demountable building 130m<sup>2</sup>)

Discussions have been held with Margaret Kindergarten. The concept plan reveals that the current existing building and temporary building are poorly located on the site. After considerable discussions with the Margaret Kindergarten, it has been determined that the best option is to construct a new "L" shaped building fronting Richmond Street.

#### Concept Option (See Appendix 10.4.4(A))

The concept plan reveals that the proposed site would be 1,530 m<sup>2</sup> together with a building of 330 m<sup>2</sup> and a verandah of 100 m<sup>2</sup>. An indicative costing, based on \$2,000 per m<sup>2</sup> indicates that the proposed new building would be approximately \$750,000.

#### Approval in Principle

On 14 June 2006, a letter was received giving in principle agreement, subject to;

- "a. the respective dimensions for the playground, site, building and verandah areas shown on Plan 5, are reflected in the design plans to be developed for the proposal;*
- b. construction of the proposed Kindergarten be organised so that the children at Margaret Kindergarten can remain in the existing Kindergarten buildings until the proposed Kindergarten has been completed; and*
- c. the new Kindergarten be equipped with the facilities listed in the document tabled by Ms Cindy Smart at the meeting at Council Chambers between Rob Boardman, Graham Hunt, Michael Jenkin, Cindy Smart, Erin Comenos and Andy Neilson on Thursday, 8 June 2006."*

#### Lease

Margaret Kindergarten have a lease for another four (4) years on their site (expires on 30 June 2010). A new lease would be re-negotiated.

#### **Indicative Timeline**

A new indicative timeline has been prepared and is as follows;

<b>Date</b>	<b>Item</b>
<b>23 May 2006*</b>	<ul style="list-style-type: none"><li>• <b>Council Meeting - Approval of Tender for Lease / Management of the Centre and approval of the Major Land Transaction Business Plan</b></li></ul>
<b>26 May 2006*</b>	<ul style="list-style-type: none"><li>• <b>Business Plan Advertised (42 days)</b></li></ul>
3 July 2006	<ul style="list-style-type: none"><li>• Major Land Transaction Consultation closed</li></ul>
7 August 2006	<ul style="list-style-type: none"><li>• Review Concept Plan and Indicative Costings</li><li>• Meet weekly thereafter</li></ul>

<b>Date</b>	<b>Item</b>
23 August 2006	<ul style="list-style-type: none"> <li>• Council Forum to consider Proposal</li> </ul>
12 September 2006	<ul style="list-style-type: none"> <li>• Report to Council to approve Major Land Transaction Business Plan and Concept Plans</li> </ul>
18 September - 6 October 2006	<ul style="list-style-type: none"> <li>• Advertise Plans for Community Consultation</li> </ul>
11 October 2006	<ul style="list-style-type: none"> <li>• Preparation of agenda report for consideration of submissions</li> </ul>
<b>17 October 2006*</b>	<ul style="list-style-type: none"> <li>• <b>Special Council Meeting to:</b></li> <li>• Consider Public Submissions and approve (or discontinue) with Major Land Transaction.</li> <li>• <b>Approve;</b></li> <li>• Loftus Centre Plans - Final Plans for Tender Purposes</li> <li>• State Government Financial Assistance Agreement</li> <li>• Financial details/loans</li> <li>• Recreation Centre Contract (Belgravia)</li> <li>• Leases for Belgravia, Gymnastics WA, Loftus Community Centre</li> <li>• Vincent Police station project concept plans</li> <li>• Leederville Child Care and Margaret Kindergarten concept plans</li> </ul>
<b>17 October 2006*</b>	<ul style="list-style-type: none"> <li>• <b>Council approval of "Request for Tender - Construction of Centre" documentation</b></li> </ul>
<b>21 October 2006*</b>	<ul style="list-style-type: none"> <li>• <b>Advertise "Request for Tender - Construction of Centre" (30 days)</b></li> </ul>
<b>21 November 2006*</b>	<ul style="list-style-type: none"> <li>• <b>Construction Tender closes</b></li> </ul>
21-29 November 2006	<ul style="list-style-type: none"> <li>• Evaluation of Construction Tender</li> </ul>
29 November 2006	<ul style="list-style-type: none"> <li>• Agenda closes</li> </ul>
<b>5 December 2006*</b>	<ul style="list-style-type: none"> <li>• <b>Council to approve:</b></li> <li>• Building Construction Tender</li> </ul>
<b>6 December 2006*</b>	<ul style="list-style-type: none"> <li>• <b>Appointment of Builder</b></li> </ul>
10 January 2007	<ul style="list-style-type: none"> <li>• Builder Mobilisation</li> </ul>
<b>14 January 2007*</b>	<ul style="list-style-type: none"> <li>• <b>Construction commences</b></li> </ul>
<b>January-March 2007</b>	<ul style="list-style-type: none"> <li>• <b>Approve Police, LECC and Margaret Kindergarten plans and lease documentation,</b></li> <li>• <b>Approve of calling a tender</b></li> </ul>
<b>June 2007</b>	<ul style="list-style-type: none"> <li>• <b>Award tender for LECC, Margaret Kindergarten and Police buildings</b></li> </ul>
<b>1 January 2008*</b>	<ul style="list-style-type: none"> <li>• <b>Loftus 2<sup>nd</sup> Stage complete and opened</b></li> </ul>
January 2008	<ul style="list-style-type: none"> <li>• Finalisation of "snag list".</li> </ul>
February-March 2008	<ul style="list-style-type: none"> <li>• Official Opening of New Centre and Library</li> </ul>
March 2008	<ul style="list-style-type: none"> <li>• Official Opening of Leederville Child Care Centre and Margaret Kindergarten</li> </ul>
March 2008	<ul style="list-style-type: none"> <li>• Commence construction of Vincent Police Station</li> </ul>
December 2008	<ul style="list-style-type: none"> <li>• Official Opening of New Vincent Police station</li> </ul>

\* *Critical Dates*

**LEGAL/POLICY IMPLICATIONS:**

The proposed redevelopment has been advertised in accordance with the Local Government Act Major Land Transaction requirements.

**ADVERTISING/COMMUNITY CONSULTATION:**

The Town has advertised the Major Land Transaction Business Plan for six (6) weeks (which included concept plans).

It is recommended that the final plans be advertised for community consultation for fourteen (14) days.

**FINANCIAL/BUDGET IMPLICATIONS:**

The Council's Budget 2006/07 contains the following;

Loftus Centre Redevelopment	\$10,705,000
Vincent Police Station	\$5,500,000
New Leederville Child Care Centre	\$1,600,000
New Margaret Kindergarten Building	\$800,000
Leederville Oval Public Open Space	\$560,000

**Cost Estimate for the Loftus Centre Redevelopment**

The Quantity Surveyors, Peter Blunt of Rawlinsons has prepared cost estimates, as shown below;

(a) Buildings	\$9,450,000
(b) External Works and Services	\$870,000
(c) Other Project Costs	\$1,170,000
Summary of Estimated Base Costs Sub-Total	<u>\$11,490,000</u>
Add on Costs:	
- Cost Escalation to January 2007	\$500,000
<b>Final Estimated Cost</b>	<b>\$11,990,000</b>
<i>Goods and Services Tax</i>	<i>\$1,199,000</i>

Note:

The costings are based on the assumption that the Town of Vincent will be responsible for all car park alterations, landscaping and retaining walls in the public open space etc. It should also be noted that no fit out or sporting equipment has been included in the above estimates.

- \* It should be noted that;
- (a) the final cost for this project will depend on the final plans, approved by the Council; and
  - (b) building costs are escalating at approximately 1.01% per month (\$110,000).

The following is the indicative funding arrangement for the Loftus Redevelopment project:

	\$
Department of Sport and Recreation	3,600,000
Private Partnership/Other	3,000,000
Town of Vincent*	2,600,000
Car park upgrade/landscape (Town)#	200,000
Town of Vincent underground car park and cost escalation	2,600,000
<b>Total</b>	<b>12,000,000</b>

*# To be listed in the 07/08 Budget*

<b>*Funding Sources - Town Reserve Funds</b>	<b>\$</b>
<i>(Funds estimated and projected to June 2007)</i>	
State Indoor Sports Centre Reserve Fund	2,000,000
Loftus Recreation Centre Reserve Fund	195,000
Loftus Community Centre Reserve Fund	55,000
Len Fletcher Pavilion Reserve Fund	350,000
<b>Total</b>	<b>2,600,000</b>

<b>Project Item</b>	<b>\$</b>
Cost escalation and underground car park (20 year loan)	2,600,000
<b>To be included in Budget 07/08:</b>	
Car park upgrade/landscaping	200,000
Library - new furniture and relocation costs <i>(estimate)</i>	100,000
Len Fletcher Pavilion demolition <i>(costs estimated to March 2008)</i>	90,000
Smith's Lake Reserve Upgrade <i>(costs estimated to March 2008)</i>	165,000

The indicative repayments for a loan of \$2.6 million would be approximated \$229,440 per annum over a twenty (20) year period (based on an interest rate of 6.24%).

#### **Possible Funding Options for a New Relocated Leederville Child Care Centre**

In the event that approval is granted to investigate this option, a full Business Case and financial details will be prepared.

Indicatively:

If an 850m<sup>2</sup> Centre is built, at an indicative costing of \$1.7 million, the possible funding could be:

WA Police	\$1,000,000
Department of Community Development	350,000
Town	350,000
<b>Total</b>	<b>\$1,700,000</b>

**Possible Funding Options for a New Margaret Kindergarten**

An indicative cost would be \$750,000. The possible funding could be:

Department of Education	375,000
Town	375,000
<b>Total</b>	<b>\$750,000</b>

This funding would need to be explored with the Education Department.

**STRATEGIC IMPLICATIONS:**

This project is in keeping with the Town's Strategic Plan 2005-2010, Key Result Area 3.2 – *“Develop business strategies that provide a positive triple bottom line return for the Town”* including 3.2(a) – *“Review leases and commercial contracts to ensure the best return for the Town”*.

**COMMENT:**

This project has been under consideration since October 2001. All options and details have been examined to the satisfaction of all stakeholders. Accordingly, to allow the matter to be further progressed, the Council's approval of the matter is recommended.

**14.1 CONFIDENTIAL REPORT - No. 81 (Lot 246 D/P 2334) Auckland Street, North Perth - Proposed Additional Two-Storey Grouped Dwelling to Existing Dwelling- State Administrative Tribunal (SAT) - Review Matter No. DR 94 of 2006 - Hearing**

<b>Ward:</b>	North	<b>Date:</b>	5 September 2006
<b>Precinct:</b>	North Perth; P8	<b>File Ref:</b>	PRO2282; 5.2003. 1527.1
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	R Rasiah		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the report relating to No. 81 (Lot 246 D/P 2334) Auckland Street, North Perth - Proposed Additional Two-Storey Grouped Dwelling to Existing Dwelling - State Administrative Tribunal (SAT) Review Matter No. DR 94 of 2006 Hearing;*
- (ii) *FILES and SERVES the following draft "without prejudice" conditions to the SAT in response to the SAT Orders dated 30 August 2006:*
  - (a) *any new street/front wall, fence and gate between the Auckland Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
    - (1) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
    - (2) *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;*
    - (3) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
    - (4) *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*
    - (5) *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;*
  - (b) *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;*
  - (c) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Auckland Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*

- (d) *the existing dwelling shall be conserved and the external appearance of the existing dwelling upgraded by the owners to the reasonable satisfaction of the Town. Details of the upgrading works shall be submitted to and approved by the Town prior to the issue of the Building Licence. The upgrading works shall be undertaken prior to the first occupation of the proposed dwelling, and the existing dwelling maintained thereafter by the owners/occupiers;*
- (e) *prior to the issue of a Building Licence, the owner(s) shall enter into a legal agreement with and to the satisfaction of the Town of Vincent, which is secured by an absolute caveat on the Certificate(s) of Title of the subject land and which will bind subsequent owners, prepared by the Town of Vincent's solicitors or other solicitors agreed upon by the Town of Vincent, undertaking to conserve the existing dwelling on the site to a standard to the reasonable satisfaction of the Town. All costs associated with this condition shall be borne by the applicant/owner(s); and*
- (f) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the upper floor setback to the western boundary being a minimum of 2.3 metres. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies; and*
- (iii) *AUTHORISES the Chief Executive Officer to make the information available to the public, after it has been determined and finalised by the State Administrative Tribunal.*

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**Moved Cr Farrell, Seconded Cr Torre**

*That the recommendation be adopted.*

Debate ensued.

Cr Messina departed the Chamber at 9.32pm.

Debate ensued.

Cr Messina returned to the Chamber at 9.35pm.

**Moved Cr Chester, Seconded Cr Messina**

*That a new clause (ii)(g) be added as follows:*

- “(ii) (g) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating a reduction in overshadowing onto the adjoining southern 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*”

**AMENDMENT CARRIED (5-3)**

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

(Cr Doran-Wu on leave of absence.)

**Moved Cr Maier, Seconded Cr Messina**

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

- “(ii) (f) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the upper floor setback to the western boundary being a minimum of 2.3 metres, or redesigned so that there is no major openings to bedroom two on the western elevation. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies; and”*

**AMENDMENT CARRIED (6-2)**

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

(Cr Doran-Wu on leave of absence.)

**MOTION AS AMMENDED CARRIED (8-0)**

(Cr Doran-Wu on leave of absence.)

**COUNCIL DECISION ITEM 14.1**

*That the Council;*

- (i) *RECEIVES the report relating to No. 81 (Lot 246 D/P 2334) Auckland Street, North Perth - Proposed Additional Two-Storey Grouped Dwelling to Existing Dwelling - State Administrative Tribunal (SAT) Review Matter No. DR 94 of 2006 Hearing;*
- (ii) *FILES and SERVES the following draft "without prejudice" conditions to the SAT in response to the SAT Orders dated 30 August 2006:*
- (a) *any new street/front wall, fence and gate between the Auckland Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
- (1) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
  - (2) *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;*
  - (3) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
  - (4) *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*
  - (5) *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;*

- (b) *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;*
- (c) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Auckland Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (d) *the existing dwelling shall be conserved and the external appearance of the existing dwelling upgraded by the owners to the reasonable satisfaction of the Town. Details of the upgrading works shall be submitted to and approved by the Town prior to the issue of the Building Licence. The upgrading works shall be undertaken prior to the first occupation of the proposed dwelling, and the existing dwelling maintained thereafter by the owners/occupiers;*
- (e) *prior to the issue of a Building Licence, the owner(s) shall enter into a legal agreement with and to the satisfaction of the Town of Vincent, which is secured by an absolute caveat on the Certificate(s) of Title of the subject land and which will bind subsequent owners, prepared by the Town of Vincent's solicitors or other solicitors agreed upon by the Town of Vincent, undertaking to conserve the existing dwelling on the site to a standard to the reasonable satisfaction of the Town. All costs associated with this condition shall be borne by the applicant/owner(s);*
- (f) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the upper floor setback to the western boundary being a minimum of 2.3 metres, or redesigned so that there is no major openings to bedroom two on the western elevation. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies; and*
- (g) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating a reduction in overshadowing onto the adjoining southern 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*
- (iii) *AUTHORISES the Chief Executive Officer to make the information available to the public, after it has been determined and finalised by the State Administrative Tribunal.*

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**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 of the above review matter.
- To comply with the requirements of the Town's Policy/Procedure for SAT.
- To advise the Council of the draft "without prejudice" conditions of approval in advance of the determination of the above review matter concerning the Council's deferral of the above application.

**BACKGROUND:**

9 May 2006 The Council at its Ordinary Meeting considered an additional two-storey grouped dwelling to existing dwelling at the above site and resolved "*That the Item be DEFERRED for further consideration and investigation*" for the following reasons:

- "1. *To further consider issues of the subdivision.*
2. *Seek clarification from the Minister for Planning and Infrastructure and Chairman of the West Australian Planning Commission in relation to advice received by the Town as it conflicts with the State Administrative Appeals Tribunal advice dated 26 April 2006.*
3. *Await the legal advice from McLeod's Barristers and Solicitors.*
4. *To provide a formalised structure within which the neighbours concerns can be heard, acknowledged and addressed.*
5. *The Town act as a mediator to liaise between the owners of the subject property and the southern neighbour to ascertain if redesign of the development is possible."*

Responses to the above 5 matters are as follows:

1. All five of the above matters were brought to the attention of the State Administrative Tribunal (SAT) at the Direction Hearing held on 15 May 2006 and considered as part of the appeal process. The orders made on 15 May 2006 by SAT in part included application by a third party (Mr and Mrs Surace) and also invitation to Elected Members, which was attended by Councillor Simon Chester.
2. The Town had previously received advice from Minister for Planning and Infrastructure and the Western Australian Planning Commission in relation to both matters.
3. McLeods have advised by email dated 25 May 2006 that they have not obtained approval from the owner to the south of the subject site to provide advice to the Town, and that it will result in a conflict of interest, as McLeods are acting on behalf of the owners to the south.
4. The adjoining landowner to the south had submitted a written response to SAT on 21 June 2006, relating to the above matter.
5. The Town had contacted and also written to the owners to the south about the above resolution. The owners to the south have responded in writing as stated in 4 above, and did not seek any further meeting with the Town's Officers in relation to the above matter.

9 May 2006 The above review matter with the State Administrative Tribunal was reported to the Council at its Ordinary Meeting as part of the development application proposal.

30 August 2006 Full Hearing, where the following Orders in part were made:

- The decision is reserved.
- The Town to provide by 1 September 2006 any conditions to be imposed, in the event the Tribunal determines to grant approval for the above development.

1 September 2006 The Town solicitors were advised to strongly respond to the SAT as part of the "*conditions without prejudice*" relating to the short time frame given to the Town and the Council to respond to its Orders, in the spirit of procedural unfairness, and natural justice not being able to report to Council in the decision making process.

4 September 2006 The SAT advised the Town that it is prepared to consider an extension of time to consider the "*conditions without prejudice*". The Town has requested that it be given till 15 September 2006 to respond to the Orders relating to the "*conditions without prejudice*".

**DETAILS:**

Due to the tight time frames and legal matters involved with the review process, one of the Town's solicitors Mullins Handcock and planning consultant Mr. Simon Bain has appeared as an expert witness on behalf of the Town. The applicants/owners are being represented by solicitors, a planning consultant and an architect.

**CONSULTATION/ADVERTISING:**

Not Applicable.

**LEGAL/POLICY:**

State Administrative Tribunal Act 2004 (WA) and Procedure For State Administrative Tribunal - Policy No. 4.1.23

**STRATEGIC IMPLICATIONS:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

Cost associated with the services of Mullins Handcock Lawyers and Mr. Simon Bain of SJB Town Planning and Urban Design.

**COMMENTS:**

At the SAT Hearing on 30 August 2006, the Tribunal paid particular attention to Clause 20(4) (c) (ii) of the Town of Vincent Town Planning Scheme No.1 and the revision of the R Coding to R30/40 after 30 December 2007, as indicating the future density of the area.

The Town's Officers have conveyed to SAT, through Mullins Handcock Lawyers on 1 September 2006 the conditions contained in clause (ii) of the Officer Recommendation of this Agenda Report. Based on the response from the SAT dated 4 September 2006, the Town still has an opportunity to forward any additional conditions it deems appropriate for the above development, if granted approval by the SAT.

Mullins Handcock Lawyers have also suggested to the Town that the Town may wish to consider making a Policy in relation to Clause 20 (2) (b) of Town of Vincent Town Planning Scheme No.1, as to when and how the Town will exercise the discretion to increase the permitted dwelling density by reference to keeping an existing dwelling worthy of retention.

**Summary**

It is recommended that "*without prejudice*" conditions, which are similar to those conditions forwarded to SAT on 1 September 2006, be imposed, should the SAT grant approval.

It is further considered appropriate that any Policy pertaining to density bonus in relation to Clause 20 (2) (b) of Town of Vincent Town Planning Scheme No.1 be dealt with as part of the current review of the Town's Town Planning Scheme.

Cr Lake and Executive Managers Rootsey, Boardman and Lotznicker departed the Chamber at 9.45pm.

**14.2 Confidential Report - Alleged Breach of Town of Vincent Local Law Relating to Standing Orders and Council's Code of Conduct - Councillor D. Maier**

<b>Ward:</b>	-	<b>Date:</b>	6 September 2006
<b>Precinct:</b>	-	<b>File Ref:</b>	PER0020
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	John Giorgi		
<b>Checked/Endorsed by:</b>	-	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That pursuant to section 5.95 of the Local Government Act 1995 and clause 2.15 of the Town of Vincent Local Law Relating to Standing Orders, the Council PROCEEDS "behind closed doors" at the conclusion of the items, to consider the confidential report, circulated separately to Elected Members, relating to the alleged breach of Town of Vincent Local Law Relating to Standing Orders and Council's Code of Conduct by Councillor Dudley Maier, as the matter relates to an individual and contains legal information obtained or which may be obtained.*

Cr Maier addressed the Council and then departed the Chamber at 9.55pm approximately.

**COUNCIL DECISION ITEM 14.2**

*That the Council;*

- (i) *RECEIVES the report of an alleged breach of the Town of Vincent Local Law Relating to Standing Orders and Council's Code of Conduct by Councillor Dudley Maier on 8 August 2006;*
- (ii) *based on the information provided, forms the opinion that Councillor Dudley Maier has breached the Town of Vincent Local Law Relating to Standing Orders and Council's Code of Conduct on 8 August 2006, as detailed in this report;*
- (iii) *being of the opinion that Councillor Dudley Maier, having breached the Town of Vincent Local Law relating to Standing Orders and Council's Code of Conduct, as specified in Clause (ii) above, takes the following action;*
  - (a) *EXPRESSES concern that Cr Maier having been given the opportunity to provide either a verbal or written apology to the Council to consider (before it was made public), refused to do so, which left the Council with no option but to censure him; and*
  - (b) *CENSURES Councillor Dudley Maier, REQUESTS that he makes a public apology as specified by the Review Panel, to the satisfaction of the Council and REQUESTS that he undertakes to comply at all times with the Town of Vincent Local Law Relating to Standing Orders and Council's Code of Conduct."*

**MOTION AS AMENDED CARRIED (6-0)**

(Cr Doran-Wu on approved leave of absence. Crs Lake and Maier were absent from the Chamber and did not vote.)

Crs Lake and Maier returned to the Chamber at 10.26pm and Mayor Catania advised them of the Council's decision.

Moved Cr Torre, Seconded Cr Ker

*That an "open" meeting be resumed.*

**CARRIED (8-0)**

**(Cr Doran-Wu on approved leave of absence.)**

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**DETAILS:**

The Chief Executive Officer is of the opinion that this report is of a confidential nature as it relates to an individual - Councillor Dudley Maier.

**LEGAL:**

The Town of Vincent Local Law Relating to Standing Orders states the following:

*"2.15 Confidential business*

- (1) All business conducted by the Council at meetings (or any part of it) which are closed to members of the public is –
  - (i) to be treated as strictly confidential; and*
  - (ii) not, without the authority of Council, to be disclosed to any person other than–
    - (a) the Members; and*
    - (b) Officers of the Council but only to the extent necessary for the purpose of carrying out their duties;***

*prior to the discussion of that matter at a meeting of the council held with open doors.*
- (2) Any report, document or correspondence which is to be placed before the Council or any committee and which is in the opinion of the Chief Executive Officer of a confidential nature, may at his or her discretion be marked as such and –
  - (i) then to be treated as strictly confidential; and*
  - (ii) is not without the authority of the Council to be disclosed to any person other than the Mayor, Councillors or the Officers of the Council referred to in sub-clause (1)."**

The confidential report is provided separately to Elected Members only.

**10.4.6 Information Bulletin**

<b>Ward:</b>	-	<b>Date:</b>	6 September 2006
<b>Precinct:</b>	-	<b>File Ref:</b>	-
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	N Wilton		
<b>Checked/Endorsed by:</b>	John Giorgi	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Information Bulletin dated 12 September 2006, as distributed with the Agenda, be received.*

**COUNCIL DECISION ITEM 10.4.6**

**Moved Cr Farrell, Seconded Cr Chester**

*That the recommendation be adopted.*

**CARRIED (8-0)**

**DETAILS:**

The items included in the Information Bulletin dated 12 September 2006 are as follows:

ITEM	DESCRIPTION
IB01	Letter from Minister for Local Government, Territories and Roads congratulating the Town for receiving a Commendation in the category of "Planning for an Ageing Community" in 2006 National Awards for Local Government.
IB02	Letter from Senator Judith Adams congratulating the Town for receiving a Commendation in the category of "Planning for an Ageing Community" in 2006 National Awards for Local Government.
IB03	Statement by the Western Australian Planning Commission – WAPC introduces new subdivision fees.
IB04	Letter from the State Administrative Tribunal attaching Orders in relation to 69 Sydney Street, North Perth (DR157 of 2006)
IB05	Letter from the State Administrative Tribunal relating to 36 Paddington Street, North Perth
IB06	Facsimile from Department of Housing and Works – WAPC Approval – Alterations and Additions to 88 Richmond Street, Leederville.
IB07	Progress Report No.3 - Review of Town of Vincent Town Planning Scheme No. 1 (All Precincts) PLA0140 & PLA0100
IB08	Register of Petitions - Progress Report - September 2006

<b>ITEM</b>	<b>DESCRIPTION</b>
IB09	Register of Notices of Motion - Progress Report - September 2006
IB10	Register of Reports to be Actioned - Progress Report - September 2006
IB11	Register of Legal Action
IB12	Register of State Administrative Tribunal Appeals
IB13	Forum Notes - 15 August 2006
IB14	Forum Notes - 23 August 2006
IB15	Notice of Forum - 19 September 2006

**11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil.

**12. REPRESENTATION ON STATUTORY AUTHORITIES AND PUBLIC BODIES**

**12.1 WALGA Nominations – Fire and Emergency Services Authority (FESA) Board; Keep Australia Beautiful Council (WA); Local Health Authorities Analytical Committee; WA Aged Care Advisory Council; Water Corporation’s Urban Development Advisory Committee; WA Environmental Health Officers Professional Review Board**

<b>Ward:</b>	-	<b>Date:</b>	30 August 2006
<b>Precinct:</b>	-	<b>File Ref:</b>	ORG0045
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	M McKahey		
<b>Checked/Endorsed by:</b>	John Giorgi	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

- (i) \_\_\_\_\_ *be nominated as WALGA Member - Fire and Emergency Services Authority (FESA) Board (Panel of 3 names) (Ministerial Appointment);*
- (ii) \_\_\_\_\_ *be nominated as WALGA Deputy Metropolitan Member - Keep Australia Beautiful Council (WA) (Panel of 3 names) (Ministerial Appointment);*
- (iii) \_\_\_\_\_ *be nominated as WALGA Member - Local Health Authorities Analytical Committee (Panel of 3 Names) (Approval by Minister) (Ministerial Appointment);*
- (iv) \_\_\_\_\_ *be nominated as WALGA Member - WA Aged Care Advisory Council (Panel of 3 Names) (Approval by Minister);*
- (v) \_\_\_\_\_ *and* \_\_\_\_\_ *be nominated as WALGA Member - Water Corporation's Urban Development Advisory Committee;*
- (vi) \_\_\_\_\_ *and* \_\_\_\_\_ *be nominated as WALGA Deputy Member - Water Corporation's Urban Development Advisory Committee;*
- (vii) \_\_\_\_\_ *be nominated as WALGA Member - WA Environmental Health Officers Professional Review Board; and*
- (viii) \_\_\_\_\_ *be nominated as WALGA Deputy Member - WA Environmental Health Officers Professional Review Board;*

**COUNCIL DECISION ITEM 12.1**

**Moved Cr Chester, Seconded Cr Torre**

*That the Cr’s Farrell and Doran-Wu be nominated as WALGA Member - WA Aged Care Advisory Council (Panel of 3 Names) (Approval by Minister ).*

*No other nominations were made.*

**CARRIED (8-0)**

**DETAILS:**

Please see Appendix 12.1 for details.

**N.B.:**

**NOMINATIONS CLOSE COB FRIDAY 15 SEPTEMBER 2006**

**13. URGENT BUSINESS**

Nil.

**15. CLOSURE**

**The Presiding Member, Mayor Catania JP, declared the meeting closed at 10.28pm with the following persons present:**

Cr Simon Chester	North Ward
Cr Steed Farrell	North Ward
Cr Ian Ker	South Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Izzi Messina	South Ward
Cr Maddalena Torre	South Ward

John Giorgi, JP	Chief Executive Officer
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These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 12 September 2006.

Signed: .....Presiding Member  
Mayor Nick Catania, JP

Dated this ..... day of ..... 2006