



TOWN OF VINCENT

"Enhancing and celebrating our diverse community"

MINUTES

14 JULY 2009

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Minutes of the Ordinary Meeting of Council of the Town of Vincent held at the Administration and Civic Centre, 244 Vincent Street, Leederville, on Tuesday 14 July 2009, commencing at 6.00pm.

1. DECLARATION OF OPENING

The Presiding Member, Mayor Nick Catania, declared the meeting open at 6.00pm.

2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE

(a) Apologies:

Cr Noel Youngman due to personal commitments.

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

(b) Present:

Mayor Nick Catania, JP	Presiding Member
Cr Anka Burns	South Ward
Cr Ian Ker	South Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Izzi Messina	South Ward (from 6.20pm)
Cr Noel Youngman	North Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Development Services
Rick Lotznicker	Director Technical Services
Mike Rootsey	Director Corporate Services
Anita Radici	Executive Assistant (Minutes Secretary)

Approximately 17 Members of the Public

(c) Members on Approved Leave of Absence:

Cr Steed Farrell and Cr Helen Doran-Wu due to personal commitments.

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

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

1. Craig Belcher of 4B Eton Street, North Perth – Item 9.1.1. Managing Director of The HIP-E Club with his partner John Anderson (original Director for 20 years and has been in the industry 30 years and Craig 25 years). Wanted to reintroduce themselves as both business owners and local residents. They have vested interests in the area to make sure both businesses they operate are extremely successful. Stated this is the only venue they currently operate and will be their last venture together, whereas previously over the past 55 years between them, they have had quite a few ventures. Therefore it is important to make this a success and leave the Town in a very good state. Stated that the days of successful “big barn” operations are gone. Advised that the Club comprises of two complexes in a strata body, where the middle complex has just been opened up to create a “big open barn” in which it has been operating for the last 20 years. Stated that over the past 18 months, the way entertainment precincts are going, more intimate lounge bar styles are definitely the future. Stated, over the last 18 months they have tried to create two environments within the one complex through decorations and “softenings-up” with two separate entrances within the one premises. Stated this has been successful. Advised they

have a back room called the Manor with crystal chandeliers, chesterfield couches and piano (photographs submitted). This is not advertised and it is not listed anywhere as they try to keep it completely underground. Stated interstate visitors are quite appreciate of what is trying to be done and it is a completely different feel to the HIP-E Club. Believes it is important to create an image of an older style environment. Stated the application is more of a clerical error that become apparent over the last 4/5 weeks between Health and Planning Departments. Stated their last application for a 21 person courtyard was approved by Council however, with discussion between Health and Planning was that the numbers did not correspond and they did not understand where the figures were coming from therefore Health attended the site and referred to their old plans and the Town's plans and performed a complete site measure checking toilets, public floor space etc. to try to correspond to see where the numbers were falling out. Stated it appears there is a clerical error and the application is to try to amend the error. Stated they want to leave the venue in a state where it is of benefit for local residents.

2. Joe Iemma of 15 Britannia Road, Leederville – Item 9.1.6. Requested deferral of the item as the report does not explain the circumstances behind the lodgement of the application. Stated the retrospective application idea is Council's request not the owners. Advised the owners have been made to rectify an oversight that was made by Council Officers during the building licence assessment. Advised that the owners and builder complied with the building licence conditions. Stated correspondence attached is in Council's file seeking reconsideration of the fencing design at the time of lodging the building design and no further debate was entered into for the redesign request made by Council Officer and a building licence was issued with no comments about the front fence. Stated the reason the front fence is the way it is, is that there is a security issue because of the patrons from the Flying Scotsman down the road therefore they have had to spend about \$10,000 on security, electric gates etc. to keep it in order. Requested the items be deferred to provide more information.
3. Andy Freeman of 121 Albert Street, Osborne Park on behalf of Lux Bar. Item 9.1.3. Stated he emailed a request for deferral yesterday because items brought up in the recommendation. He has not had time to discuss them with Council before it is brought up at a Meeting. Urged Council to defer the matter to give him a couple more weeks to address the matter.
4. David Le Coulter of 14 St Albans Avenue, Highgate – Item 9.1.3. Stated that the issues regarding the item are primarily about extended trading and numbers in a building where the location is simply inappropriate. Believed the location is appropriate for a café but not for larger numbers of people and extended trading. Requested Council not perpetuate an inappropriate use for the location. Stated that he would like to see any increase in numbers for the portion of the facility being discussed, matched by a decrease in numbers for the adjoining tavern.
5. Sam Ozrain of Unit 14, 23 Mill Point Road, South Perth – Item 9.1.7. Asked what the problem of putting the name of the store up on the wall? Stated it has been considered as signage, but he believes it is not signage it is only the name of the store which they have been asked to remove. Stated that for people to pass by, they cannot see the name on wall. Advised that they do not consider it signage as it is not a sign on the building just letters on the wall.

There being no further speakers, public question time closed at approx. 6.13pm.

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Refer to IB01 – Memorandum to Cr Steed Farrell.

4. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND PRESENTATIONS

Nil.

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

6.1 Minutes of the Ordinary Meeting of Council held on 23 June 2009.

Moved Cr Ker, Seconded Cr Burns

That the Minutes of the Ordinary Meeting of Council held 23 June 2009 be confirmed as a true and correct record.

CARRIED (5-0)

(Cr Farrell and Cr Doran-Wu on approved leave of absence. Cr Youngman was an apology for the Meeting. Cr Messina had not arrived at the Meeting.)

6.2 Minutes of the Special Meeting of Council held on 1 July 2009.

Moved Cr Ker, Seconded Cr Burns

That the Minutes of the Special Meeting of Council held 1 July 2009 be confirmed as a true and correct record.

CARRIED (5-0)

(Cr Farrell and Cr Doran-Wu on approved leave of absence. Cr Youngman was an apology for the Meeting. Cr Messina had not arrived at the Meeting.)

6.3 Minutes of the Special Meeting of Council held on 7 July 2009.

Moved Cr Burns, Seconded Cr Ker

That the Minutes of the Special Meeting of Council held 7 July 2009 be confirmed as a true and correct record.

CARRIED (5-0)

(Cr Farrell and Cr Doran-Wu on approved leave of absence. Cr Youngman was an apology for the Meeting. Cr Messina had not arrived at the Meeting.)

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

7.1 Employee of the Month Award for the Town of Vincent for July 2009

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

For JULY 2009, the award is presented to Nicky Basham, Customer Service Officer in the Town's Customer Service Centre.

Nicky was nominated as a result of an email received from Mr Claude Sabatino of Forrest Street, North Perth who wrote to the Town as follows;

"I have worked for BankWest for 22 years, so I think I know great service when I see it.

Today, I had the pleasure of being served by Nicky Basham, and she was certainly "outstanding, in the moment of truth".

I came in 3 times during the course of the day, the first time with an 18 month old child who was happy to explore your office area, she remained calm, while I was getting frustrated.

I dropped of my child and returned to Nicky and she resumed serving me. Would you believe I left again as I had to get documents signed by my wife and then returned a third time for Nicky to complete my request.

Nicky showed patience, professionalism and I believe is truly an asset to your organisation. I wanted to take the time to acknowledge her marathon effort, as the Bank recognises such feats, I hope the TOV does also."

Congratulations Nicky – and well done!

Received with Acclamation!

7.2 Local Government Structural Reform

As part of the ongoing process for Local Government Structural Reform, the Council held a Special Meeting on 7 July 2009 to consider the matter. It resolved to:

Carry out community consultation in the form of:

- a Special Edition Newsletter to all residences and businesses in the Town, together with a reply paid envelope;
- an on-line survey on the Town's webpage;
- a Public Meeting to be held on Wednesday 29 July 2009 at the Town of Vincent Administration & Civic Centre, commencing at 7.00pm;
- the Chief Executive Officer offering to make a presentation to the Town's Precinct/Community Group meetings;
- posters being displayed in the Town's Administration & Civic Centre, Library and Local History Centre, Beatty Park Leisure Centre, Loftus Recreation Centre and various other Council owned facilities.

Community Consultation ends on 14 August 2009 and submissions should be forwarded to the Town's Chief Executive Officer.

The Council also adopted a timeline to ensure the various aspects of the process are completed prior to making a submission to the Minister for Local Government on 31 August 2009. Anyone who has any queries or requires further information concerning this matter, should contact the Town's Chief Executive Officer.

The Council will further consider the matter at a meeting to be held in August 2009 and will also consider the submissions and comments it receives as a result of the above community consultation.

I therefore encourage the Town's Ratepayers and Residents to submit their comments on this most important matter.

Cr Messina entered the Chamber at 6.20pm.

8. DECLARATIONS OF INTERESTS

- 8.1 Mayor Catania declared a Financial interest in Item 9.3.1 – Investment Report. The extent of his interest being that he is the chairperson of the North Perth Community Bank in which the Town has shares.
- 8.2 Cr Messina declared a Financial interest in Item 9.3.1 – Investment Report. The extent of his interest being that he is a director and shareholder of the North Perth Community Bendigo Bank in which the Town has shares.
- 8.3 Cr Burns declared a Financial interest in Item 9.3.1 – Investment Report. The extent of her interest being that she is a shareholder and her father is a director in the North Perth Community Bank in which the Town has investment shares.
- 8.4 Cr Lake declared an interest affecting Impartiality in Item 9.4.4 – Annual General Meeting of Electors held on 8 December 2008 – Response to Motions. The extent of her interest being that she is a member of the Claise Brook Catchment Group.

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

Nil.

10. REPORTS

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

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

Items 9.1.1, 9.1.6, 9.1.3, and 9.1.7.

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

Items 9.3.3, 9.3.6, 9.4.2 and 9.4.3.

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

Item 9.3.1.

The Chief Executive Officer recommended that Item 9.3.1 – Investment Report be deferred as Mayor Catania, Cr Burns and Cr Messina have all declared a financial interest and, upon departing the Chamber there would not be a quorum.

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

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

Cr Messina	Items 9.2.4 and 9.2.5.
Cr Ker	Items 9.1.2, 9.1.10 and 9.4.6.
Cr Lake	Items 9.2.2 and 9.4.4.
Cr Burns	Nil
Cr Maier	Items 9.1.5 and 9.1.8.
Mayor Catania	Nil.

The Presiding Member, Mayor Nick Catania requested that the Items 9.1.3, 9.1.6 and 9.3.1 be dealt with all together for deferral.

Cr Maier requested the Items for deferral be considered and voted on separately.

The Presiding Member, Mayor Nick Catania agreed to this request.

9.1.3 Nos. 442-446 (Lot 751 D/P: 92894) Beaufort Street, Highgate - Proposed Increase in Patronage of Outdoor Amphitheatre of Existing Tavern (Luxe Bar)

Ward:	South	Date:	6 July 2009
Precinct:	Forrest; P14	File Ref:	PRO0775 5.2009.89.1
Attachments:	001		
Reporting Officer(s):	S Kendall, M Fallows		
Checked/Endorsed by:	H Smith, A Giles, R Rasiah, J MacLean	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by MGA Town Planners on behalf of the owner Mirauda Nominees Pty Ltd for proposed Increase in Patronage of Outdoor Amphitheatre of Existing Tavern (Luxe Bar), at Nos. 442-446 (Lot 751 D/P: 92894) Beaufort Street, Highgate and as shown on plans stamp-dated 20 March 2008, subject to the following conditions:

- (i) *the premises shall be used for the approved use as an 'amphitheatre' where the primary purpose is the provision of a theatrical style performance, and does not include amplified music, live performances from rock bands, electronic music or disc jockeys, to a public audience. The venue shall not operate independently of a performance;*
- (ii) *amplification of any sound and the use of a public address system are not approved for use at the proposed amphitheatre;*
- (iii) *the maximum number of persons to occupy the proposed outdoor courtyard at any one time shall be 150 persons.*

After the operation of the venue for a two (2) year period the Town is prepared to consider an application for increased numbers of patrons on the merits of such application, however, it should be noted that the effects on nearby residential properties will be a primary consideration;

- (iv) *the applicant must comply with the Health (Public Building) Regulations 1992 at all times and shall submit an application for a 'Certificate of Approval' and obtain approval from the Town's Health Services prior to the area being used;*
- (v) *alcohol shall not be consumed in the accessway from Beaufort Street to the amphitheatre;*
- (vi) *the amphitheatre shall:*
 - (a) *cease operating and close at, or before 10.30 pm each evening; and*
 - (b) *cease all live music performances by 10.00pm.*

Temporary or permanent variation to the approved trading/operating hours requires prior written approval from the Town. The Town will consider any such application for reconsiderations on the merits of each application, and it should be noted that the effects on nearby residential properties will be a primary consideration;

- (vii) *a detailed Management Plan for the amphitheatre shall be submitted to and approved by the Town within 28 days of the issue of the subject 'Approval to Commence Development'. The Management Plan is to detail the following aspects:*
 - (a) *Operational Management - to ensure the premises is closed in accordance with condition (vi) above;*
 - (b) *Noise Management - to control noise breakout from the premises. The applicant must establish a formal procedure for monitoring and managing noise levels;*
 - (c) *Crowd/Patron Management - to control patron behaviour within the premises and minimise any potential impact on the surrounding locality from patrons arriving at and leaving the premises, and queuing and smoking outside the premises;*
 - (d) *Security Management - outlining measures to prevent crime and ensure patron and public safety including proposed security lighting, video surveillance and security personnel;*
 - (e) *Communications Strategy - outlining a complaint handling system which provides:*
 - (1) *a 24 hour telephone number and email address to log complaints and enquiries;*
 - (2) *a procedure how complaints will be handled and associated timeframes for responding to such complaints; and*
 - (3) *a record of complaints and enquires logged, and the applicant's response, is to be provided on a 6 monthly basis to the Town of Vincent for its information;*
- (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, 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*
- (x) *venue management is to ensure regular attendance at Vincent Accord meetings and compliance with the Accord's strategies. In particular, display of the Vincent Accord Certificate, Posters and distribution of the Community Information Flyer to residents (with a covering letter detailing Venue Manager details), must be undertaken prior to 25 August 2009.*

COUNCIL DECISION ITEM 9.1.3

PROCEDURAL MOTION

Moved Cr Messina, Seconded Cr Burns

That the item be DEFERRED at the request of the applicant.

PROCEDURAL MOTION PUT AND CARRIED (5-1)

For: Mayor Catania, Cr Burns, Cr Ker, Cr Lake, Cr Messina

Against: Cr Maier

(Cr Farrell and Cr Doran-Wu on approved leave of absence. Cr Youngman was an apology for the Meeting.)

Landowner:	Miraudo Nominees Pty Ltd
Applicant:	MGA Town Planners
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R80
Existing Land Use:	Theatre
Use Class:	Theatre
Use Classification:	"SA"
Lot Area:	2151 square metres
Access to Right of Way	N/A

BACKGROUND:

25 November 1996

The Council approved an application for proposed eating house (café) with a basement cellar/store, shops, offices, 3 residential studio apartments, an amphitheatre/stage and workshop at the subject place. In relation to the amphitheatre, it is to be noted that it was only for 60 seats and that the applicant at the time made the following statements, copied verbatim from the Council minutes:

"(ii) entertainment/theatre (60 seats). This amphitheatre is for theatre not for loud music. It is intended that a theatre company be formed (a repertory company) that will perform the Classics as well as new local, interstate and international productions. This is consistent with the nature of Beaufort Street as there are the Effie Crump and Civic Theatres continuing to do well. With the addition of the courtyard amphitheatre and commitment to a quality product, it is believed by the applicant, that the profile of the street can only be improved..."

- 23 June 1997 The Council approved an amended application for eating house (café) with a basement cellar/store, shops, offices, 3 residential studio apartments, an amphitheatre/stage and workshop on Lots 5 and 6 (Nos. 442-444) Beaufort Street, Highgate. Essentially, the concept of the development had not changed however amendments included a 1.5 metre building set back from the Beaufort Street boundary in accordance with the road widening reservation affecting the properties (and the resultant deletion of 3 car parking bays) and redistribution and additions to the floor areas, including a basement cellar/store (115 square metres).
- 13 January 1999 The Town issued a Section 40 certificate for the 'Eating House' (café) and Amphitheatre/stage, subject to no conditions.
- 3 May 2000 The Town issued a Maximum Accommodation Certificate under the *Health Act 1911* and Health (Public Buildings) Regulations 1992 with the following maximum patron numbers:
- | | |
|-------------------|-------------|
| The Café; | 50 persons |
| The Amphitheatre; | 150 persons |
- 6 November 2001 The Council approved an application for change of use from eating house to tavern within the subject complex. The proposed use resulted in a shortfall of some 25.6 bays, for the whole complex and was based on a floor area of 150 square metres.
- 31 May 2002 The Town issued a Maximum Accommodation Certificate under the Health Act 1911 and Health (Public Buildings) Regulations 1992 with the following maximum patron numbers:
- | | |
|--------------------------|-------------|
| Tavern/Bar (former Café) | 180 persons |
| The Amphitheatre; | 220 persons |
- 29 October 2008 The Town received an email from the applicant requesting a Section 40 certificate for the amphitheatre space. As a result of this email, it was apparent that the amphitheatre was not operating in accordance with the original planning application, in terms of maximum patron numbers.
- 22 January 2009 The Town advised the applicant in writing that any increase in the number of occupants for the amphitheatre (from the original 60 persons) will require a Planning Application to be submitted to and approved by the Town.
- 19 March 2009 The applicant submitted the subject planning application.

DETAILS:

The applicant is seeking an increase in the maximum number of patrons for the amphitheatre from 60 persons to 220 persons.

The approval for the amphitheatre space, which was granted by the Council at its Ordinary Meeting held on 23 June 1997, was based on the understanding that the amphitheatre was to be occupied by a maximum of 60 persons. Whilst this was not stated as a condition of Planning Approval, the approved plans stated that the amphitheatre was for 60 persons only. It was on the understanding that the amphitheatre would accommodate a maximum of 60 people that the planning application was assessed and determined, particularly in relation to the car parking requirements.

Subsequent and independent to the above planning approval, and as stated in the Background section of this report, the Town's Health Services issued a Maximum Accommodation Certificate for 220 persons for the amphitheatre space in 2002. The applicant was not aware of the restriction of patron numbers for the amphitheatre space and was of the understanding that it could accommodate up to 220 persons.

Specific detail of the amphitheatre venue, named 'Bamboo', and its operation is as follows:

- The amphitheatre and adjacent Luxe bar have a Special Facility - Theatre Liquor Licence, which enables drinks to be served in association with outdoor performances.
- Both food and drinks are available throughout the performance, in keeping with the informal atmosphere.
- The amphitheatre is closed at the conclusion of the live acts, which are generally timed to run until 10pm.
- The amphitheatre is typically used 3 nights a week (Friday to Sunday) and is opened up prior to the show from 5pm or 6pm.
- The amphitheatre hosts a diversity of acts, within the umbrella of contemporary performing arts - plays, dance and music.

The applicant has prepared two submissions in relation to this development application. These submissions are partially summarised below and are "Laid on the Table":

- At the time of acquisition, the owners of the business were familiar with the certificate issued by the Town in respect to the amphitheatre advising that the facility could accommodate a maximum of 220 persons.
- The original approval for the amphitheatre of June 1997 contained no conditions limiting the number of patrons in the amphitheatre.
- There have been no substantial changes to the way the premises have been operating successfully for eight years - as an indoor bar/function room with a seasonal outdoor amphitheatre. Essentially this application is about maintaining the status quo.
- In relation to some of the objections it does appear that some of the comments received relate to the existing 'Tavern' the Luxe Bar, which has a late licence and associated DJ music.
- Luxe and Bamboo do not offer take away food and drink, so litter generated by guests is negligible.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	Noted.
Consultation Submissions			
Support (5)	No comment provided.		Noted.
Objection (23)	- Increased traffic and parking issues		Noted - as the proposal complies with the Town's Parking and Access Policy requirements for the provision of car parking.

	<ul style="list-style-type: none"> - Excessive noise levels and amplified music great disturbance for adjoining residential land owners - Loutish behaviour associated with patrons leaving the premises. - Lack of respect shown by patronage with regard to rubbish dumping and urinating on nearby residential properties. - Loss of residential amenity - The use is more like a night club not an amphitheatre and encourages eating, drinking and dancing. 	<p>Supported in part - as a condition has been imposed to preclude amplified music.</p> <p>Noted - as appropriate conditions have been imposed on the approval to address patron behaviour.</p> <p>Not support - as above.</p> <p>Not supported - as appropriate conditions have been imposed on the approval to address patron behaviour, noise and patron numbers.</p> <p>Not supported - as appropriate conditions have been imposed to ensure the premises is not used as a nightclub.</p>
Other Implications		
Legal/Policy		TPS 1 and associated Policies.
Strategic Implications		Nil
Sustainability Implications		Nil
Financial/Budget Implications		Nil

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

Car Parking Requirements

The following car parking table has been compiled using the car parking requirements from the Ordinary Meetings of Council held on 23 June 1997 and 6 November 2001 and the current Policy No. 3.7.1 relating to Parking and Access.

Car Parking Requirements			
USE	FLOOR SPACE AREA	METHOD OF CALCULATION	CAR PARKING REQUIREMENT
Office	321 square metres	1 car bay for every 50 square metres of gross floor area	6.42 car bays
Shops	193 square metres	1 car bay for every 15 square metres of gross floor area	12.86 car bays
3 Grouped Dwellings	Single bedroom units	1 car bay for each grouped dwelling	3 car bays
Tavern	150 square metres	As approved by the Council at the Ordinary Meeting held on 6 November 2001.	14.49 car bays
Theatre	220 seats	1 space per 6 seats provided	36.67 car bays

Workshop and cellar/store	141 square meters 115 square metres	1 car bay for first 200 square metres of GFA and 1 car bay for every 100 square metres thereafter. As per previous calculations presented to the Council at the Ordinary Meeting held on 23 June 1997.	2.11 car bays 1.72 car bays
Car parking requirement (nearest whole number)			77 car bays
Apply the parking adjustment factors.			(0.578)
<ul style="list-style-type: none"> • 0.85 (within 400 metres of a bus stop) • 0.85 (within 400 metres of a car park within excess of 75 car parking spaces - Brisbane Street car park) • 0.80 the development contains mix of uses where at least 45% of the GFA is in residential use. 			44.5 car bays
Minus the car parking provided on-site			30 car bays
Minus the most recently approved on-site car parking shortfall			
25.6 car bays (21.67 car bays after adjustment factors applied), resultant from the Change of Use from Café to Tavern, which was conditionally approved at the Ordinary Meeting of Council held on 6 November 2001.			21.67 car bay
Resultant surplus			7.17 car bays

Health Services

As detailed above, a Maximum Accommodation Certificate was issued for the amphitheatre located at Nos. 442-446 Beaufort Street, Highgate on 31 May 2002 by Health Services without consideration of the restrictions detailed in the Planning Approval issued on 25 November 1996. As a result, the current licensees of Luxe Bar purchased their business in early 2007 with an understanding that they would be able to accommodate 220 people in the amphitheatre at Luxe Bar.

An assessment of the current plans has been conducted and it is estimated that the amphitheatre has sufficient floor area, toilet provisions and exit width to accommodate approximately 190 people (this figure may change once a site assessment is completed). This maximum accommodation number is slightly lower than what was previously approved due to there being minor alterations to the premises. In order to safely comply with the provisions of the *Health (Public Building) Regulations 1992*, it is recommended that should approval be granted that the numbers be limited to 190 people.

In terms of compliance with the *Environmental Protection (Noise) Regulations 1997*, it is recognised that this amphitheatre is an open area and there is a strong likelihood that noise being emitted in this area will impact on neighbours. The Town received seven noise complaints from three residents between December 2008 and June 2009, however Health Services have not been able to prove non-compliance. Unreasonable noise was not detected by the sound level meter during three after hours attendances by the Town's Environmental Health Officers during the above time period. A further two after hours complaints were not attended by the Town's Environmental Health Officers as the complainant advised that the noise had reduced when Officers contacted the complainant direct. Furthermore, the offer to place a 'yellow brick' sound level data recorder in complainants' homes has not been accepted to date. Health Services are therefore of the view that outright refusal of this application is not justified on the basis of alleged noise pollution. Instead, this application is seen as an opportunity to place conditions on the applicant/Licensees with the aim of ensuring minimised disturbance to neighbours now and into the future.

It is recognised that the current Licensees of Luxe Bar have actively communicated with the Town's Officers in relation to noise management and are members of the local Vincent Liquor Accord group. Health Services will therefore be recommending that the Licensee demonstrates initiative in order to meet Vincent Accord requirements pertaining to noise, patron behaviour and the responsible service of alcohol.

Following the submission of an Acoustic Report, produced by Lloyd George Acoustics on 30 January 2009, it is Health Services' view that the recommendations detailed in this Officer report adequately address noise issues. The recommendations are similar to those expressed in this Acoustic Report in terms of the operation of the venue. Any future plans to alter the venue structure in order to achieve acoustic attenuation must be treated with caution due to the open space style of this venue. The noise recommendations detailed in this Officer report are therefore focused on the operation of the venue in terms of management practices.

Planning Services

The Town's Officers acknowledge that differing restrictions on patron numbers have been issued for the above place from both Planning and Health Services. However, as evidenced from the submission of this application it is imperative that the premises conform with the requirements of the Town's Town Planning Scheme No. 1 and associated policies. Notwithstanding this, it is considered that there is an opportunity to for the Council to favourably consider the application for greater patron numbers, under the current approved land use.

An 'Amphitheatre' is not listed under the Town of Vincent Town Planning Scheme No. 1 nor is it defined in Schedule 1 - Scheme Interpretations. However, it is considered that an 'Amphitheatre' is a form of theatre, which is defined in the Town of Vincent Town Planning Scheme No. 1 as "any land or building where the public may view a theatrical production". As suggested by the applicant, the Town's Officers concur that a theatre's primary purpose is for the provision of shows/entertainment to a public audience and that the type of performance can take many different forms, and is not restricted to the more traditional form of entertainment such as dramatic performances.

Notwithstanding this, there are certain forms of entertainment such as live performances from rock bands, electronic music and/or disc jockeys, which are not considered appropriate for a 'theatre' use. Such forms of entertainment engage participation (in the form of dancing and singing etc from patrons) and are often ancillary to alcohol consumption and general social interaction. As per the Officer Recommendation, these forms of entertainment should not be permitted at the subject venue.

Patron Numbers

There is concern as identified during the period of community consultation that there are amenity issues such as antisocial patron behaviour and noise issues which are impacting on the adjacent areas residential amenity. Whilst the applicants suggests such concerns may relate to the adjacent existing 'Tavern' the Luxe Bar, which has a late licence and associated DJ music, the Town must be cognizant that 23 objections have been received for the subject application.

To this end and in the pursuit of the orderly and proper planning and conservation of the amenities of the locality, it is recommended that the patron numbers of the subject premises be temporarily limited to 150 persons for a two year period. After such time, and after the implementation of the conditions, which have been imposed to address such matters as noise, and anti-social behaviour, the Town will be in more informed position to permanently endorse larger patron numbers as applied for.

Summary

In light of the above it is considered that the 'Amphitheatre' is an important emerging component of the Town's vitality and that the application should be conditionally approved as per the Officer Recommendation.

9.1.6 No. 15 (Lot: 25 DP: 2324) Grosvenor Road, Mount Lawley – Front Fence Addition to Existing Two (2) Two-Storey Single Houses – (Application for Retrospective Approval)

Ward:	South	Date:	6 July 2009
Precinct:	Norfolk; P10	File Ref:	PRO3607 5.2009.135.1
Attachments:	001		
Reporting Officer(s):	C Harman		
Checked/Endorsed by:	R Rasiah, J MacLean	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, REFUSES the application submitted by Iemcon Projects on behalf of the owners J & R & RA Iemma for proposed Front Fence Addition to Existing Two (2) Two-Storey Single Houses (Application for Retrospective Approval) at No. 15 (Lot: 25 DP: 2324) Grosvenor Road, Mount Lawley, and as shown on plans stamp-dated 21 April 2009, for the following reasons:*
 - (a) *the development is not consistent with the orderly and proper planning and preservation of the amenities of the locality;*
 - (b) *the non-compliance with clause SADC 13 and SPC 13 of the Town’s Residential Design Elements Policy No. 3.2.1, which requires posts and piers to have a maximum width of 355 millimetres and a maximum diameter of 500 millimetres and the maximum height of the solid portion of the wall within the primary street setback area, including along the side boundaries, to be 1.2 metres above the adjacent footpath level; and*
 - (c) *the street walls and front fences requirements proposed to be varied are also as specified in the Town’s Non-Variation of Specific Development Standards and Requirements Policy No. 3.5.16;*
- (ii) *advises the applicant and owners that the unauthorised front/street fence, except the part that contains the letterboxes and meter boxes shall be removed within twenty-eight (28) days of notification; and*
- (iii) *AUTHORISES the Chief Executive Officer to proceed with legal proceedings should the above front/street fence remain after this twenty-eight (28) days period.*

COUNCIL DECISION ITEM 9.1.6

PROCEDURAL MOTION

Moved Cr Ker, Seconded Cr Messina

That the item be DEFERRED at the request of the applicant.

PROCEDURAL MOTION PUT AND CARRIED (6-0)

(Cr Farrell and Cr Doran-Wu on approved leave of absence. Cr Youngman was an apology for the Meeting.)

Landowner:	J & R & RA Iemma
Applicant:	Iemcon Projects
Zoning:	Metropolitan Region Scheme: (MRS) Urban Town Planning Scheme No. 1 (TPS 1): Residential R40
Existing Land Use:	Grouped Dwelling
Use Class:	Grouped Dwelling
Use Classification:	"P"
Lot Area:	449 square metres
Access to Right of Way	N/A

BACKGROUND:

15 December 2006 The Town, under delegated authority from the Council, resolved to conditionally approve an application for demolition of existing single house and construction of two (2) two-storey single houses at the above subject site. Conditions (i) (c) and (d) of the delegated approval state as follows:

“(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 Grosvenor Road boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*

(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;”*

4 March 2009 A site inspection was carried out by the Town’s Officers which revealed that the constructed fence within the front/street setback area was non-compliant with the Town’s Fencing Requirements. The applicant was subsequently advised that they had 14 days to modify the fence or alternatively apply to obtain Retrospective Planning Approval.

21 April 2009 A retrospective application for the front fence was received by the Town.

DETAILS:

The proposal is for a fence addition to two (2) existing two-storey single houses as an Application for Retrospective Planning Approval.

ASSESSMENT:

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

Residential Design Elements Policy No. 3.2.1. Clause SADC 13 and SPC 13.	Maximum height of solid portion of wall to be 1.2 metres above adjacent footpath level and a minimum of fifty percent visually permeable above 1.2 metres.	Maximum height of the solid portion of the fence is up to 1.650 metres above adjacent footpath level with only a small portion being a minimum of fifty per cent visually permeable.	Not supported – see “Comments” section.
Residential Design Elements Policy No. 3.2.1. Clause SADC 13 and SPC 13.	Posts and piers are to have a maximum width of 355 millimetres and a maximum diameter of 500 millimetres.	Posts have a width of 900 – 950 millimetres respectively.	Supported in Part – a number of posts have each dwelling’s meter box and letterbox located on them, therefore the width of the posts is deemed appropriate for the purpose of accommodating the meter boxes and letterboxes. The remaining post will need to be reduced in order to be compliant.
Consultation Submissions			
The application was not advertised as the Officer Recommendation is for refusal.			
Support	N/A	Noted.	
Objection	N/A	Noted.	
Other Implications			
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes (R Codes).	
Strategic Implications		Nil	
Sustainability Implications		Nil	
Financial/Budget Implications		Nil	

COMMENTS:

The Town’s Residential Design Elements Policy 3.2.1 requires that the solid portion of street walls and fences within the primary street setback area, including along the side boundaries to have a maximum height of 1.2 metres above adjacent footpath level and a minimum of fifty percent visually permeable above 1.2 metres. As variations to the street walls and fences are contained in the Town’s non-variations of specific development standards and requirements it is not supportable at officer level.

The Town’s residential Design Elements Policy 3.2.1 requires that posts and piers have a maximum width of 355 millimetres.

In light of the above, it is recommended that the Council refuse the constructed unauthorised front/street fence and authorise the Chief Executive Officer to commence legal proceedings if the fence and wall, except the parts which contains the meter boxes and letterboxes, is not removed within 28 days.

SUMMARY:

The application for retrospective approval of an existing front fence to two (2) two-storey single houses is not supported for the abovementioned reasons.

9.3.1 Investment Report as at 30 June 2009

Ward:	Both	Date:	7 July 2009
Precinct:	All	File Ref:	FIN0033
Attachments:	001 ; 002		
Reporting Officer(s):	B Wong		
Checked/Endorsed by:	B C Tan	Amended by:	

OFFICER RECOMMENDATION:

That the Council RECEIVES the Investment Report for the month ended 30 June 2009 as detailed in Appendix 9.3.1.

COUNCIL DECISION ITEM 9.3.1

PROCEDURAL MOTION

Moved Cr Messina, Seconded Cr Merk

That the item be DEFERRED to the next meeting due to a lack of quorum when Mayor Catania, Cr Burns and Cr Messina depart the Chamber (due to their declaration of financial interest).

PROCEDURAL MOTION PUT AND CARRIED (6-0)

(Cr Farrell and Cr Doran-Wu on approved leave of absence. Cr Youngman was an apology for the Meeting.)

PURPOSE OF REPORT:

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

BACKGROUND:

Interest from investments is a significant source of funds for the Town, where surplus funds are deposited in the short term money market for various terms. Details are attached in Appendix 9.3.1.

Council's Investment Portfolio is spread across several Financial Institutions in accordance with Policy Number 1.2.4.

DETAILS:

Total Investments for the period ended 30 June 2009 were \$8,782,999 compared with \$11,482,999 at 31 May 2009. At 30 June 2008, \$10,282,320 was invested.

Total accrued interest earned on Investments as at 30 June 2009:

	Budget	Actual	%
	\$	\$	
Municipal	650,000	474,088	72.94
Reserve	485,710	478,593	98.53

COMMENT:

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

The report comprises of:

- Investment Report;
- Investment Fund Summary;
- Investment Earnings Performance;
- Percentage of Funds Invested;
- Graphs.

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

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

Items 9.1.4, 9.1.9, 9.1.11, 9.2.1, 9.2.3, 9.2.6, 9.2.7, 9.3.2, 9.3.4, 9.3.5, 9.4.1 and 9.4.5.

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

Item 14.1

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

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

Items 9.1.4, 9.1.9, 9.1.11, 9.2.1, 9.2.3, 9.2.6, 9.2.7, 9.3.2, 9.3.4, 9.3.5, 9.4.1 and 9.4.5.

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

Items 9.1.1, 9.1.6, 9.1.3, and 9.1.7.

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

Moved Cr Messina, Seconded Cr Ker

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

Items 9.1.4, 9.1.9, 9.1.11, 9.2.1, 9.2.3, 9.2.6, 9.2.7, 9.3.2, 9.3.4, 9.3.5, 9.4.1 and 9.4.5.

CARRIED (6-0)

(Cr Farrell and Cr Doran-Wu on approved leave of absence. Cr Youngman was an apology for the Meeting.)

9.1.4 Nos. 79-81 (Lots: 11 and 12 D/P: 59211) Brisbane Street, Perth - Proposed Demolition of Two (2) Existing Single Houses and Construction of a Three-Storey Mixed Use Development Comprising Five (5) Multiple Dwellings, Three (3) Offices and Associated Car Parking – State Administrative Tribunal (SAT) Review Matter No. DR 446 of 2008

Ward:	South	Date:	7 July 2009
Precinct:	Beaufort; P13	File Ref:	PRO4489; 5.2008.331.1
Attachments:	001		
Reporting Officer(s):	D Pirone, T Woodhouse		
Checked/Endorsed by:	R Rasiah, J MacLean	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by M Zhai on behalf of the owner Siho Developments Pty Ltd for proposed Demolition of Two (2) Existing Single Houses and Construction of a Three-Storey Mixed Use Development Comprising Five (5) Multiple Dwellings, Three (3) Offices and Associated Car Parking – State Administrative Tribunal (SAT) Review Matter No. DR 446 of 2008, at Nos. 79-81 (Lots: 11 and 12 D/P: 59211) Brisbane Street, Perth, and as shown on plans stamp-dated 8 June 2009, subject to the following conditions:

- (i) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
- (ii) details of an interpretation proposal, which incorporates explicit recognition of the heritage values of the place at Nos. 79 and 81 (Lots 11 and 12 D/P: 59211) Brisbane Street, Perth shall be submitted to and approved by the Town prior to the issue of a Demolition Licence and/or Building Licence, whichever comes first. The approved interpretation proposal shall be installed at the owner(s)/occupier(s) expense prior to the first occupation of the new development and thereafter maintained by the owner(s)/occupier(s);*
- (iii) prior to the issue of the Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) a bin compound being provided in accordance with the Town’s Health Services specifications, divided into commercial and residential areas and sized to contain:-*

Residential Properties

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

Commercial Properties

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

- (b) *the windows to bedroom 1 of unit 1 on the first floor and unit 2 and 5 on the second floor being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the respective finished floor levels. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2008. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of Nos. 73-77 Brisbane Street and No. 290 Beaufort Street stating no objection to the respective proposed privacy encroachments; and*
- (c) *a store room being provided for unit 5 with a minimum area of 4 square metres and a minimum dimension of 1.5 metres.*

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

- (iv) *a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (v) *prior to the issue of a Building Licence, 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;*
- (vi) *prior to the issue of a Building Licence, an acoustic report prepared in accordance with the Town's Policy relating to Sound Attenuation shall be submitted and approved by the Town. The recommended measures of the acoustic report shall be implemented and certification from an acoustic consultant that the measures have been undertaken, shall be received 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;*
- (vii) *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 1983 notifying proprietors and/or (prospective) purchasers of the 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 unit/dwellings. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development.*

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

- (viii) *the owner(s), or the applicant on behalf of the owner(s), shall comply with the Town of Vincent Percent for Public Art Policy No. 3.5.13 and the Percent for Public Art Guidelines for Developers, including:*
- (a) *within twenty – eight (28) days of the issue date of this ‘Approval to Commence Development’, elect to either obtain approval from the Town for an Artist to undertake a Public Art Project (Option 1) or pay the Cash in Lieu Percent for Public Art Contribution, of \$12,000 (Option 2), for the equivalent value of one per cent (1%) of the estimated total cost of the development (\$1,200,000); and*
- (b) *in conjunction with the above chosen option;*
- (1) *Option 1 –
prior to the approval and subsequent issue of a Building Licence for the development, obtain approval for the Public Art Project and associated Artist; and*
- prior to the first occupation of the development, install the approved public art project, and thereafter maintain the art work;*
- OR**
- (2) *Option 2 –
prior to the approval and subsequent issue of a Building Licence for the development or prior to the due date specified in the invoice issued by the Town for the payment (whichever occurs first), pay the above cash-in-lieu contribution amount;*
- (ix) *first obtaining the consent of the owners of Nos. 73-77 Brisbane Street and No. 290 Beaufort Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 73-77 Brisbane Street and No. 290 Beaufort Street in a good and clean condition;*
- (x) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (xi) *the doors, windows and adjacent floor areas on the ground floor fronting Brisbane Street shall maintain an active and interactive relationship with this street;*
- (xii) *the total gross floor area of the offices shall be limited to 260 square metres. Any increase in floor space or change of use for the subject land shall require Planning Approval to be applied for and obtained from the Town;*
- (xiii) *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;*
- (xiv) *prior to the first occupation of the development, a minimum of 5 car parking spaces for the residential component and 1 car parking space for the visitors of the residents of the development, shall be clearly marked and signposted for the exclusive use of the residents of the development;*

- (xv) *prior to the first occupation of the development, a minimum of 3 car parking spaces for the commercial component, shall be clearly marked and signposted for the use of the commercial tenants of the development;*
- (xvi) *the on-site car parking area for the offices/non-residential component shall be available for the occupiers and visitors of the residential component outside normal business hours;*
- (xvii) *the car parking area shown for the offices/non-residential component shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;*
- (xviii) *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;*
- (xix) *any proposed vehicular entry gates to the car parking area shall have a minimum 50 per cent visually permeable and shall be either open at all times or suitable management measures shall be implemented to ensure access is available for visitors for the commercial tenancies at all times. Details of the management measures shall be submitted to and approved by the Town prior to the first occupation of the development;*
- (xx) *prior to the first occupation of the development, one (1) class one or two bicycle parking facility shall be provided at a location convenient to the entrance of the development. Details of the design and layout of the bicycle parking facility shall be submitted and approved prior to the installation of such facility;*
- (xxi) *prior to the first occupation of the development, each multiple dwelling shall be provided with a screened outdoor area for clothes drying or clothes tumbler dryer;*
- (xxii) *any new street/front wall, fence and gate within the Brisbane Street setback area, including along the side boundaries within this street setback area, shall comply with the following:*
 - (a) *the maximum height being 1.8 metres above the adjacent footpath level;*
 - (b) *the maximum height of piers with decorative capping being 2.0 metres above the adjacent footpath level;*
 - (c) *the maximum height of the solid portion of the wall being 1.2 metres above the adjacent footpath level, and a minimum of fifty percent visually permeable above 1.2 metres;*
 - (d) *the piers having a maximum width of 355 millimetres and a maximum diameter of 500 millimetres;*
 - (e) *the distance between piers should not be less than the height of the piers except where pedestrian gates are proposed;*
 - (f) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*

- (xxiii) *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);*
- (xxiv) *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 to a brick paved standard and verge tree planting by the applicant in consultation with the Town's Technical Services. A refundable footpath/verge upgrading bond and/or bank guarantee of \$7,000 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;*
- (xxv) *no street verge tree(s) shall be removed/pruned unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s); and*
- (xxvi) *the provision of underground power along the Brisbane Street frontage to the property, and all costs associated with the provision of this underground power, shall be met by the owner(s) or applicant(s).*

COUNCIL DECISION ITEM 9.1.4

Moved Cr Messina, Seconded Cr Ker

That the recommendation be adopted.

CARRIED "EN BLOC" (6-0)

(Cr Farrell and Cr Doran-Wu on approved leave of absence. Cr Youngman was an apology for the Meeting.)

Landowner:	Siho Developments Pty Ltd
Applicant:	M Zhai
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential/Commercial R80
Existing Land Use:	Single House and Consulting Room
Use Class:	Office and Multiple Dwelling
Use Classification:	"AA" and "P"
Lot Area:	773 square metres
Access to Right of Way	Not Applicable

BACKGROUND:

- 12 September 2006 The Council at its Ordinary Meeting resolved to include the subject properties onto the MHI as a Management Category B - Conservation Recommended.
- 4 November 2008 The Council at its Ordinary Meeting refused an application for the proposed demolition of two (2) existing single houses and construction of three-story mixed use development comprising four (4) multiple dwellings, three (3) offices and associated car parking for the following reasons:
- “1. *The development is not consistent with the orderly and proper planning and preservation of the amenities of the locality;*
 2. *The existing place has cultural heritage significance in terms of its aesthetic, historic and rarity values and is listed on the Town's Municipal Heritage Inventory/Heritage List as a Management Category B - Conservation Recommended'; and*
 3. *Consideration of the objections received.”*
- 24 November 2008 The applicant lodged an application to the State Administrative Tribunal to review the Council decision of 4 November 2008.
- 5 December 2008 The Town's Officers attended a direction hearing at the SAT.
- 29 December 2008 The Chief Executive Officer, under delegation from the Council during the December/January recess period endorsed and forwarded a series of 'without prejudice' conditions to the State Administrative Tribunal.
- 4 February 2009 The Town's Officer's attended the Final hearing at the SAT, which resulted in a suspended hearing and further mediation for 6 February 2009.
- 6 February 2009 The Town's Officer's attended a mediation at the SAT which was adjourned for 27 March 2009.
- 27 March 2009 The Town's Officers attended a mediation held at the SAT.
- 31 March 2009 The Town received an application to remove the subject properties from the Town's Municipal Heritage Inventory (MHI).
- 12 May 2009 The Council at its Ordinary Meeting resolved to delete the subject dwellings from the MHI as a Management Category B - Conservation Recommended.

DETAILS:

The application involves the proposed demolition of the existing single houses and the construction of a mixed-use development comprising of five multiple dwellings, three offices and associated car parking at the subject property. Under Section 252 (1) of the Planning and Development Act 2005, the owner of the subject property submitted an application for review, to the SAT, regarding the decision of the Council to refuse the demolition of the existing single houses and the construction of four multiple dwelling, three offices and associated car parking, at its Ordinary Meeting held on 4 November 2008.

The Council at its Ordinary Meeting held on 12 May 2009 resolved to delete, the two dwellings on site from the MHI, and the applicant has submitted amended plans to attempt to comply with the 66 per cent residential component of the Beaufort Precinct Policy No. 13. To achieve compliance with commercial/residential ratio, the applicant has added another residential unit to increase the commercial to residential floor area ratio as well as reducing the floor area of the commercial component. The addition of another residential unit has not resulted in any other further variations to the Town's Policies and the R Codes.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density:	6.184 Multiple Dwellings at R80	5 Dwellings	Noted – no variation.
Plot Ratio:	1.0 or 773 square metres	0.86 or 669 square metres	Noted – no variation.
Building Setbacks: Ground Floor -East	1.5 metres	Nil	Supported – as not considered to have an undue impact and no objection received from affected neighbouring property.
-West	1.5 metres	Nil	Supported – as not considered to have an undue impact and no objection received from affected neighbouring property.
Mezzanine/First Floor -East	2 metres	Nil	Supported – as not considered to have an undue impact and no objection received from affected neighbouring property.
-West	2 metres	Nil	Supported – as not considered to have an undue impact and no objection received from affected neighbouring property.
Second Floor -West	2.8 metres	Nil	Supported – as not considered to have an undue impact and no objection received from affected neighbouring property.
Buildings on Boundary:	Walls not higher than 6 metres for 2/3 the length of the balance of the boundary behind the front setback.	West Wall Wall height – 9 metres Wall length – 2/3 = 27.07 metres Proposed length = 17.4 metres	Supported – as not considered to have an undue impact and no objection received from affected neighbouring property.

		East Wall Wall height – 6.3 metres Wall length – 2/3 = 27.22 metres Proposed length = 18.6 metres	
Number of Storey's	2 storey's	3 storey's	Supported – as the proposed development has an overall height of 9 metres, which is equivalent to the overall pitch height for a two-storey development. Further to this, the three-storey concealed roof height requirement in the R Codes is 10 metres. The proposed development is 1 metre below this requirement and reflects the heights of other buildings such as the Brisbane Hotel, which are within the immediate vicinity of the subject proposed development.
Beaufort Precinct Policy:	Developments comprising of residential and commercial uses are to contain a residential component of no less than 66 per cent.	61 per cent residential proposed.	Supported – see “Comments”
Residential Car Parking			
<p>In accordance with the Residential Design Codes requirements for mixed use development, on-site car parking requirements for multiple dwellings may be reduced to one car bay per dwelling where on-site parking required for other uses is available outside normal business hours. A total of 10 car bays have been provided for the subject development; 5 car bays are allocated to residential, 1 car bay for visitor (residential) and the remaining 4 car bays available for the commercial component.</p> <p>Visitor car parking for the residential component shall be provided at a rate of not less than 10 per cent of the total number of car parking required for the residential component and is required to be free of a security barrier. In this instance, the one visitor car bay has been provided within the car park.</p>			
Commercial Car Parking			
Car parking requirement (nearest whole number) - Office (260 square metres of gross floor area) Requires 5.2 car bays			5 car bays
Apply the adjustment factors. <ul style="list-style-type: none"> ▪ 0.85 (within 400 metres of a bus stop) ▪ 0.80 (development contains a mix of uses, where 45 percent is residential) ▪ 0.80 (within 50 metres of a public car parking place with in excess of 50 car parking spaces) 			(0.544) 2.72 car bays

Minus the car parking provided on-site		4 car bays for office use
Minus the most recently approved on-site car parking shortfall.		Nil
Resultant surplus		1.28 car bays
Bicycle Parking		
Office (260 square metres of gross floor area) -1 space per 200 square metres of gross floor area for employee/resident (Class 1 or 2) = 1.3 spaces		1 space (Class 1 or 2) required.
Consultation Submissions		
Objection (1)	<ul style="list-style-type: none"> The subject cottages are important to the historic character of the area as there are few of them left. The demolition will rob Brisbane Street of irreplaceable appeal. 	<ul style="list-style-type: none"> Not supported – as the Council at its Ordinary Meeting held on 12 May 2009 resolved to remove the properties from the Town’s MHI list. On the above basis, the demolition of the two single houses are supported.
Other Implications		
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications		Nil
Sustainability Implications		Nil
Financial/Budget Implications		Nil

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

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

COMMENTS:

State Administrative Tribunal Act 2004

Section 31 states as follows:

“31. Tribunal may invite decision-maker to reconsider

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

Under Section 31 of the SAT Act 2004, the Town has been invited to determine the subject application; that is, to (a) affirm the decision; (b) vary the decision; or (c) set aside the decision and substitute its new decision at its Ordinary Meeting of Council to be held on 14 July 2009. A further Directions Hearing at the SAT has been scheduled for 29 July 2009.

Demolition

In light of the decision made by Council at its Ordinary Meeting on 12 May 2009, to remove the pair of cottages at Nos. 79 and 81 Brisbane Street from the Town's Municipal Heritage Inventory, the demolition of the properties is supported on the condition that an interpretation proposal be incorporated into the proposed development as recognition of the historical contribution the former dwellings made to the locality.

Beaufort Precinct Policy

The Beaufort Precinct Policy states that 66 per cent of the development is required to comprise a residential component. In this instance, the proposed 61 per cent of residential use is supportable due to the nature of the existing streetscape. The Beaufort Precinct Policy states the following with regard to the development containing a 66 per cent residential use:

“The Town of Vincent may consider variation of the standards specified in this Precinct Policy to enable the development to conform to the historic character of the area, particularly with redevelopment on small lots.”

Whilst the subject lot is of a fairly generous size, the lot is of an awkward shape. The proposed development is considered to complement the existing streetscape in terms of its street setbacks and building design. The design incorporates horizontal and vertical articulation to reduce the impact of the building bulk on the streetscape.

Conclusion

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

9.1.9 Amendment No. 60 to Planning and Building Policies – Draft Amended Policy Relating to Ancillary Accommodation

Ward:	Both Wards	Date:	3 July 2009
Precinct:	All Precincts	File Ref:	PLA0210
Attachments:	001 002		
Reporting Officer(s):	T Woodhouse		
Checked/Endorsed by:	J MacLean	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the final amended version of the Draft Amended Policy No. 3.4.1 relating to Ancillary Accommodation as shown in Attachment 001 resulting from the advertised version having been reviewed and with regard to three (3) written submissions received during the formal advertising, as shown in Attachment 002, 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 Draft Amended Policy No. 3.4.1 relating to Ancillary Accommodation, as shown in Attachment 001 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 amended version of the adopted Amended Policy No. 3.4.1 relating to Ancillary Accommodation as shown in Attachment 001, in accordance with Clause 47 (6) of the Town's Town Planning Scheme No. 1.*

COUNCIL DECISION ITEM 9.1.9

Moved Cr Messina, Seconded Cr Ker

That the recommendation be adopted.

CARRIED “EN BLOC” (6-0)

(Cr Farrell and Cr Doran-Wu on approved leave of absence. Cr Youngman was an apology for the Meeting.)

PURPOSE OF REPORT:

The purpose of this report is to provide the Council with an overview of the outcomes of the formal advertising period for the Draft Amended Policy relating to Ancillary Accommodation, to present to the Council the final amended version of the Draft Amended Policy, and to seek final adoption of the Policy.

BACKGROUND:

14 February 2009 The Council at its Ordinary Meeting resolved the following in relation to the Draft Affordable Housing Strategy:

“That the Council;

- (i) RECEIVES the progress report relating to the Draft Affordable Housing Strategy;*
- (ii) CONSIDERS the four (4) written submissions in relation to the Draft Affordable Housing Strategy forwarded to the Town during the Community Consultation Period, as shown in Appendix 9.1.13;*
- (iii) AUTHORIZES the Chief Executive Officer to endorse the Draft Affordable Housing Strategy and associated briefs and recommendations, as ‘Laid on the Table’, as working documents to assist in the preparation of the Local Planning Strategy, Town Planning Scheme review and in the development of the Town’s Policies; and*
- (iv) AUTHORIZES the Chief Executive Officer to investigate the possibility to initiate an amendment to the Planning and Building Policy No. 3.4.1 relating to Ancillary Accommodation to allow non-familial accommodation, and that a report and a draft amended Policy be referred to the Council no later than April 2009.”*

14 April 2009 The Council at its Ordinary Meeting resolved to endorse the Draft Local Planning Strategy which draws reference to the opportunities to encourage the provision of non-familial ancillary accommodation to facilitate greater affordable housing options in the Town.

28 April 2009 The Council at its Ordinary Meeting held on 28 April 2009 considered the Draft Amended Policy relating to Ancillary Accommodation and resolved as follows;

“That the Council;

- (i) RECEIVES the Draft Amended Policy relating to Ancillary Accommodation, as shown in Attachment 001, subject to the Policy being further amended as follows:*
 - (a) Clause 4) of the Policy Statement be amended to read as follows:*
 - ‘~~34~~) Where approval has been granted by the Town of Vincent for ancillary accommodation and its structure, a minimum of one car parking space in addition to the spaces required for the main dwelling is to be provided; or a Section 70A Transfer of Land Act 1893 Notification shall be registered against the Certificate of Title for the land advising the proprietors or*

prospective proprietors that the Town of Vincent will not issue a residential car parking permit to any owner or occupier of the residential unit/dwellings. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development. This notification shall be prepared and registered by the Town's solicitors or other solicitors agreed upon by the Town at the cost of the applicant/owner.'

- (ii) *ADVERTISES the following Draft Amended Policy Relating to Ancillary Accommodation 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 following Draft Amended Policy Relating to Ancillary Accommodation, having regard to any written submissions; and*
 - (b) *DETERMINES the Draft Amended Policy Relating to Ancillary Accommodation, with or without amendment, to or not to proceed with them.*

DETAILS:

The Draft Amended Policy relating to the Ancillary Accommodation has been advertised as required by Clause 47 of the Town's Town Planning Scheme No. 1, commencing on 19 May 2009 and closing on 16 June 2009. Following the completion of the advertising period, the Policy was further considered in light of the submissions received, and where appropriate, the draft amended Policy has been further amended.

Considering the comments received during the consultation period and further review by the Town's Officers resulted in only minimal changes to the draft Policy. The key points raised during the consultation period were as follows.

- The Town give further regard to increasing the 35m² maximum limit for ancillary accommodation located above a garage/carport or the like.

Officer Comment

Whilst the application of the Policy has been expanded to encourage ancillary accommodation for non-familial persons, the intent of the Policy remains as providing accommodation that is ancillary to the primary use of the site. It is considered that increasing the maximum area of 35m² may misconstrue the intent of the Policy, and thus this recommendation is not supported.

- Provide further clarification on the requirements relating to car parking and whether additional area needs to be created to allow for further car parking.

Officer Comment

Parking provisions for ancillary accommodation are clearly detailed in clause (4) of the Policy which states that a minimum of one car parking space in addition to the spaces required for the main dwelling is to be provided. Within the context of the Town's Affordable Housing Strategy, in practice each application will be assessed on a case by case basis taking in factors such as proximity to public transport. However, as stipulated in clause (4) of the Policy, if an additional car parking for the ancillary accommodation is not provided, a notification will be issued against the Certificate of Title through a Section 70A Transfer of Land Act 1893 Notification, that stipulates that the Town will not issue a residential car parking permit to any owner or occupier of the residential unit/single house or ancillary accommodation.

Minor amendments have been made to clause (4) provide further clarification relating to who will not be issued residential car parking permits and the explanatory text has been reduced to make the clause more succinct. The Amendments are shown in strikethrough and underline in the draft amended Policy attached to this report.

- The purpose of the existing photographs in the Policy is unclear. Include photographs and/or diagrams that depict appropriate ancillary accommodation in the Town.

Officer Comment

This comment was raised by a Councillor as a Council Member Request just prior to the consideration of the Policy at its Ordinary Meeting on 28 April 2009. Given the limited timeframe to prepare new diagrams for the Meeting, the diagrams have since been updated during the consultation period and shown in the draft amended Policy attached to this report.

CONSULTATION/ADVERTISING:

The Draft Amended Policy was advertised for a period of 28 days, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1. The formal advertising period commenced on 19 May 2009 and closed on 16 June 2009.

In total, three (3) submissions were received. The break down of submissions received is as follows:

- Support: 1
- Object: 0
- Not stated: 2

A summary of the comments received in the submissions can be found in as an attachment to this report.

LEGAL/POLICY:

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

Town of Vincent Affordable Housing Strategy.

STRATEGIC IMPLICATIONS:

Strategic Plan 2009-2014 states:

“Natural and Built Environment

Objective 1.1 Improve and maintain environment and infrastructure

1.1.2 Develop and implement a Town Planning Scheme and associated policies, guidelines and initiatives that deliver the community vision”

SUSTAINABILITY IMPLICATIONS:

The amendments to the Policy allow for non-familial occupation and create alternatives to affordable housing at the Town.

FINANCIAL/BUDGET IMPLICATIONS:

The current 2009/2010 Budget allocates \$66,000 for Town Planning Scheme Amendments and Policies.

COMMENTS:

In considering the comments received during the consultation period and further review by the Town's Officers, only minimal changes have been made to the draft amended Policy. The two key points raised during the consultation period related to increasing the maximum area above 35m² for ancillary accommodation and more clarification with regards to car parking requirements.

As outlined in the Details section of this report, the Officers consider that by increasing the maximum area permissible for ancillary accommodation greater 35m² for development above a garage, carport and/or like structures, may result in intent of the Policy being misconstrued and thus an amendment to the Policy was not supported. In terms of the car parking requirements, it was considered that this was explained clearly in clause (4) of the Policy and required only minor amendment. The Officers agreed that the photographs in the Policy did require updating and thus the Policy has been amended accordingly to reflect this.

In light of the above, it is considered that the revised Policy has addressed the objective of the Affordable Housing Strategy to broaden the opportunity for affordable housing choice within the Town, and thus it is requested that the Council support the Officer Recommendation to adopt the final amended version of the Draft Amended Policy relating to Ancillary Accommodation.

9.1.11 Department for Planning and Infrastructure (DPI) - Additional Discussion Paper - Review of the Town Planning Regulations 1967 and the Model Scheme Text (Structure Planning Provisions)

Ward:	Both	Date:	3 July 2009
Precinct:	All	File Ref:	ORG0016
Attachments:	001_002		
Reporting Officer(s):	T Woodhouse		
Checked/Endorsed by:	J MacLean	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the Additional Discussion Paper "Review of the Town Planning Regulations 1967 and the Model Scheme Text - Structure Planning Provisions" prepared by the Department for Planning and Infrastructure; and*
- (ii) *AUTHORISES the Chief Executive Officer to notify the Department for Planning and Infrastructure that the Town of Vincent SUPPORTS IN PRINCIPLE the intent and content of the Additional Discussion Paper "Review of the Town Planning Regulations 1967 and the Model Scheme Text - Structure Planning Provisions" as shown in Appendix 002.*

COUNCIL DECISION ITEM 9.1.11

Moved Cr Messina, Seconded Cr Ker

That the recommendation be adopted.

CARRIED "EN BLOC" (6-0)

(Cr Farrell and Cr Doran-Wu on approved leave of absence. Cr Youngman was an apology for the Meeting.)

PURPOSE OF REPORT:

The purpose of this report is to inform the Council of the Department for Planning and Infrastructure (DPI) *Review of the Town Planning Regulations and the Model Scheme Text Discussion Paper - Structure Planning Provisions*, currently out for consultation, and to provide a summary of the additional Discussion Paper to the Council.

BACKGROUND:

25 May 2009 The Town received an invitation from the DPI to formally comment on the *Review of the Town Planning Regulations and the Model Scheme Text Discussion Paper*.

17 June 2009 The Town received a further invitation from the DPI to review an additional Discussion Paper on Structure Plans prepared to support the *Review of the Town Planning Regulations and the Model Scheme Text Discussion Paper*, as shown in Attachment 001 of this report. The Town was also advised that the consultation period for the original Discussion Paper on the Review of the Town Planning Regulations and the Model Scheme Text, has been extended to 27 July 2009 to coincide with the additional Discussion Paper relating to Structure Plans.

23 June 2009 The Council at its ordinary Meeting held on 23 June 2009, considered the Review of the Town Planning Regulations and the Model Scheme Text Discussion Paper, and resolved as follows;

"That the Council;

- (i) RECEIVES the Discussion paper "Review of the Town Planning Regulations 1967 and the Model Scheme Text" prepared by the Department for Planning and Infrastructure; and*
- (ii) AUTHORISES the Chief Executive Officer to notify the Department for Planning and Infrastructure and the Western Australian Local Government Association that the Town of Vincent SUPPORTS IN PRINCIPLE the intent and content of the Review of the Town Planning Regulations 1967 and the Model Scheme Text Discussion Paper, as shown in Appendix 9.1.11, subject to the recommendations detailed within this report."*

DETAILS:

The DPI released the Discussion Paper on the Town Planning Regulations 1967 and the Model Scheme Text on 18 May 2009, to seek the views of local governments on the operation and effectiveness of the Regulations and associated Model Scheme Text. The intent of the review was to find ways to improve the application of the Town Planning Regulations 1967 and Model Scheme Text, to streamline the planning approval process and to provide greater consistency in planning requirements across the State.

Under part 5 of the Discussion Paper, it was proposed to insert provisions into the new Planning and Development (General Scheme Provisions) Regulations setting out the requirements for structure plans. Since releasing the original Discussion Paper on 18 May 2009, the DPI has further developed the proposal in relation to structure planning, in consultation with a working group comprised of industry and local government representatives. This information is detailed in the additional Discussion Paper, which forms an attachment to this report.

The additional Discussion Paper sets out the DPI's proposal regarding new structure planning provisions. The intent of the proposal is to streamline structure plan provisions in all local planning schemes, in order to provide consistency in the application process, determination timeframes and appeal provisions across the State.

Officer Comments

In reviewing the recommendations of the additional Discussion Paper, the Town's Officers consider that the recommendations will assist to improve consistency and transparency in the process of preparing and approving Structure Plans at both a State and local government level, and thus support the recommendations made.

CONSULTATION/ADVERTISING:

The DPI is currently seeking comment from local government authorities on the Additional Discussion Paper. The submission period closes on Monday 27 July 2009.

LEGAL/POLICY:

Town Planning and Development Act 2005; Town Planning Regulations 1967 and associated Model Scheme Text; Town of Vincent Town Planning Scheme No. 1.

STRATEGIC IMPLICATIONS:

Strategic Plan 2009-2014: Objective 1.1 Improve and Maintain Environment and Infrastructure:

...

“1.1.2 Develop and implement a Town Planning Scheme and associated policies, guidelines and initiatives that deliver the community vision.

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

In light of the above, it is requested that the Council receive the report and support the Officer Recommendation to advise the Department for Planning and Infrastructure of the Town's in principle support to the additional Discussion Paper on the Review of the Town Planning Regulations and the Model Scheme Text - Structure Plan Provisions.

9.2.1 Proposed 2009/2010 Footpath Upgrade Program

Ward:	Both	Date:	6 July 2009
Precinct:	All	File Ref:	TES0174
Attachments:	001		
Reporting Officer(s):	R Lotznicker, C Economo		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *ADOPTS the first year, 2009/2010, of the four (4) year Footpath Upgrade Program as outlined in Attachment 9.2.1; and*
- (ii) *NOTES that the remaining three (3) years (2010/2011 to 2012/2013) of the above program is “preliminary only” and will be subject to change.*

COUNCIL DECISION ITEM 9.2.1

Moved Cr Messina, Seconded Cr Ker

That the recommendation be adopted.

CARRIED “EN BLOC” (6-0)

(Cr Farrell and Cr Doran-Wu on approved leave of absence. Cr Youngman was an apology for the Meeting.)

PURPOSE OF REPORT:

The purpose of this report is to obtain the Council’s approval for the allocation of funds allowed for in the 2009/2010 budget to specific projects and adoption of the “first year” of the 2009/2010 Footpath Upgrade Program.

BACKGROUND:

The Council, in 1996, resolved to adopt a long term Program to ensure the Town’s footpath infrastructure is maintained at an acceptable level of service and safety.

To ensure that the program was dynamic in reflecting changing circumstances, including development activity, other capital improvement projects, residents’ requests and changing conditions, it was considered appropriate to review and update the program annually and request that only the first year of the program be adopted by the Council annually.

DETAILS:

The first year of the program, as outlined in this report, relates to the 2009/2010 financial year.

As outlined in detail in the report presented to Council on 12 August 1996, this program was initially developed by assessing the condition and locality of all existing paths in the Town and by prioritising paths to be upgraded accordingly.

The program is continually revised and updated, based on the revised condition of some paths, requests received, footpaths listed in the current program either brought forward or deferred, and footpaths on the current program being already upgraded by either service authorities or developers.

The four (4) Year Footpath Replacement Program is outlined in attachment 9.2.1.

CONSULTATION/ADVERTISING:

Residents are advised by means of an information bulletin prior to works proceeding in their street.

LEGAL/POLICY

The Town is responsible for the care, control and management of approximately 300 kilometres of footpaths.

FINANCIAL/BUDGET IMPLICATIONS:

Since 1997 the Council has expended just under \$4.5 million on the footpath program.

In 1996 the rate per square metre for the laying of cast insitu concrete footpaths was around \$20/m². The rate today is about \$40/m². While the annual allocation has increased from \$250,000 per annum in 1996 to \$450,000 in 2007 (average expenditure \$333,000 per annum), with the cost of the works doubling during this period, the quantity of works undertaken has remained more or less constant per annum.

The 2009/2010 Capital Works Budget includes funds of \$450,000 for year 13 of the program. At the current contract price with an allocation of \$450,000 per annum, it is estimated that it may take another seven (7) years to fully complete the program.

STRATEGIC IMPLICATIONS:

In accordance with the objective of Strategic Plan 2009-2014 – 1.1.6 Enhance and maintain the Town's infrastructure to provide a safe, healthy, sustainable and functional environment. *“(a) implement adopted annual infrastructure upgrade programs, including streetscape enhancements, footpaths, rights of way, car parking and roads.”*

COMMENTS:

The purpose of this report is to obtain Council's approval for the allocation of funds allowed for in the 2009/2010 budget to specific projects in the 2009/2010 Footpath Replacement Program. It is requested that the officer recommendation be adopted.

9.2.3 Further Report – Street Tree Damage at Nos 59-61 (Lots 10, 16, 17, 18, 19 & 20 Brewer Street, Corner Pier and Thorley Streets, Perth

Ward:	South	Date:	22 June 2009
Precinct:	Beaufort P13	File Ref:	PRO3797
Attachments:	001		
Reporting Officer(s):	K Godfrey		
Checked/Endorsed by:	J van den Bok; R Lotznicker	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report in relation to the apparent damage and removal of existing street verge trees on the Thorley and Pier Street frontage of Nos 59 - 61 (Lots 10, 16,17,18,19 and 20) Brewer Street, Perth; and*
- (ii) *NOTES that, as approved by the Town's officers;*
 - (a) *one (1) street tree was removed from the Thorley Street frontage during construction of the building;*
 - (b) *four (4) street trees along the Brewer Street frontage were required to be pruned back during the construction phase to enable scaffolding to be erected; and*
 - (c) *all tree pruning and replanting was undertaken by the Town in liaison with the developer and at the developer's full cost.*

COUNCIL DECISION ITEM 9.2.3

Moved Cr Messina, Seconded Cr Ker

That the recommendation be adopted.

CARRIED “EN BLOC” (6-0)

(Cr Farrell and Cr Doran-Wu on approved leave of absence. Cr Youngman was an apology for the Meeting.)

PURPOSE OF REPORT:

The purpose of this report is to advise the Council regarding the apparent damage and removal of existing street verge trees on the Thorley and Pier Street frontages of Nos 59 - 61 (Lots 10, 16,17,18,19 and 20) Brewer Street Perth.

BACKGROUND:

At the Ordinary Meeting of Council held on 26 May 2009, a Confidential Further Report was presented to the Council in relation to Nos 59-61 (Lots 10, 16,17,18,19 and 20) Brewer Street, Perth, where it was resolved (in part)

"That the Council;

- (vi) *REQUESTS the Chief Executive Officer to submit a further report to Council for further consideration of apparent damage and removal of existing street verge trees along the Brewer, Pier and Thorley Street frontages to the property."*

DETAILS:

Thorley Street frontage

Prior to the construction of the building, two (2) Paperbark trees (*Melaleuca linarifolia*) were located along the street verge abutting the site and both were in good condition and of a reasonable shape and form.

Following discussion with the developers during the early construction phase, it was identified and agreed with the Town's Parks Services officers that one (1) tree had to be removed to allow the associated building works (including construction of a crane gantry) to proceed.

As the developer was unable to wait for the Town's tree contractor to remove this tree, the developer removed the tree at his expense and under the direction of the Town's officers.

It was also agreed that upon completion of the building works, the developer would pay for the replanting of three (3) additional Paperbark trees along the Thorley Street frontage.

This work has now been completed and a total of four (4) Paperbark trees are located along the Thorley Street frontage.

Brewer Street frontage

Prior to the construction of the building, four (4) Broad Leafed Paperbark trees (*Melaleuca quinquervia*) were located along the street verge abutting the site and all were in good condition and of a reasonable shape and form.

At the time, the developer also requested that the Town arrange to have the four (4) street trees located on the Brewer Street frontage pruned back as their canopies would obstruct the scaffolding required to service and build the unit complex.

Parks Services Officers met with the Site Manager/builder, who outlined the problems and the likely damage to the trees resulting from the erection of scaffolding. To accommodate the scaffolding and associated infrastructure for the construction works, the trees were pruned back by nearly half their width.

Parks Services staff have on previous occasions undertaken this form of canopy pruning in order to retain street verge trees (Lindsay Street, Perth). Whilst the trees may look visually unbalanced, Paperbark trees are very resilient and their canopies will regrow. These trees will again attain a complete and healthy canopy over a reasonably short period of time.

Pier Street frontage

There were no street verge trees located on the Pier Street frontage of the development prior to the construction and none have been allowed for since the completion of the development. However, an additional planting may be considered along Pier Street at some future point in time.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

Nil.

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of Strategic Plan 2009-2014 – 1.1.5 Enhance and maintain parks, landscaping and community facilities *“(d) Develop a strategy to deliver the community’s desire, as stated in Vincent Vision 2024 for shady tree-lined streets.”*

SUSTAINABILITY IMPLICATIONS:

As noted within the report, the Paperbark is an Australian native tree that is commonly used as a street tree right across Australia due to its hardiness, suitability of shape and form and recovery from constant heavy pruning where located under powerlines.

The Broad leafed paperbark (Brewer Street) in particular, has proven over time to spring back to life and provide an attractive canopy even after lopping branches off at any point along the trunk.

FINANCIAL/BUDGET IMPLICATIONS:

All works associated with the pruning, removal and replacement of the street trees were borne by the developer.

COMMENTS:

Parks Services Officers will continue to monitor the recovery of the street verge trees on the Brewer Street frontage during the Spring/Summer of 2009/10.

9.2.6 New Roads to Recovery Program - AUSLINK Funding Program

Ward:	Both	Date:	8 July 2009
Precinct:	All	File Ref:	TES0174
Attachments:	-		
Reporting Officer(s):	R Lotznicker		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the New Australian Government Roads to Recovery funding program;*
- (ii) *NOTES that the new program includes funds of \$173,115 per annum over the next five (5) years;*
- (iii) *ENDORSES the 2009/2010 {year one (1)} of the New Roads to Recovery Program to the value of \$173,115, as outlined in the report; and*
- (iv) *RECEIVES further reports on an annual basis on the remaining Roads to Recovery program i.e. years two (2) to five (5).*

COUNCIL DECISION ITEM 9.2.6

Moved Cr Messina, Seconded Cr Ker

That the recommendation be adopted.

CARRIED “EN BLOC” (6-0)

(Cr Farrell and Cr Doran-Wu on approved leave of absence. Cr Youngman was an apology for the Meeting.)

PURPOSE OF REPORT:

The purpose of this report is to advise and update the Council on the information regarding the Auslink Funding made by the Australian Government under the New Roads to Recovery (R2R) Program.

BACKGROUND:

At its Ordinary Meeting held on 28 June 2005, the Council received a report on the new R2R Program - 2005/2006 to 2008/2009. At its Ordinary Meeting held on 23 August 2005, the Council subsequently endorsed changes to 2005/2006 (*year one*) of the program due to the possible undergrounding of power in the eastern sector of the Town.

DETAILS:

On 22 January 2004, the Town was advised that the R2R Program would continue under expanded guidelines to 30 June 2009 and that all local governments would be eligible for additional funds from the program until that date. The Town's allocation was \$153,113 per annum.

New Roads to Recovery Program

In March 2009 the Commonwealth Government announced that over five years from 1 July 2009, \$1.75 billion will be available to local government authorities, and State and Territory governments responsible for unincorporated areas, for an extended Roads to Recovery program.

The Town was subsequently advised that its annual allocation will be \$173,115 per annum over the next five years.

The following table outlines the proposed projects for year one of the new program (20089/2010):

Road	Section	Description	Length (km)	Width (m)	Estimated Cost
Lawler St	Elma to Hilda St	Apply 7mm SMA	0.20	7.80	23,000.00
Hilda St	Walcott to Charles St	Apply 7mm SMA	0.15	11.70	28,000.00
Scott St	Bourke to Richmond	Apply 7mm SMA/replace kerb	0.16	6.40	30,000.00
Flinders St	Green to Ellesmere	Apply 7mm SMA	0.25	8.20	29,000.00
Deague Ct	All roads including Hanover	Apply 7mm SMA/kerb repairs	0.35	10.00	35,000.00
Edinboro St	Ellesmere to Woodstock	Apply 7mm SMA	0.20	10.00	28,115.00
		TOTAL			173,115.00

CONSULTATION/ADVERTISING:

The works, which include mainly road resurfacing/upgrades, will be listed in the Capital Works Schedule (*yet to be endorsed by the Council*). As per normal practice, residents in each street will be advised of the infrastructure upgrade proposal via a works bulletin.

LEGAL/POLICY:

The roads listed in the program are under the care, control and management of the Town.

STRATEGIC IMPLICATIONS:

In accordance with the objective of Strategic Plan 2009-2014 – Key Result Area One: 1.1.6 Enhance and maintain the Town's infrastructure to provide a safe, healthy, sustainable and functional environment. *“(a) implement adopted annual infrastructure upgrade programs, including streetscape enhancements, footpaths, rights of way, car parking and roads.”*

FINANCIAL/BUDGET IMPLICATIONS:

The Town's initial allocation for the life of the program was \$612,450, with an annual allocation of \$153,112.50. With the New AUSLINK funding of \$173,115 received, the Town's allocation for the life of the program will be \$865,575.

COMMENTS:

Given the variable nature of the R2R Program, it is considered that the Council endorse the program on an annual basis.

Therefore, it is recommended that the Council endorses the 2009/2010 R2R Program, as outlined in the report, and receives further annual reports on an annual basis on the remaining R2R Program projects.

9.2.7 Tender No. 393/09 - Cleaning of Public Toilets, Reserve Buildings and Works Depot

Ward:	Both	Date:	8 July 2009
Precinct:	All	File Ref:	TEN0401
Attachments:	-		
Reporting Officer(s):	J van den Bok; K Steicke ; Bilyk		
Checked/Endorsed by:	M Rootsey; R Lotznicker	Amended by:	

OFFICER RECOMMENDATION:

That the Council APPROVES the following tenders for the Cleaning of Public Toilets, Parks and Reserves Buildings and Town Works Depot as being the most acceptable to the Town,, in accordance with the specifications as detailed in Tender No. 393/09:

- (i) *Arrix – Cleaning of Public Toilets and Reserve Buildings; and*
- (ii) *Jasneat Pty Ltd – Council Works Depot.*

COUNCIL DECISION ITEM 9.2.7

Moved Cr Messina, Seconded Cr Ker

That the recommendation be adopted.

CARRIED “EN BLOC” (6-0)

(Cr Farrell and Cr Doran-Wu on approved leave of absence. Cr Youngman was an apology for the Meeting.)

PURPOSE OF REPORT:

The purpose of this report is to seek the Council’s approval for the tender(s) evaluated as being the best value for money for the Cleaning of Public Toilets, Parks and Reserves Buildings and the Town’s Works Depot.

BACKGROUND:

Tenders for Cleaning of Public Toilets, Reserve Buildings and the Council Works Depot for a three (3) year period were advertised in the *West Australian* on 13 May 2009. Tenders closed at 2.00pm on 27 May 2009 and present at the opening of the tenders were Finance Officer, Kara Ball and Property Maintenance Officer, Keith Steicke.

DETAILS:

Eleven (11) tenders were received for Tender No 393/09, however five (5) tenders were deemed non-conforming as they had not completed the Schedule of Rates as specified within the tender documentation.

In accordance with the specification under “Section 2.2.5 Special Conditions” for Tender No. 393/09, it is noted as follows:-

2.2.5 Special Conditions

The Town may look favourably at one (1) contractor who can provide cleaning services for all areas; however, Tenders may be submitted and/or awarded for individual portions of the work i.e. Public Toilets, Clubrooms and Depot.

Tender Evaluation

Selection Criteria

The following weighted criteria were used for the selection of the companies for this tender.

Evaluation Criteria	Weighting
Past Experience in similar projects/works	30%
Contract Price	30%
Organisational structure/capacity/resources	20%
Financial capacity	10%
Compliance with Tender Specification	5%
References	5%
TOTAL	100%

Tender Evaluation Panel

The Tender Evaluation Panel consisted of the Manager Parks Services, Accountant Financial Services, the Projects Officer and the Property Maintenance Officer.

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

Public Toilets

	Weighting	Arrix	Jasneat	Walshy All-round Tradesman	List's	All Clean	Kleenit
Past experience in similar projects/works	30%	24	21	27	27	24	12
Contract Price	30%	30	28.24	21.20	21.36	14.59	4.79
Organisational structure/capacity/resources	20%	20	20	18	18	18	16
Financial capacity	10%	10	10	10	9	10	0
Compliance with tender specifications	5%	5	5	5	5	5	3
References	5%	3.5	2.5	5	5	4.5	0
Total	100%	92.5	86.74	86.20	85.36	76.09	35.79
Rating		1	2	3	4	5	6

Arrix have provided the lowest prices per clean for every public toilet facility. They currently hold cleaning contracts with the Town for the cleaning of Halls, Administration Building and the Town’s Library.

Their performance has been satisfactory and they have always been very responsive when contacted in regards to works that have not been up to standard from time to time.

In view of the above, and following the evaluation process, the officers consider that Arrix should be awarded the contract to clean the Town's public toilet facilities as outlined within the specification for Tender No. 393/09.

Jasneat have held this contract with the Town for a number of years; however, over the past couple of years they have, at times, not performed to the standard expected or to the specifications outlined within the contract.

Walshy All-round tradesman has previously undertaken emergency cleaning works for the Town on a number of occasions. List's and AllClean also have previous experience in the cleaning of public toilet facilities, however, the costs provided by all these contractors exceeds the budget allocated for cleaning in the 2009/10 budget.

Kleenit's submission did not provide any references or information pertaining to their financial capacity. Their previous experience is mainly related to graffiti removal.

Parks and Reserves Buildings (Clubrooms & Change Rooms)

	Weighting	Arrix	Jasneat	List's	All Clean	Kleenit
Past experience in similar projects/works	30%	24	21	27	24	12
Contract Price	30%	30	27.78	19	17.65	4.91
Organisational structure/capacity/resources	20%	20	20	18	18	16
Financial capacity	10%	10	10	9	10	0
Compliance with tender specifications	5%	5	5	5	5	3
References	5%	3.5	2.5	5	4.5	0
Total	100%	92.50	86.28	83	79.15	35.91
Rating		1	2	3	4	5

Arrix have provided the lowest prices per clean for every Clubroom/Change room. They currently hold cleaning contracts with the Town for the cleaning of Halls, Administration Building and the Town's Library.

Their performance has been satisfactory and they have always been very responsive when contacted in regards to works that have not been up to standard from time to time.

In view of the above, and following the evaluation process, the officers consider that Arrix should also be awarded the contract to clean the Town's Clubrooms and Change Rooms as outlined within the specification for Tender No. 393/09.

Jasneat have held this contract with the Town for a number of years; however, over the past couple of years they have, at times, not performed to the standard expected or to the specifications outlined within the contract.

List's and AllClean also have previous experience in the cleaning of these facilities, however, the costs provided by both companies are well over the costs allocated for cleaning these areas in the 2009/10 budget.

Kleenit's submission has not provided any references or information pertaining to their financial capacity and their experience is mainly revolved around graffiti removal.

Works Depot

	Weighting	Jasneat	List's	Arrix	All Clean	Kleenit
Past experience in similar projects/works	30%	27	27	24	24	12
Contract Price	30%	30	26.92	27.87	24.84	7.34
Organisational structure/capacity/resources	20%	20	18	20	18	16
Financial capacity	10%	10	9	10	10	0
Compliance with tender specifications	5%	5	5	5	5	3
References	5%	4.5	5	3.5	4.5	0
Total	100%	96.5	90.92	90.37	86.34	38.34
Rating		1	2	3	4	5

Jasneat Pty Ltd have held the Works depot cleaning contract for a number of years and provided a highly satisfactory service in this area. The costs they have submitted are the lowest and following the evaluation process and advice from the Manager Engineering Operations (Depot Controller) staff consider that Jasneat should be awarded the contract to clean the Town's Works Depot as outlined within the specification for Tender No. 393/09.

Again both List's and AllClean also have previous experience in the cleaning of public toilet facilities, however, the costs provided by all these contractors exceeds the budget allocated for cleaning in the 2009/10 budget

AllClean also have previous experience in the cleaning of these facilities, however, the costs provided by both companies are well over the costs allocated for cleaning these areas in the 2009/10 budget.

Kleenit's submission did not provide any references or information pertaining to their financial capacity. Their previous experience is mainly related to graffiti removal.

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 the objective of Strategic Plan 2009-2014 – 1.1.5 Enhance and maintain Parks, Landscaping and Community Facilities.

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

The costs associated with the cleaning of public toilets, reserve buildings and the Council Works Depot are charged against the respective Park/Building maintenance accounts.

COMMENTS:

It is therefore recommended that the Council approves the tenders submitted by Arrix for Cleaning of Public Toilets, Reserve Buildings and Jasneat Pty Ltd for the cleaning of the Council Works Depot in accordance with the specifications as detailed in Tender No. 393/09.

BACKGROUND:

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

DETAILS:

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

FUND	CHEQUE NUMBERS/ PAY PERIOD	AMOUNT
Municipal Account		
Town of Vincent Advance Account	EFT	\$406,720.68
Total Municipal Account		\$406,720.68
Advance Account		
Automatic Cheques	66218-66438	\$335,060.55
EFT Batch		\$0.00
Municipal Account		
Transfer of Creditors by EFT Batch	925-936, 938	\$2,454,594.75
Transfer of PAYG Tax by EFT	June 2009	\$97,362.66
Transfer of GST by EFT	June 2009	\$97,512.94
Transfer of Child Support by EFT	June 2009	\$523.01
Transfer of Superannuation by EFT:		
• City of Perth	June 2009	\$31,652.13
• Local Government	June 2009	\$112,588.13
Total		\$3,129,294.17
Bank Charges & Other Direct Debits		
Bank Charges – CBA		\$2,949.97
Lease Fees		\$2,919.63
Corporate Master Cards		\$4,657.28
Folding Machine Lease Equipment		\$0.00
Trace Fees – Audit Certificate		
Loan Repayment		\$59,208.28
Rejection Fees		\$10.00
System Disk Fee		\$0.00
Beatty Park - miscellaneous deposit		\$0.00
Total Bank Charges & Other Direct Debits		\$69,745.16
Less GST effect on Advance Account		0.00
Total Payments		\$3,605,760.01

STRATEGIC IMPLICATIONS:

Strategic Plan 2009-2014 – Key Result Area 4.2 – Governance and Management

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

ADVERTISING/CONSULTATION:

N/A.

COMMENT:

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

9.3.4 Charles Veryard Reserve Clubhouse and Turf Wickets, Bourke Street, North Perth – Proposed Lease to Tuart Hill Cricket Club Inc and Modernians Hockey Club Inc.

Ward:	North	Date:	16 June 2009
Precinct:	Smith's Lake	File Ref:	RES0012
Attachments:	-		
Reporting Officer(s):	M Knott		
Checked/Endorsed by:	M Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That the Council APPROVES a five (5) year lease from 1 October 2009 to 30 September 2014, with an option to extend the lease for a further five (5) years, for the premises at Charles Veryard Reserve Clubhouse, including the Turf Wickets, being granted in a joint lease with the Tuart Hill Cricket Club Inc and Modernians Hockey Club Inc, subject to satisfactory negotiations being carried out by the Chief Executive Officer.

COUNCIL DECISION ITEM 9.3.4

Moved Cr Messina, Seconded Cr Ker

That the recommendation be adopted.

CARRIED “EN BLOC” (6-0)

(Cr Farrell and Cr Doran-Wu on approved leave of absence. Cr Youngman was an apology for the Meeting.)

PURPOSE OF REPORT:

The purpose of this report is to provide Council with details regarding the Tuart Hill Cricket Club Inc and Modernians Hockey Club Inc and their request for a new lease.

BACKGROUND:

Tuart Hill Cricket Club Inc and Modernians Hockey Club Inc have jointly held a lease over the premises located at Charles Veryard Reserve, Bourke Street, North Perth for a period of ten (10) years. The lease will expire on the 30 September 2009.

DETAILS:

Tuart Hill Cricket Club Inc and Modernians Hockey Club Inc have jointly occupied the premises in the last ten (10) years from 1 October 1999, the clubhouse has been well maintained by the lessees during the period in accordance with the lease conditions.

The Modernians teams that play on Charles Veryard Reserve participate in the Hockey WA Metropolitan Competition. There are seven (7) senior and twelve (12) junior teams who play in the competition. There are a further five (5) senior teams that train at Charles Veryard once a week; they play in the Hockey WA Premier and Provisional Competitions.

The Tuart Hill Cricket Club have two (2) senior teams that play on Saturdays. This means there is four (4) teams (44 players) that use the ground. This is part of the Western Australian Suburban Turf Cricket Association (WASTCA). The Club has one (1) senior Women's team that play on Sundays, this means there is there is two (2) teams (22 players) that use the ground, this is part of the Western Australian Cricket Association (WACA).

In addition, the Tuart Hill Cricket Club sometimes hosts a representative team on a Sunday from the WACA or Country WA. The Club has also eight (8) senior teams (6 men 2 women teams), who all train at Charles Veryard Reserve on Tuesdays and Thursdays. The under 16s or under 17s have been using one of the grounds on a Saturday or Sunday morning (last year exempted).

The Tuart Hill Cricket Club would like the Town to consider two (2) concessions. Firstly, given their substantial commitment to maintaining the turf wickets at Veryard, whether ground hire fees for match play and training could be waived as part of the lease, and secondly a further five (5) year option on the lease (as per the current lease) to give both Clubs security of tenure over the clubrooms.

The reserve itself is not included as part of the lease, therefore the matter of waving fees charged for use of the reserve is a separate issue. The turf wickets are maintained by the Tuart Hill Cricket Club at their expense, however if this was not the case, the Town would consider removing the turf wickets and replace them with rubber wickets as on other reserves.

CONSULTATION/ADVERTISING:

N/A.

LEGAL/POLICY:

Town of Vincent Policy 1.2.8 – Policy Statement:

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

STRATEGIC IMPLICATIONS:

Strategic Plan 2009 – 2014 – Key Result Area 2 – Economic Development

“2.1.1 Progress Economic Development with Adequate Financial Resources.

2.1.6 Develop business strategies that provide a positive tripled bottom line return for the Town.

(a) Review leases and commercial contracts to ensure the best for the Town whilst being cognisant of its community service obligations.”

SUSTAINABILITY IMPLICATION:

N/A

FINANCIAL/BUDGET IMPLICATIONS:

Tuart Hill Cricket Club Inc and Modernians Hockey Club Inc currently pay annual lease fees of \$6,764.

COMMENTS:

It is recommended that the Council approves an extension to the Tuart Hill Cricket Club Inc and Modernians Hockey Club Inc for five (5) years, with an option to extend the lease for a further five (5) years.

9.3.5 Mount Hawthorn Community Fair Day - Contribution

Ward:	North	Date:	6 July 2009
Precinct:	Mt Hawthorn (1)	File Ref:	FIN8155
Attachments:	-		
Reporting Officer(s):	M Rootsey		
Checked/Endorsed by:		Amended by:	

OFFICER RECOMMENDATION:

That the Council APPROVES a contribution to Mount Hawthorn School for the Mount Hawthorn Community Fair Day for an amount of \$5,000.

COUNCIL DECISION ITEM 9.3.5

Moved Cr Messina, Seconded Cr Ker

That the recommendation be adopted.

CARRIED “EN BLOC” (6-0)

(Cr Farrell and Cr Doran-Wu on approved leave of absence. Cr Youngman was an apology for the Meeting.)

PURPOSE OF REPORT:

To seek approval for the request from the Mount Hawthorn School for a contribution to the Mount Hawthorn School Community Fair Day.

BACKGROUND:

The Mount Hawthorn Community Fair Day will take place on the grounds of Mount Hawthorn School Campus on Sunday 15 November 2009 and will run all day, allowing for broad community participation.

The Mount Hawthorn Primary School Parents and Citizens (P&C) Association Inc. is hosting this Community Day, the event is held on a biennial basis. This major event provides a unique opportunity for many of the parents to unite, for local businesses to be involved and for the broader community to come together and celebrate life in our community.

The Community Fair Day is an opportunity to bring the school and wider community together to celebrate our diversity and the wonderful resources available.

The broader community is very supportive of this event, and the events held in 2005 and 2007 have been very successful.

DETAILS:

In a letter addressed to the Town’s Mayor Catania, the P&C Association dated 10 June 2009 advised the following:

“The focus for this year’s community event is on the environment and making it a ‘living smart’ sustainable event. All participants have to submit a ‘waste-wise’ management plan and their input on reduce, recycle and reuse – this will be challenging but we feel that working together we can grow in reducing our carbon footprint on the planet and know that everyone’s individual effort and awareness will make a difference.

We have been in conversation with Town of Vincent community development staff and their input and support, as always, has been invaluable. To help support this event we would look to the Town for a financial contribution and a budget is attached. The financial support we request - \$5,000 will be used towards logistic costs and free community activities and we will endeavour to do the following:

- *Advertising material will carry the Town of Vincent logo and give message on: 'waste-wise; 'reducing carbon footprints'; encouraging everyone to ride bikes or walk;*
- *Under the big top, throughout the day, fortnightly newsletters, banners, signage, local paper advertising will carry the promotional message 'towards zero waste' and Town of Vincent support.*
- *Behind each stall will be the thoughts and the actions to provide the best practise on waste wise management;*
- *Music, entertainment and performers, will be encouraged to focus on the theme of the day to deliver the green message with fun and encouragement.*

Our aim is to create community conversation about 'our planet' – 'our wisdom' – 'our future' and all to work together towards a greener future."

The total budget for the event is \$15,665 as listed below and the Mount Hawthorn School is seeking a contribution of \$5,000 from the Town towards the funding of this year's Community Fair Day.

**Mt Hawthorn Community Fair Day
Sunday 15 November 2009**

BUDGET:	\$	
<u>Income:</u>		
P&C	5,000	Confirmed
Town of Vincent	5,000	Unconfirmed
Community Grant Scheme	5,665	Unconfirmed

TOTAL: **15,665**

<u>Expenses</u>	
Event Coordinator	5,000
REmida Community Arts	1,915
Kiteman – Michael Alvarez	950
Birds of Prey	300
Stage & Marquee	1,450
Tables, Chairs and Umbrellas	650
Signage Banner (x4)	1,000
Promotional Wrap Around Herald	2,000
Water Trailer	400
PA System and Operator	1,500
Jonathon Thwaites – Pedal Power	500

TOTAL: **15,665**

The Town has been requested to contribute to the following:

	\$
Hire of PA and Operator	1,500
Marquees	1,450
Chairs Tables Umbrella Hire	650
Water trailer	400
Signage banner x 4	1,000
	<u>\$5,000</u>

CONSULTATION/ADVERTISING:

Nil

LEGAL/POLICY:

N/A.

STRATEGIC IMPLICATIONS:

Plan for the Future - Strategic Plan 2009-2014 – Key Result Area - 3.1 Enhance community development and wellbeing;

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

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

FINANCIAL/BUDGET IMPLICATIONS:

An amount of \$10,000 is included in the Governance Program of the 2009/10 Budget for Donation. In addition \$5,000 for Seeding Grants is included in the Donation allocation of \$30,000 in the Education and Welfare Program.

COMMENTS:

The Mount Hawthorn School Community Fair Day is a significant event for the school community which attracts a large response from the Community as seen from the success of the ones held in 2005 and 2007.

Accordingly, it is recommended that given the significance of this event in the Community, and that it is a biennial event, an amount of \$5,000 to be approved.

9.4.1 Use of the Council's Common Seal

Ward:	-	Date:	30 June 2009
Precinct:	-	File Ref:	ADM0042
Attachments:	-		
Reporting Officer(s):	M McKahey		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council NOTES the use of the Council's Common Seal on the documents listed in the report, for the month of June 2009.

COUNCIL DECISION ITEM 9.4.1

Moved Cr Messina, Seconded Cr Ker

That the recommendation be adopted.

CARRIED "EN BLOC" (6-0)

(Cr Farrell and Cr Doran-Wu on approved leave of absence. Cr Youngman was an apology for the Meeting.)

BACKGROUND:

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

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

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

Date	Document	No of copies	Details
3/06/09	Withdrawal of Caveat	1	Town of Vincent and Downings Legal of Level 11, 2 Mill Street, Perth WA 6000 re: No. 174 (Lots 265 & 266) Grosvenor Road, North Perth - <i>Existing caveat o the land for amalgamation of the lot required to be withdrawn for registration of the restrictive covenant (as below).</i>

Date	Document	No of copies	Details
3/06/09	S.129BA Restrictive Covenant	2	Town of Vincent and L Costa of Unit 2, 83 Robert Street, Como WA 6152 and L D'Alessio of Unit 1, 83 Robert Street, Como WA 6152 re: No. 174 (Lots 265 & 266) Grosvenor Road, North Perth - <i>To satisfy condition of approval as follows: "No new development shall occur within 0.49 metres of the right-of-ways abutting the eastern and western boundaries of the lot to accommodate widening of the right-of-ways should it be required in the future."</i>
10/06/09	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Spotless Services Ltd of Gate 7, Subiaco Oval, Subiaco Road, Subiaco 6008 re: Members Equity Bank Sports Luncheon and Host plus Morning Tea - 12 June 2009 (Gareth Naven Room and Members Equity Bank Lounge)
17/06/09	Deed in Relation to Encroachments	2	Town of Vincent and Skycastle Holdings Pty Ltd of Suite 6, 10 Eastbrook Terrace, East Perth re: Equinox Apartments, No. 2 (Lot 813) Pisconeri Street (corner Newcastle Street), Perth - <i>As per Council Resolution of 26 May 2009, particularly Clause (iii), prior to the issue of the Strata Form 7 Certificate of Local Government, the owners shall enter into a deed with the Town imposing legally enforceable obligations on the owners in relation to the subject building encroachments.</i>
19/06/09	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Spotless Services Ltd of Gate 7, Subiaco Oval, Subiaco Road, Subiaco 6008 re: AMSL Conference - 5 August 2009 (Gareth Naven Room)
19/06/09	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Spotless Services Ltd of Gate 7, Subiaco Oval, Subiaco Road, Subiaco 6008 re: AMSL Conference - 6 August 2009 (Gareth Naven Room)
19/06/09	Deed in Relation to Conservation of Existing Dwelling	2	Town of Vincent and D R McAullay of 6 Chelmsford Road, Mount Lawley re: No. 1 (Lot: 1 D/P 3428) Monmouth Street, Mount Lawley WA 6050 - <i>To satisfy Clause (iv) of conditional approval of Ordinary Meeting of Council held on 10/07/07 relating to proposed two-storey single house addition to existing single house.</i>
19/06/09	Notification under Section 70A	2	Town of Vincent and Vincorp Holdings Pty Ltd of 150 Rannoch Circle, Hammersley re: Nos. 416-418 (Lot 300) Oxford Street, Mount Hawthorn WA 6016 - <i>To satisfy Clause (xvii) of conditional approval of Ordinary Meeting of Council held on 12/09/06 relating to Three-storey, plus Basement Mixed Use Development comprising shops, offices, consulting room and four (4) multiple dwellings.</i>
19/06/09	Restrictive Covenant	3	Town of Vincent and A Parissis and P M Parissis both of Unit 76, 4 Delhi Street, Wets Perth WA 6005 and A T Palassis of 66 Coral Tree Avenue, Subiaco WA 6008 re: No. 62 (Lot: 5548 D/P: 230222) Emmerson Street, Mount Lawley - <i>To satisfy Clause (8) of the Western Australian Planning Commission conditional approval dated 15/06/07. Restrictive Covenant to state: "No new development shall occur within 0.485 metres of the right-of-way (Viva Lane) abutting the northern boundary of the lots to accommodate widening of the right-of-way (Viva Lane) should it be required in the future."</i>

Date	Document	No of copies	Details
25/06/09	Deed in Relation to Encroachments	2	Town of Vincent and Schnapper Developments Pty Ltd of 10/38 Fielder Street, East Perth WA 6004 re: The Pavilion Apartments, 59-61 Brewer Street, Perth, WA 6000 - <i>To satisfy Clause (iii) of conditional approval of Ordinary Meeting of Council held on 26/05/09.</i>
26/06/09	Notification under Section 70A	2	Town of Vincent and Schnapper Development Pty Ltd of 10/38 Fielder Street, East Perth WA 6004 re: The Pavilion Apartments, 59-61 Brewer Street (Strata Plan 52828), Perth, WA 6000
26/06/09	Notification under Section 70A	2	Town of Vincent and Skycastle Holdings Pty Ltd of Suite 6, 10 Eastbrook Terrace, East Perth WA 6004 re: No. 2 (Lot 13) (Strata Plan 48977), Pisconeri Street, Perth
26/06/09	Contract Documents	2	Town of Vincent and Leederville Gardens Retirement Estate of 37 Britannia Road, Leederville and Mrs M Brunn re: Unit 58, Leederville Gardens

9.4.5 Loftus Recreation Centre Management Committee – Receiving Of Unconfirmed Minutes

Ward:	North	Date:	6 July 2009
Precinct:	Leederville	File Ref:	TEN 0390
Attachments:	001 ; 002		
Reporting Officer(s):	M. Rootsey		
Checked/Endorsed by:		Amended by:	

OFFICER RECOMMENDATION:

That the Council RECEIVES the Unconfirmed Minutes of the Loftus Recreation Centre Management Committee Meeting held on 2 July 2009, as shown in Appendix 9.4.5.

COUNCIL DECISION ITEM 9.4.5

Moved Cr Messina, Seconded Cr Ker

That the recommendation be adopted.

CARRIED “EN BLOC” (6-0)

(Cr Farrell and Cr Doran-Wu on approved leave of absence. Cr Youngman was an apology for the Meeting.)

PURPOSE OF REPORT:

The purpose of the report is for the Council to receive the Unconfirmed Minutes of the Loftus Recreation Centre Management Committee meeting held on the 2 July 2009.

BACKGROUND:

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

“That the Council APPROVES BY AN ABSOLUTE MAJORITY;

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

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

CONSULTATION/ADVERTISING:

N/A.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

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

SUSTAINABILITY IMPLICATION:

N/A

FINANCIAL/BUDGET IMPLICATIONS:

N/A

COMMENT:

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

9.1.1 No. 22/663 (Lots: 16 and 17, STR: 10630) Newcastle Street, Leederville - Alterations and Additions to Existing Night Club – Reconsideration of Condition

Ward:	South	Date:	3 July 2009
Precinct:	Oxford Centre; P04	File Ref:	PRO0617; 5.2009.177.1
Attachments:	001		
Reporting Officer(s):	D Pirone		
Checked/Endorsed by:	R Rasiah, J MacLean	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by C Belcher on behalf of the owner E M Carriera for proposed Alterations and Additions to Existing Nightclub - Reconsideration of Condition, at No. 22/663 (Lots: 16 and 17 STR: 10630) Newcastle Street, Leederville, and as shown on plans stamp-dated 19 May 2009, subject to the following conditions:

- (i) *all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (ii) *the total public floor area shall be limited to 463 square metres;*
- (iii) *prior to the first occupation of the development, the following bin compounds are required to be provided under the Town's Health Local Laws 2004:*

Commercial Properties

- *General Waste: One (1) Mobile Garbage Bin or equal to 240 litres per commercial unit or 200 square metres of floor space, or part thereof (collected weekly); and*
 - *Recycle Waste: One (1) Mobile Recycle Bin or equal to 240 litres per commercial unit or 200 square metres of floor space, or part thereof (collected fortnightly); and*
- (iv) *the maximum number of persons to occupy the building at any one time shall be 544 persons. The applicant must ensure that all exit pathways remain unobstructed at all times in accordance with the Health (Public Building) Regulations 1992.*

COUNCIL DECISION ITEM 9.1.1

Moved Cr Messina, Seconded Cr Ker

That the recommendation be adopted.

MOTION PUT AND CARRIED (6-0)

(Cr Farrell and Cr Doran-Wu on approved leave of absence. Cr Youngman was an apology for the Meeting.)

Landowner:	E Carriera
Applicant:	C Belcher
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): District Centre
Existing Land Use:	Night Club
Use Class:	Night Club
Use Classification:	"Use not listed"
Lot Area:	395 square metres
Access to Right of Way	Not Applicable

BACKGROUND:

- 13 November 1989 The City of Perth Council refused an application for a cabaret.
- 19 April 1990 The Minister for Planning upheld an appeal against the Council's refusal of the cabaret application.
- 18 March 1991 The City of Perth Council approved a courtyard adjoining the night club.
- 6 September 1993 The City of Perth Council refused an application for the relocation of the entry to the night club.
- 21 February 1994 The City of Perth Council approved an application for the relocation of the entry to the night club.
- 14 March 1995 The Council at its Ordinary Meeting approved the extension of the night club into an adjoining tenancy.
- 26 August 1996 The Council at its Ordinary Meeting approved the relocation of the courtyard bar and an additional balcony and cool room on the first floor.
- 11 August 1997 The Council at its Ordinary Meeting approved an application for alterations and additions to an existing night club.
- 24 February 2009 The Council at its Ordinary Meeting approved the alterations and additions to existing nightclub subject to the several conditions including the following:
- “(ii) *the total public floor area shall be limited to 374 square metres; and*
- (v) *the maximum number of persons to occupy the proposed outdoor courtyard at any one time shall be 21 persons. The applicant must ensure that all exit pathways remain unobstructed at all times in accordance with the Health (Public Building) Regulations 1992.”*

DETAILS:

The proposal involves the reconsideration of condition (ii) and (v) of the Planning Approval granted by the Council at its Ordinary Meeting held on 24 February 2009, as a result of the floor area and patron numbers being inadvertently omitted by the Town's Health Services, lesser number of persons and lesser public floor area was approved for the site. The Town's Health Services have reassessed the same plans that were approved by Council at its Ordinary Meeting held on 24 February 2009 and have advised that the total public floor area of the nightclub is 463 square metres and therefore a maximum of 544 persons can occupy the site at any one time.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	Noted – no variation.
Car Parking			
Car parking requirement (nearest whole number)			= 122 car bays
<ul style="list-style-type: none"> Night Club - 1 space per 3.8 square metres of public floor area or 4.5 persons of maximum number of persons approved for the site, whichever is the greater. Total public floor area = 463 square metres = 121.84 car bays Total persons approved for the site = 544 persons = 120.89 car bays Requires 121.84 car bays 			
Apply the adjustment factors.			(0.4896)
<ul style="list-style-type: none"> 0.80 (within 400 metres of a rail station) 0.85 (within 400 metres of a bus stop) 0.80 (within 50 metres of a public car parking place with in excess of 50 car parking spaces) 0.90 (the proposed development is within a District Centre Zone) 			= 59.73 car bays
Minus the car parking provided on-site			8 car bays
Minus the most recently approved on-site car parking shortfall. 11 August 1997 – the Council at its Ordinary Meeting approved an application for alterations and additions to existing night club.			67.32 car bays
Resultant surplus			15.59 car bays
Consultation Submissions			
Support	Nil.	Noted.	
Objection (1)	<ul style="list-style-type: none"> The number of patrons is too excessive. Lack of car parking. The use of the courtyard as an entrance to the nightclub. 	<ul style="list-style-type: none"> Not supported – as the number of persons permitted on site is compliant with the Health (Public Building) Regulations 1992. Not supported – as due to the large shortfall of car parking approved for the site, the proposed increase in floor area still results in a surplus of car parking. Not supported – as this configuration has been approved by Council at its Ordinary Meeting held on 24 February 2009. 	
Other Implications			
Legal/Policy			TPS 1 and associated Policies.
Strategic Implications			Nil
Sustainability Implications			Nil
Financial/Budget Implications			Nil

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

COMMENTS:

The proposal is minor in nature and essentially formalises the public floor space and allowed number of patrons at the night club. In light of the above, it is recommended that Council approve the application subject to standard and appropriate conditions.

9.1.7 No. 16/663 (Lot: 14 STR: 10630) Newcastle Street, Leederville – Signage Addition to Existing Local Shop (Downtown Convenience Store) – (Application for Retrospective Approval)

Ward:	South	Date:	6 July 2009
Precinct:	Oxford Centre; P4	File Ref:	PRO0669 5.2009.156.1
Attachments:	001		
Reporting Officer(s):	C Harman		
Checked/Endorsed by:	R Rasiah, J MacLean	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, REFUSES the application submitted by B Mahdi on behalf of the owner, A Sadak, for proposed Signage (Application for Retrospective Approval), at No. 16/663 (Lot: 14 STR: 10630) Newcastle Street, Leederville, and as shown on plans stamp-dated 6 May 2009, 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; and*
- (b) *the non-compliance with clause 2. (i) (e) of the Town's Policies relating to Signs and Advertising which states the total signage area is not to exceed 10 per cent of the total area of the building wall in which that signage is located and the Oxford Centre Precinct Statement, respectively;*
- (ii) *advises the applicant and owners that the unauthorised signage is to be removed within twenty-eight (28) days of notification; and*
- (iii) *AUTHORISES the Chief Executive Officer to proceed with legal action should the above signage remain after this twenty-eight (28) days period.*

Moved Cr Messina, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND LOST (0-6)

(Cr Farrell and Cr Doran-Wu on approved leave of absence. Cr Youngman was an apology for the Meeting.)

Reasons:

- 1. Signage is unobtrusive and because of its nature it does not lend itself to assessment in strict terms of the Policy.**
- 2. Minor variations to the non-compliant requirements.**

ALTERANTIVE RECOMMENDATION - COUNCIL DECISION ITEM 9.1.7

Moved Cr Ker, Seconded Cr Messina

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by B Mahdi on behalf of the owner, A Sadak, for proposed Signage (Application for Retrospective Approval), at No. 16/663 (Lot: 14 STR: 10630) Newcastle Street, Leederville, and as shown on plans stamp-dated 6 May 2009, subject to the following conditions:

- (i) *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;*
- (ii) *all signage shall have a minimum clearance of 2.75 metres from the adjacent footpath level; and*
- (iii) *within twenty eight (28) days of the issue date of this 'Approval to Commence Development', a Building Approval Certificate Application, structural details certified by a Practicing Structural Engineer, including plans and specifications of the subject commenced works, shall be submitted to and approved by the Town of Vincent Building Services as required under section 374 AA of the Local Government (Miscellaneous Provisions) Act 1960, and regulation 11 A of the Building Regulations 1989.*

ALTERNATIVE MOTION PUT AND CARRIED (6-0)

(Cr Farrell and Cr Doran-Wu on approved leave of absence. Cr Youngman was an apology for the Meeting.)

Landowner:	A Sadak
Applicant:	B Mahdi
Zoning:	Metropolitan Region Scheme: (MRS) Urban Town Planning Scheme No. 1 (TPS 1): District Centre
Existing Land Use:	Shop
Use Class:	Shop
Use Classification:	"P"
Lot Area:	63 square metres
Access to Right of Way	N/A

BACKGROUND:

29 January 2009 The Town, under delegated authority from Council, resolved to conditionally approve the proposed signage subject to condition (iii) of the approval dated 29 January 2009 which states as follows:

“(iii) two (2) wall signs do not form part of this approval and shall be removed and remain removed, from the site within 14 days from the issue of this Approval”.

7 April 2009 A site inspection was carried out by the Town’s Officers which revealed that the signage not approved as per condition (iii) of the delegated approval dated 29 January 2009, had been re-erected in its original location.

6 May 2009 A retrospective planning application for the additional signage was received by the Town.

DETAILS:

The proposal involves signage which has been erected contrary to the planning approval issued 29 January 2009. The subject proposal includes two (2) wall signs.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Wall Sign: Newcastle Street (West) Elevation.	The total signage area is not to exceed 10 per cent (4.102 square metres) of the total area of the building wall in which that sign is located.	Total signage covers 14.2 per cent (5.825 square metres) of the total wall area.	Not supported – as the area of the subject signage is considered excessive for the site.
Car Park (north) Elevation.	The total signage area is not to exceed 10 per cent (2.701 square metres) of the total area of the building wall in which that sign is located.	Total signage covers 14.8 per cent (3.997 square metres) of the total wall area.	Not supported – as the area of the subject signage is considered excessive for the site.
Consultation Submissions			
No advertising is required for the subject application as it does not involve an intensification of the land use and is being referred to Council for consideration and determination.			
Other Implications			
Legal/Policy			TPS 1 and associated Policies
Strategic Implications			Nil
Sustainability Implications			Nil
Financial/Budget Implications			Nil

COMMENTS:

The proposed signage would result in an excessive amount of signage on the site and is considered detrimental to the visual amenity of the area. There are three existing projecting signs on site including one illuminated under awning sign. The proposed development is therefore contrary to the provisions of the Town's Policies relating to Signs and advertising and the Oxford Centre Precinct Statement and is therefore recommended for refusal.

SUMMARY:

On the above basis, the two wall signs are recommended for refusal for the abovementioned reasons.

9.1.2 No. 138 (LOT: 329 D/P: 1939) Federation Street, Mount Hawthorn - Proposed Front Fence Addition to Existing Single House (Retrospective Application)

Ward:	North	Date:	7 July 2009
Precinct:	Hawthorn; P01	File Ref:	PRO4471 5.2009.175.1
Attachments:	001		
Reporting Officer(s):	J Pirone		
Checked/Endorsed by:	R Rasiah, J Maclean	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by the owner J A De Burgh for proposed Front Fence Addition to Existing Single House (Retrospective Application), at No. 138 (LOT: 329 D/P: 1939) Federation Street, Mount Hawthorn, and as shown on the plans stamp-dated 15 May 2009, subject to the following conditions:

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

(a) *re-align the crossover and internal driveway toward the centre of the lot and install a permeable fence panel between the driveway and boundary;*

OR

(b) *install a turning circle within the front setback area of 6 metres to the satisfaction of the Town's Technical Services Department;*

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

(ii) *within twenty eight (28) days of the issue date of this 'Approval to Commence Development', a Building Approval Certificate Application, structural details certified by a Practising Structural Engineer, including plans and specifications of the subject commenced works, shall be submitted to and approved by the Town of Vincent Building Services as required under section 374 AA of the Local Government (Miscellaneous Provisions) Act 1960, and regulation 11 A of the Building Regulations 1989.*

Moved Cr Ker, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Ker, Seconded Cr Messina

That the recommendation be amended to read as follows:

“That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by the owner J A De Burgh for proposed Front Fence Addition to Existing Single House (Retrospective Application), at No. 138 (LOT: 329 D/P: 1939) Federation Street, Mount Hawthorn, and as shown on the plans stamp-dated 15 May 2009, subject to the following conditions:

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

~~(a) re-align the crossover and internal driveway toward the centre of the lot and install a permeable fence panel between the driveway and boundary;~~

OR

~~(b) install a turning circle within the front setback area of 6 metres to the satisfaction of the Town's Technical Services Department;~~

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

~~(ii) within twenty eight (28) days of the issue date of this 'Approval to Commence Development', a Building Approval Certificate Application, structural details certified by a Practicing Structural Engineer, including plans and specifications of the subject commenced works, shall be submitted to and approved by the Town of Vincent Building Services as required under section 374 AA of the Local Government (Miscellaneous Provisions) Act 1960, and regulation 11 A of the Building Regulations 1989.”~~

Debate ensued.

AMENDMENT PUT AND CARRIED (6-0)

(Cr Farrell and Cr Doran-Wu on approved leave of absence. Cr Youngman was an apology for the Meeting.)

MOTION AS AMENDED PUT AND CARRIED (6-0)

(Cr Farrell and Cr Doran-Wu on approved leave of absence. Cr Youngman was an apology for the Meeting.)

Reasons for significant amendment:

1. The proposed fence does not significantly reduce visibility in the existing crossover and driveway in that location.
2. The original proposed conditions are considered to be detrimental to the streetscape.

COUNCIL DECISION ITEM 9.1.2

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by the owner J A De Burgh for proposed Front Fence Addition to Existing Single House (Retrospective Application), at No. 138 (LOT: 329 D/P: 1939) Federation Street, Mount Hawthorn, and as shown on the plans stamp-dated 15 May 2009.

Cr Burns departed the Chamber at 6.36pm.

Landowner:	J A De Burgh
Applicant:	J A De Burgh
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R30
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	491 square metres
Access to Right of Way	N/A

BACKGROUND:

- 31 July 2008 The Town under delegated authority from the Council conditionally approved a front fence addition to the existing single house.
- 24 February 2009 The Town formally cancelled the building licence application for a front fence addition to existing single house as the applicant did not submit the required information within the specified time frame.
- 24 March 2009 A site inspection on 23 February 2009 carried out by the Town's Development Compliance Officer revealed that the constructed front fence had not been as per the approved plans.
- 30 April 2009 The applicant submitted a retrospective planning application for the non-compliant front fence.

DETAILS:

The proposal involves a retrospective front fence addition to an existing single house at the above subject property.

The applicant's submission is "Laid on the Table" and partly states as follows:

"I requested in my letter for the pier sizes to be increased from 355 x 355 millimetres. The additional height of the piers from 1600mm to the additional height of 1770 and 1825 was made for two reasons:

- a) to match the existing adjoining brick wall height of 136 Federation Street and*
- b) to maintain an aesthetically level to the top of the wall to allow for the slope of the terrain in Federation Street."*

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	
SADC 13: Street Walls and Fences	Posts and piers are to have a maximum width of 355 millimetres and a maximum diameter of 500 millimetres.	Varies from 358 - 385 millimetre posts/piers.	Supported – see ‘Comments’ section below.
Consultation Submissions			
No consultation required in this instance as front fence is retrospective			
Other Implications			
Legal/Policy			TPS 1, associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Sustainability Implications			Nil
Financial/Budget Implications			Nil

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

COMMENTS:

Technical Services:

The Town’s Technical Services Officers have advised that as the front fence is permeable and that there is adequate sight distance to see pedestrians and vehicles approaching from the north. However, the boundary fence on the southern side is a 1600 millimetres high solid wall affording nil sight distance of pedestrian and vehicles approaching from the south.

If the boundary wall cannot be modified to comply then one course of action is to re-align the crossover and internal driveway toward the centre of the block and install a permeable fence panel between the driveway and boundary. Alternatively the applicant can install a turning area within the front set-back so as to exit the property in a forward gear. This would result in the driver having an improved line of sight to the south.

In order to satisfy the above requirements, condition (ii) has been recommended.

The subject variation to the acceptable development fencing requirements of the Town’s Residential Design Elements Policy 3.2.1 is of a minor nature and is not considered to have an undue impact on the streetscape. Although the front fence does not comply with standard visual truncations, the Town’s Technical Services have supported the variations subject to conditions.

CONCLUSION:

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

9.1.5 No. 14 (Lot: 1 STR: 12592) Orange Avenue, Perth - Proposed Front Fence Addition to Existing Single House (Retrospective Application)

Ward:	South	Date:	7 July 2009
Precinct:	Hyde Park; P03	File Ref:	PRO4662; 5.2009.128.1
Attachments:	001 ; 002		
Reporting Officer(s):	J Pirone		
Checked/Endorsed by:	R Rasiah, J MacLean	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by the owner Derek Bower for proposed Front Fence Addition to Existing Single House (Retrospective Application), at No. 14 (Lot: 1 STR: 12592) Orange Avenue, Perth, and as shown on the plans stamp-dated 15 April 2009, subject to the following conditions:

- (i) the proposed automatic gate is to be able to open at least 3 metres for vehicle access and permit visual truncations as required by the Town’s Truncation Policy; and*
- (ii) within twenty eight (28) days of the issue date of this 'Approval to Commence Development', a Building Approval Certificate Application, structural details certified by a Practising Structural Engineer, including plans and specifications of the subject commenced works, shall be submitted to and approved by the Town of Vincent Building Services as required under section 374 AA of the Local Government (Miscellaneous Provisions) Act 1960, and regulation 11 A of the Building Regulations 1989.*

COUNCIL DECISION ITEM 9.1.5

Moved Cr Messina, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

Cr Burns returned to the Chamber at 6.38pm.

Debate ensued.

PROPOSED AMENDMENT

Moved Cr Maier, Seconded Cr

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

“(iii) the maximum height of the sold portion of the wall between numbers 14 and 16 Orange Avenue within the front setback area being 1.2 metres above the natural ground level with a minimum of fifty percent visually permeable above 1.2 metres.”

Debate ensued.

The Presiding Member, Mayor Nick Catania stated that he was receiving advice on the proposed amendment, as he felt it may not be able to be dealt with in this application.

Debate ensued.

The Presiding Member, Mayor Nick Catania stated that it would be preferable to defer this matter for further consideration, as it was unclear whether the front side fence was a part of the application.

PROCEDURAL MOTION

Moved Cr Maier, Seconded Cr Messina

That the item be DEFERRED to obtain clarification about the application.

PROCEDURAL MOTION PUT AND CARRIED (6-0)

(Cr Farrell and Cr Doran-Wu on approved leave of absence. Cr Youngman was an apology for the Meeting.)

ADDITIONAL INFORMATION:

The above amendment is for the constructed 1.8 metre Earth wall for the common boundary between No. 14 and No. 16 Orange Avenue, which has been supported by the owners of No. 16 Orange Avenue. The front fence for No. 16 Orange Avenue has been issued a Building Licence, as planning approval was not required.

Landowner:	D J Bower
Applicant:	D J Bower
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R80
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	362 square metres
Access to Right of Way	South-Eastern side, 3 metres wide, sealed, Public

BACKGROUND:

29 May 2009 The Town under delegated authority from the Council conditionally approved a patio and shed addition to the existing single house.

7 July 2009 A site inspection carried out by one of the Town's Planning Officer's revealed that the front fence had been partly constructed and therefore is considered a retrospective application.

DETAILS:

The proposal involves a retrospective front fence addition to existing single house at the subject property.

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

The application justification is summarised as follows:

“Justification as to why the proposal has a 1.8 metre earth wall:

- *Security in accessing front yard/driveway;*
- *Provide shelter from easterly winds;*

Reasons for the style/design of the wall:

- *Matches the design of 12 Orange Ave*
- *Matches the width of existing duplex, dividing wall between No. 14 and 16.*
- *Recycled concrete cheaper than bricking and rendering but finish wall will be identical to existing.”*

ASSESSMENT:

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

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio:	N/A	N/A	Noted.
Street Walls and Fences (Residential Design Elements SPC 13 and SADC 13):	Maximum height of solid portion of wall to be 1.2 metres above natural ground level and a minimum of 50 percent visually permeable above 1.2 metre portion.	Earth wall <u>(on the Orange Avenue elevation and the north elevation)</u> – 1.8 metres above natural ground level solid wall.	Supported – See ‘Comments’ section below.
Consultation Submissions			
Support (1)	No Comments Provided		Noted.
Objection	Nil		Noted.
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Sustainability Implications			Nil
Financial/Budget Implications			Nil

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

COMMENTS:

The subject variation to the Acceptable Development Criteria (SADC 13) fencing requirements of the Town’s Residential Design Elements Policy 3.2.1 is of a minor nature and is not considered to have an undue impact on the streetscape. The solid portion to 1.8 metres extends for a length of 1.7 metres over the front boundary which has a width of 9.72 metres. Furthermore, the other portions of the fencing indicate a metal mesh with a 50 per cent visual permeability with a solid portion of 600 millimetres above the footpath level. The proposed fence complies with the Town’s Truncation Policy and no objections were received during the advertising process.

As per the performance criteria of the Town's Residential Design Elements Policy 3.2.1, the 1.8 metre earth wall is not considered to restrict the building including its entrance from being visible from the street. This is evident at the site inspection carried out by the Town's Planning Officer's, which revealed that the retrospective fence does not intrude on the visibility of the existing building. This is supported through the applicant's submission, which discusses that the front fence is in keeping with the streetscape of Orange Avenue. For example, No. 12 Orange Avenue has a front fence which is very similar to the one at No. 14. Although there is no record in the Town's files that this fence was approved, no complaints have been received and it is not believed to have a significant impact on the existing streetscape. Furthermore the proposed front fence complies with the requirements for adequate sightlines and vehicle access points.

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

9.1.8 Further Report - Amendment No. 62 to Planning and Building Policies – Policy No. 3.5.2 Relating to Signs and Advertising

Ward:	Both Wards	Date:	29 June 2009
Precinct:	All Precincts	File Ref:	PLA0188
Attachments:	001 002		
Reporting Officer(s):	E Lebbos, T Woodhouse		
Checked/Endorsed by:	J MacLean	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the Draft Amended Policy No. 3.5.2 relating to Signs and Advertising, as shown in Attachment 001;*
- (ii) *ADVERTISES the Draft Amended Policy No. 3.5.2 relating to Signs and Advertising 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 Amended Policy No. 3.5.2 relating to Signs and Advertising, having regard to any written submissions; and*
 - (b) *DETERMINES the Draft Amended Policy No. 3.5.2 relating to Signs and Advertising, with or without amendment, to or not to proceed with it.*

Moved Cr Messina, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

AMENDMENT NO 1

Moved Cr Maier, Seconded Cr Ker

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

- “(i) *RECEIVES the Draft Amended Policy relating to No. 3.5.2 relating to Signs and Advertising, as shown in Attachment 001; subject to the Policy being further amended as follows:*
 - (a) *Clause 3 Sign Specific Standards (xvi) Tethered Signs: (a) (cc) be amended to read as follows;*
 - ‘cc) *not be less than ~~2.7~~ 2.75 metres from the finished ground level to the lowest part of the sign or greater than & 6 metres from the finished ground level to the highest part of the sign ~~from the finished ground level to the lowest part of the sign;~~”*

AMENDMENT NO 1 PUT AND CARRIED (6-0)

(Cr Farrell and Cr Doran-Wu on approved leave of absence. Cr Youngman was an apology for the Meeting.)

AMENDMENT NO 2

Moved Cr Ker, Seconded Cr Lake

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

“(i) RECEIVES the Draft Amended Policy relating to No. 3.5.2 relating to Signs and Advertising, as shown in Attachment 001; subject to the Policy being further amended as follows:

(a) Clause 1 Definitions be amended to read as follows;

“Thoroughfare” shall have the same meaning as “Thoroughfare” in the Local Law relating to Local Government Property.”

Debate ensued.

AMENDMENT NO 2 PUT AND CARRIED (6-0)

(Cr Farrell and Cr Doran-Wu on approved leave of absence. Cr Youngman was an apology for the Meeting.)

Debate ensued.

MOTION AS AMENDED PUT AND CARRIED (6-0)

(Cr Farrell and Cr Doran-Wu on approved leave of absence. Cr Youngman was an apology for the Meeting.)

COUNCIL DECISION ITEM 9.1.8

That the Council;

(i) RECEIVES the Draft Amended Policy No. 3.5.2 relating to Signs and Advertising, as shown in Attachment 001; subject to the Policy being further amended as follows:

(a) Clause 3 Sign Specific Standards (xvi) Tethered Signs: (a) (cc) be amended to read as follows;

‘cc) not be less than ~~2.7~~ 2.75 metres from the finished ground level to the lowest part of the sign or greater than & 6 metres from the finished ground level to the highest part of the sign ~~from the finished ground level to the lowest part of the sign;~~’; and

(b) Clause 1 Definitions be amended to read as follows;

“Thoroughfare” shall have the same meaning as “Thoroughfare” in the Local Law relating to Local Government Property.”;

(ii) ADVERTISES the Draft Amended Policy No. 3.5.2 relating to Signs and Advertising 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 Amended Policy No. 3.5.2 relating to Signs and Advertising, having regard to any written submissions; and*
 - (b) *DETERMINES the Draft Amended Policy No. 3.5.2 relating to Signs and Advertising, with or without amendment, to or not to proceed with it.*

FURTHER REPORT:

The Council at its Ordinary Meeting held on 23 June 2009, considered the Draft Amended Policy and resolved:

“That the item be DEFERRED for further consideration.”

The Town’s Officers have reviewed the Minutes of the Ordinary Meeting of Council held on 23 June 2009, and have made further amendments via double underline and strikethrough, to the Draft Amended Policy that was presented to the above Council Meeting.

Electoral Signs

During the review of the Policy undertaken by the Town's Officers it was suggested that provisions for signage dealing specifically with electoral advertising be included in the Policy. However on listening to the Minutes of the Ordinary Meeting of Council held on 23 June 2009, and further review by the Town's Officers, it is acknowledged that clause 3 (vi) of the draft Amended Policy relating to Signs and Advertising that was presented to Council on 23 June 2009 was overly prescriptive and superfluous to the intent of the Policy. To reiterate this, clause 1 (ii) of the Town's Policy No. 3.5.1 relating to Minor Nature Development defines minor nature development as that ‘of a temporary nature occurring on one-off occasions (although may occur on a number of days) but not of any permanent nature or re-occurrence’. As such, electoral signage is considered as minor nature development, and is therefore exempt from planning approval. However, the Town’s Local Law Relating to Property clause 6.5 states; prescribes requirements for electoral signs in a thoroughfare.

Accordingly, the standards for electoral signs have been revised that delete specific standards for electoral signage and replaced with a new clause 3 vi) a), that includes reference to the Town's Policy No. 3.5.1 relating to Minor Nature Development. Clause 3 vi) (e) relating to removing electoral signs has been retained in the Policy and renumbered as clause 3 vi) (b) to emphasise the temporary nature of electoral signage.

Details of the further amendments to the draft Amended Policy is shown with double strikethrough and underline in Attachment 001 of the report and summarised below:

"vi) Electoral Sign

- a) All electoral signs are considered as minor nature development in accordance with clause 1 (ii) of the Town of Vincent’s Policy 3.5.1 relating to Minor Nature Development and are exempt from planning approval;

- ~~a) A Sign erected for the purpose of identifying a place where electors may obtain information on a particular candidate, on polling day only, subject to:~~
- ~~aa) the sign being no larger than 1 square metre; and~~
 - ~~bb) the sign being displayed within the vicinity of, but no closer than 6 metres to, a polling place appointed under Section 98 of the Local Government Act 1960 (as amended);~~
- ~~b) The Town may erect or grant approval to erect signs for the purpose of:~~
- ~~aa) encouraging participation in voting at local government elections (but not in favour of a particular candidate), provided such signs are erected no more than four weeks prior to the date of the election; or~~
 - ~~bb) indicating the location and identity of a particular polling place at which voting is to take place;~~
- ~~e) In the interests of ensuring equitable representation of all candidates for an election, an electoral advertisement for Council elections may only be placed on authorised hoardings and display boards specifically erected and maintained by the Town as suitable locations within each ward where an election is to be held and in accordance with the requirements laid down by the Council from time to time;~~
- ~~d) Electoral signs with a total area of less than 1 square metre may be placed on shop windows or displayed within premises zoned for commercial uses, providing consent of the owner or occupier is given; and~~
- ~~eb) All electoral advertisements and electoral signs shall be removed within 24 hours after polling day.~~
- ~~c) All electoral signs in a thoroughfare shall comply with the requirements of the Town of Vincent Local Law relating to Property (clause 6.5)."~~

It is considered that these amendments address the issues that were raised at the Ordinary Meeting of Council held on 23 June 2009 relating to electoral signage. It is therefore recommended that the Council receives the report and authorises the advertising of the further amended version of the Draft Policy in accordance with the Officer Recommendation.

The following is a verbatim of copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 23 June 2009.

OFFICER RECOMMENDATION:

That the Council;

- (i) RECEIVES the Draft Amended Policy No. 3.5.2 relating to Signs and Advertising, as shown in Attachment 001;*
- (ii) ADVERTISES the Draft Amended Policy No. 3.5.2 relating to Signs and Advertising 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 Amended Policy No. 3.5.2 relating to Signs and Advertising, having regard to any written submissions; and*
 - (b) *DETERMINES the Draft Amended Policy No. 3.5.2 relating to Signs and Advertising, with or without amendment, to or not to proceed with it.*
-

COUNCIL DECISION ITEM 9.1.10

Moved Cr Ker, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Maier, Seconded Cr Ker

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

“(i) RECEIVES the Draft Amended Policy No. 3.5.2 relating to Signs and Advertising, as shown in Attachment 001, subject to:

(a) clause (3)(vi) of Policy being deleted;”

Debate ensued.

PROCEDURAL MOTION

Moved Cr Ker, Seconded Cr Messina

That the item be DEFERRED for further consideration.

MOTION PUT AND CARRIED (7-0)

(Mayor Catania and Cr Youngman were apologies for the meeting.)

PURPOSE OF REPORT:

The purpose of this report is to present a Draft Amended Policy No. 3.5.2 relating to Signs and Advertising, and to seek Council's approval to advertise the Draft Amended Policy.

BACKGROUND:

The Signs and Advertising Policy was first adopted by the Council at its Ordinary Meeting held on 20 November 2001. It was last amended by the Council at its Ordinary Meeting held on 6 November 2007 following a minor amendment to remove any anomaly between ground based signs under the Town's Signs and Advertising Policy and portable signs under the draft new Local Government Property Local Law.

The Council at its Ordinary Meeting held on 6 November 2007 considered the proposed Amendment to the Signs and Advertising Policy, and resolved as follows:

“That the Council;

- (i) RECEIVES the final amended version of the Policy relating to Signs and Advertising, as attached to this report, resulting from the advertised version having been reviewed and with regard to nil (0) written submissions received during the formal advertising period, in accordance with Clauses 47 (3), (4) and (5)(a) of the Town’s Town Planning Scheme No. 1;*
- (ii) ADOPTS the final amended version of the Policy relating to Signs and Advertising, as attached to this report, in accordance with Clause 47 (5) (b) of Town’s Town Planning Scheme No. 1; and*
- (iii) AUTHORIZES the Chief Executive Officer to advertise the final amended version of the Policy relating to Signs and Advertising, as attached to this report, in accordance with Clause 47 (6) of the Town’s Town Planning Scheme No. 1.”*

DETAILS:

The key objective of the Signs and Advertising Policy is to ensure that the display of advertisements on properties does not adversely impact upon the amenity of surrounding areas while providing appropriate exposure of activities or services.

A review of the Policy has been undertaken with the intent to improve the effectiveness of its implementation. The review process has been twofold; to investigate various sign and advertising policies of other local government authorities; and to collate feedback from internal service areas who apply the Policy.

Research into procedures by other local governments:

A number of local councils were examined as part of the review process, including the City of Nedlands, the City of Stirling, and the City of Subiaco. The findings indicated that the following methods to improve the Signs and Advertising Policy could be considered:

- outline in detail the differences between obtaining a sign licence and planning approval;*
- clearly outline the variations to the sign specific standards in order to ensure that where the standards are not met, signs are assessed in accordance with the principles set out in this section of the Policy; and*
- set out development guidelines for any sign proposed on a heritage listed place including size, placement, design, and illumination of signs.*

Internal feedback from the Town’s Planning and Heritage Officers:

A copy of the Signs and Advertising Policy was circulated to relevant Planning and Heritage Officers who regularly apply the Policy.

A summary of the feedback received by the Town’s Officers and subsequent amendments to the Policy is summarised below:

Signs and Advertising Policy No. 3.5.2:

Officer Comments:

- *Provide the Town's own diagram to represent the different sign types outlined in the Policy;*
- *Set out clearer definitions for the different sign types;*
- *Include provisions for signage dealing specifically with electoral advertising;*
- *Provide clarification in terms of the differences between a sign licence and a development approval, as well as clearly outline when each is applicable;*
- *Include a clause to change the current stipulation in the Policy from no signage allowed on fences and walls etc., to signage being permitted on fences, walls etc. for tenancies located on district distributors, and heritage listed properties;*
- *Incorporate a clause specifically relating to standards for signs on commercial uses in residential and residential/commercial zones;*
- *Amend the inconsistency between the Policy and the Building Regulations 1989 regarding the minimum clearance for various signs from 2.7 m to 2.75 m;*
- *Reduce the height allowance in the Policy regarding tethered signs from 8 metres to 6 metres;*
- *In the clause outlining the variations of standards, include a separate section clearly stating the relevant principles to the variations of standards in the Policy;*
- *Include a separate section regarding standards common to signs on heritage listed properties; and*
- *Develop a Sign Strategy Pro Forma to correspond with the requirement for a sign strategy stipulated in the Policy.*

Officer Actions:

In response to the issues raised above, various proposed amendments to the Policy have been made as shown in attachment 001 (via underline and strikethrough), of the report and as outlined below;

A new diagram representing the sign types relevant to the Town of Vincent has been incorporated into the Policy to replace the current signage diagram from the City of Stirling. Concerning clause 1 of the Policy, clearer definitions have been incorporated to ensure accurate determination of sign types by applicants, as well as accurate assessment by the Town's Planning Officers. Regarding the differences between a sign licence and a development approval, this has been clearly outlined in the Policy Statement section to ensure that applicants understand the difference between a licence and an approval as well as when each is applicable.

The current stipulation in the Policy disallowing signage on fences and walls has been amended to permit signage on fences and walls as this is necessary in some instances (i.e. for some heritage listed properties). Throughout the Policy there were inconsistencies in the standards stating that minimum clearance for signs is to be 2.7 m. However, the Building Regulations 1989 clearly states that the minimum clearance is to be 2.75 m. Therefore all the inconsistencies have been amended to reflect the requirements in the Regulations. In regards to tethered signs, the current height allowed in the Policy (8 metres) was considered excessive by the Planning Officers. This was therefore amended to reflect the height of a two storey building (6 metres).

Variations to the standards are not adequately outlined in the current Policy. Therefore a new section has been developed clearly outlining all the variations to the standards. Also, the current Policy does not adequately outline standards for signs on heritage listed properties. Therefore a new section clearly outlining the standards common to signage on heritage buildings (including size, design, and illumination) has been incorporated into the Policy. Finally, a sign strategy has also been developed as shown in attachment 002 of this report. This is to simplify the approval process for applicants proposing three (3) or more signs that do not comply with the standards of the Town's Signs and Advertising Policy.

It is considered that these changes will assist in the streamlining of the Signs and Advertising Policy.

CONSULTATION/ADVERTISING:

The amended Signs and Advertising Policy is required to be advertised for twenty eight (28) days.

LEGAL/POLICY:

Town Planning Scheme No. 1 and associated Policies.

STRATEGIC IMPLICATIONS:

*Strategic Plan 2006-2011 - Key Result Area One: Natural and Built Environment:
"1.1 Improve and maintain environment and infrastructure. . .*

(1.1.2) Develop and implement a Town Planning Scheme and associated policies, guidelines and initiatives that deliver the community vision."

FINANCIAL/BUDGET IMPLICATIONS:

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

COMMENTS:

It is considered that these amendments will result in a comprehensive and transparent Signs and Advertising Policy that provides clear, detailed information to the public in regards to signs and advertising within the Town.

In light of the above, it is recommended that the Council approves the amendments to the Signs and Advertising Policy, and progresses this document in accordance with the Officer Recommendation.

9.1.10 Amendment No. 61 to Planning and Building Policies – Draft Amended Policy No. 3.5.20 Relating to Property Numbering and Addressing

Ward:	Both Wards	Date:	3 July 2009
Precinct:	All Precincts	File Ref:	PLA0211
Attachments:	001 ; 002		
Reporting Officer(s):	R Marie		
Checked/Endorsed by:	J MacLean	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the final amended version of the Draft Amended Policy No. 3.5.20 relating to Property Numbering and Addressing as shown in Appendix 9.1.10(a) resulting from the advertised version having been reviewed and with regard to five (5) written submissions received during the formal advertising, as shown in Appendix 9.1.10(b), 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 Draft Amended Policy No. 3.5.20 relating to Property Numbering and Addressing, as shown in Appendix 9.1.10(a) 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 amended version of the adopted Amended Policy No. 3.5.20 relating to Property Numbering and Addressing as shown in Appendix 9.1.10(a), in accordance with Clause 47 (6) of the Town's Town Planning Scheme No. 1.*

Moved Cr Ker, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Ker, Seconded Cr Messina

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

“(ii) ADOPTS the final amended version of the Draft Amended Policy No. 3.5.20 relating to Property Numbering and Addressing, as shown in Appendix 9.1.10(a) in accordance with Clause 47 (5)(b) of the Town's Town Planning Scheme No. 1; ~~and subject to the Policy Statement being amended as follows;~~

(a) *Clause 2 Size and Siting be amended to read as follows;*

i) *The letterbox must be located on the front boundary of the property, close to the main access with the allocated street number clearly displayed. Large reflective numbers are recommended. ~~and kerb markings are encouraged.~~*

ii) *The minimum dimensions for each number on a residential letterbox are 75 millimetres high, ~~by 35 millimetres wide.~~*

iii) *The minimum dimensions for each number on a non-residential property are 150 millimetres high, ~~by 70 millimetres wide.~~*

~~iviii)~~ *The owner or occupier of the subject property is to paint or affix and maintain the current number upon a conspicuous and visible place on the front of a building on the property or on the fence, wall, ~~gate~~ or letterbox adjacent to the road fronting the property, within 14 days after the property is first occupied. Numbers are to be clearly displayed and visible and legible from the road.*

(b) *Clause 3 Numbering for ~~New~~ Subdivisions and Developments be amended to read as follows;*

3) Street Addressing ~~Numbering~~ *for New Subdivisions and Developments*

i) *The start point for ~~numbering~~ street addressing is to commence from the start point of the subject road. The following methods are to be used to determine the start point:*

...

ii) ~~Numbering~~ Street Addressing Patterns

a) ~~Numbers~~ Street addresses will be consecutive and where a street property number address has been allocated to a property, then that ~~number~~ address must be used.

...

d) *Every lot will be allocated a street property number address, including reserves, schools, public utilities, drainage reserves and the like. Usually one street property number address will be allocated per lot, but if foreseen by the Town of Vincent and where possible, additional numbers will be set aside to allow for the development potential of the subject lot.*

e) *Where a lot has two road frontages and the orientation of the dwelling/building has not yet been determined, then the subject property will be allocated a street property number address for both roads where possible. In accordance with the Australian/New Zealand Standard, upon completion of the development, a primary address in one frontage shall be allocated. The unused number will be reserved in case of future use.*

f) *All street addresses ~~numbering~~ will be sequential, ranging from the lowest to the highest, for example 1, 1A, 2, 2A, 3, 4, 5, 6, 7 and so on.*

...

iii) Street Property ~~numbers~~ addresses for subdivisions, amalgamations, survey strata and strata subdivisions will be allocated at the clearance/endorsement of documentation stage. In the case of amalgamations, the Town of Vincent reserves the right to retain any street property ~~numbers~~ addresses not used, as it deems appropriate.

...

v) If a property containing a ~~an~~ retained existing dwelling/building is redeveloped with an additional dwelling/building at the rear and there is only one street number available, the existing dwelling/building will retain the original street property number and the new dwelling/buildings will be numbered allocated with suffixes for example 1A, 1B, 1C and so on. in accordance with Clause 3) vii).

...

vii) Where there is only one street property number available, developments of up to four (4) units will be numbered allocated using with suffixes, for example 1A, 1B, 1C and 1D. Where more than four (4) suffixes are required (4) units are proposed, they will be numbered allocated with a numeric prefix, for example 1/17, 2/17, 3/17 and so on.

(c) *Clause 7 Definitions be amended to read as follows;*

“Road” A place where one may ride, an open way or public passage for vehicles, persons and animals, a roadway forming a means of communication between one place and another.”

AMENDMENT PUT AND CARRIED (6-0)

(Cr Farrell and Cr Doran-Wu on approved leave of absence. Cr Youngman was an apology for the Meeting.)

MOTION AS AMENDED PUT AND CARRIED (6-0)

(Cr Farrell and Cr Doran-Wu on approved leave of absence. Cr Youngman was an apology for the Meeting.)

COUNCIL DECISION ITEM 9.1.10

That the Council;

(i) *RECEIVES the final amended version of the Draft Amended Policy No. 3.5.20 relating to Property Numbering and Addressing as shown in Appendix 9.1.10(a) resulting from the advertised version having been reviewed and with regard to five (5) written submissions received during the formal advertising, as shown in Appendix 9.1.10(b), 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 Draft Amended Policy No. 3.5.20 relating to Property Numbering and Addressing, as shown in Appendix 9.1.10(a) in accordance with Clause 47 (5)(b) of the Town’s Town Planning Scheme No. 1; and subject to the Policy Statement being amended as follows;***

(a) ***Clause 2 Size and Siting be amended to read as follows;***

i) ***The letterbox must be located on the front boundary of the property, close to the main access with the allocated street number clearly displayed. Large reflective numbers are recommended, and kerb markings are encouraged.***

ii) ***The minimum dimensions for each number on a residential letterbox are 75 millimetres high, ~~by 35 millimetres wide.~~***

iii) ***The minimum dimensions for each number on a non-residential property are 150 millimetres high, ~~by 70 millimetres wide.~~***

~~iv~~iii) ***The owner or occupier of the subject property is to paint or affix and maintain the current number upon a conspicuous and visible place on the front of a building on the property or on the fence, wall, ~~gate~~ or letterbox adjacent to the road fronting the property, within 14 days after the property is first occupied. Numbers are to be clearly displayed and visible and legible from the road.***

(b) ***Clause 3 Numbering for ~~New~~ Subdivisions and Developments be amended to read as follows;***

3) ***Street Addressing ~~Numbering~~ for ~~New~~ Subdivisions and Developments***

i) ***The start point for ~~numbering~~ street addressing is to commence from the start point of the subject road. The following methods are to be used to determine the start point:***

...

ii) ***~~Numbering~~ Street Addressing Patterns***

a) ***~~Numbers~~ Street addresses will be consecutive and where a street property number address has been allocated to a property, then that ~~number~~ address must be used.***

...

d) ***Every lot will be allocated a street property number address, including reserves, schools, public utilities, drainage reserves and the like. Usually one street property number address will be allocated per lot, but if foreseen by the Town of Vincent and where possible, additional numbers will be set aside to allow for the development potential of the subject lot.***

- e) *Where a lot has two road frontages and the orientation of the dwelling/building has not yet been determined, then the subject property will be allocated a street property number address for both roads where possible. In accordance with the Australian/New Zealand Standard, upon completion of the development, a primary address in one frontage shall be allocated. The unused number will be reserved in case of future use.*
- f) *All street addresses numbering will be sequential, ranging from the lowest to the highest, for example 1, 1A, 2, 2A, 3, 4, 5, 6, 7 and so on.*

...

- iii) *Street Property numbers addresses for subdivisions, amalgamations, survey strata and strata subdivisions will be allocated at the clearance/endorsement of documentation stage. In the case of amalgamations, the Town of Vincent reserves the right to retain any street property numbers addresses not used, as it deems appropriate.*

...

- v) *If a property containing a ~~an~~ retained existing dwelling/building is redeveloped with an additional dwelling/building at the rear and there is only one street number available, the existing dwelling/building will retain the original street property number and the new dwelling/buildings will be numbered allocated with suffixes for example 1A, 1B, 1C and so on. in accordance with Clause 3) vii).*

...

- vii) *Where there is only one street property number available, developments of ~~up to four (4) units~~ will be numbered allocated ~~using~~ with suffixes, for example 1A, 1B, 1C and 1D. Where more than four (4) suffixes are required ~~(4) units are proposed~~, they will be numbered allocated with a numeric prefix, for example 1/17, 2/17, 3/17 and so on.*

- (c) *Clause 7 Definitions be amended to read as follows;*

“Road” A place where one may ride, an open way or public passage for vehicles, persons and animals, a roadway forming a means of communication between one place and another.”

- (iii) *AUTHORISES the Chief Executive Officer to advertise the final amended version of the adopted Amended Policy No. 3.5.20 relating to Property Numbering and Addressing as shown in Appendix 9.1.10(a), in accordance with Clause 47 (6) of the Town's Town Planning Scheme No. 1.*

PURPOSE OF REPORT:

The purpose of this report is to provide the Council with an overview of the outcomes of the formal advertising period for the Draft Amended Policy relating to Property Numbering and Addressing and to present to the Council the final amended version of the Draft Amended Policy, for final adoption.

BACKGROUND:

23 May 2006 The Council at its ordinary Meeting held on 23 May 2006, considered an Amendment to the Property Numbering and Addressing Policy and resolved as follows;

“That the Council;

- (i) *RECEIVES the final version of the Policy Relating to Property Numbering and Addressing, as shown in Attachment 10.1.23, resulting from the advertised version having been reviewed and regard to one written submission 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 version of the Policy Relating to Property Numbering and Addressing, as shown in Attachment 10.1.23; and*
- (iii) *AUTHORISES the Chief Executive Officer to advertise the final version of the adopted Policy Relating to Property Numbering and Addressing, as shown in Attachment 10.1.23, in accordance with Clause 47 (6) of Town's Town Planning Scheme No. 1.”*

February 2009 A request was made by the Town's Approvals Liaison Officer to amend the Property and Numbering Policy to address concerns raised with mixed use development.

14 April 2009 The Council at its Ordinary Meeting held on 14 April 2009, considered the proposed amendment to Policy No. 3.5.20 relating to Property Numbering and Addressing, and resolved as follows;

“That the Council;

- (i) *RECEIVES the Draft Amended Policy No. 3.5.20 relating to Property Numbering and Addressing, as shown in Appendix 9.1.23;*
- (ii) *ADVERTISES the Draft Amended Policy No. 3.5.20 relating to Property Numbering and Addressing 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;*

- (iii) *ADVISES Landgate and the Fire and Emergency Services Authority of Western Australian (FESA), Australia Post, Saint John Ambulance, Water Corporation, Synergy, Alinta Gas, Telstra, Western Australian Electoral Commission and the Australian Electoral Commission, of the advertising of the Draft Amended Policy; and*
- (iv) *after the expiry of the period for submissions:*
 - (a) *REVIEWS the Draft Amended Policy No. 3.5.20 relating to Property Numbering and Addressing, having regard to any written submissions; and*
 - (b) *DETERMINES the Draft Amended Policy No. 3.5.20 relating to Property Numbering and Addressing, with or without amendment, to or not to proceed with it.”*

DETAILS:

The Draft Amended Policy relating to the Property Numbering and Addressing has been advertised as required by Clause 47 of the Town's Town Planning Scheme No. 1, commencing on 28 April 2009 and closing on 25 May 2009. Following the completion of the advertising period, the Policy was further considered in light of the submissions received, and where appropriate, the draft amended Policy has been further amended.

The Town received a detailed submission from Landgate, where a number of amendments were proposed. Landgate is the authority responsible for land and property information and is aiming to create a uniform Policy for all local authorities across the State, to streamline approaches taken to property numbering. It was therefore considered that they would take the opportunity to propose a number of amendments to the Town's Policy. The submission from Landgate has been considered by the Town's Approval's Liaison Officer, Co-ordinator Statutory Planning and Strategic Planning Department, and in general the proposed amendments are considered appropriate and logical.

A summary of the proposed key amendments to the Policy following the advertising period are outlined below and depicted using strikethrough and underline. Details of all amendments are outlined in Appendix 9.1.10 (a). The justification for each of the amendments below are detailed in the Comments section of this report.

1. Renaming the Policy

It is proposed that the Policy name to be amended as follows;

Street ~~Property Numbering and~~ Addressing

Throughout the Policy, wherever there is reference to 'property number', this has been amended to 'street number'

2. Clause 1: Determining the Property Number

Clause 1 is proposed to be amended to read as follows;

- '1) Determining the Street Address ~~Property Number~~

The main access from a road to a property (i.e. front door) determines the correct street address, ~~and number of a property~~. Properties must have the street ~~property~~ number clearly displayed and visible from the road ~~street~~. This is in accordance with the Landgate guidelines and to meet the requirements of Emergency Service responders and other service providers, ~~the Fire and Emergency Services Authority of Western Australia (FESA);~~

3. Clause 2: Siting and Sizing

Clause 2 is proposed to be amended to read as follows;

- 'i) The letterbox must be located on the front boundary of the property, close to the main access with the allocated street number clearly displayed. Large reflective numbers are recommended and kerb markings are encouraged.'

4. Clause 3) ii) e): Numbering for New Subdivisions and Developments

Clause 3) ii) e) is proposed to be amended to read as follows;

- 'e) Where a lot has two road frontages and the orientation of the dwelling/building has not yet been determined, then the subject property will be allocated a street property number for both roads where possible. In accordance with the Australian/New Zealand Standard, upon completion of the development, a primary address in one frontage shall be allocated. The unused number will be reserved in case of future use.

5. Clause 3) v): Numbering for New Subdivisions and Developments

Clause 3) v) is proposed to be amended to read as follows;

- 'v) If a property containing a ~~an~~ retained existing dwelling/building is redeveloped with an additional dwelling/building at the rear and there is only one street number available, the existing dwelling/building will retain the original street property number and the new dwelling/buildings will be numbered ~~with suffixes for example 1A, 1B, 1C and so on.~~ in accordance with Clause 3) vii).'

6. Clause 3) vi): Numbering for New Subdivisions and Developments

Clauses 3) vi) are proposed to be amended as follows;

- vi) If an existing lot is developed and split adjacent to the road into two or more separate lots with direct road frontage, the following provisions will be applied;
- a) ~~where there is only one property number available, the lot closest to the road starting point will retain the original property number and thereafter numbers with suffixes will run sequentially from that point; or~~
- ba) where available possible, whole street property numbers will be allocated and the allocated property numbers will follow the current street numbering pattern; or
- b) where there is only one street number available, the lot closest to the road starting point will retain the original street number and thereafter numbers with suffixes will run sequentially from that point.

7. Clause 3) viii): Numbering for New Subdivisions and Developments

Clause 3) viii) is proposed to be amended to read as follows;

- 'viii) Where there is a mixed-use development (as per the Residential Design Codes of Western Australia), standard street address rules apply. ~~the non-residential component is to be numbered 1A/(property number), 2A/(property number), 3A/(property number) and so on, and the residential component will be numbered with a numeric prefix followed by the property number, for example 1/(property number), 2/(property number), 3/(property number) and so on.~~'

8. Clause 3) ix): Numbering for New Subdivision and developments and 4) vi): Changing Property Addresses

Clause 3) ix) is proposed to be deleted as follows;

~~ix) — The owner or occupier of the development or subdivision requiring new or amended numbers is to meet all costs associated with the numbering and renumbering of properties, including any renumbering of other properties along the road as a result of that development or subdivision.~~

Clause 4) vi) is proposed to be deleted as follows;

~~'vi) — The owner or occupier of the development or subdivision requiring new or amended numbers is to meet all costs associated with the numbering and renumbering of properties, including any renumbering of other properties along the road as a result of that development or subdivision.'~~

9. Clause 6: Notification

Clause 6 is proposed to be amended to read as follows;

i) Where a change to a street property address ~~or number~~ is approved, by the Town of Vincent, will immediately notify Landgate. Landgate will include the new/amended address in the State of Western Australia's Address Database. The following agencies and organisations will also be notified by the Town of Vincent:

- Australian Electoral Commission;
- Western Australian Electoral Commission;
- Telstra;
- Alinta Gas;
- Synergy;
- Water Corporation;
- ~~St~~ Saint John Ambulance;
- Fire and Emergency Services Authority of Western Australia;
- Australia Post; and
- ~~Landgate.~~

ii) All ~~other~~ costs associated with the change of street property address ~~or number~~ notifications remains the responsibility of the property owner/developer. This includes the replacement or relocation of letterboxes, costs of new numbers, and amendments to numbers on buildings; Informing all notifications to other agencies or organisations, business contacts, family, friends and acquaintances and amendments to business and personal stationery; , of changes to the street address, is the responsibility of the owner/s. The Town is unable to change personal details.

10. Clause 7: Definitions

Clause 7 is proposed to be amended to read as follows;

“*Australian/New Zealand Standard*” AS/NZS 4819:2003 ‘Geographic information – Rural and Urban addressing’’

“*Street*” A public roadway in a town, city or urban area, especially a paved thoroughfare with footpaths and buildings along one or both sides.”

CONSULTATION/ADVERTISING:

The Draft Amended Policy was advertised for a period of 28 days, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1. The formal advertising period commenced on 28 April 2009 and closed on 25 May 2009.

In total, five (5) submissions were received. The break down of submissions received is as follows:

- Support: 3
- Object: 0
- Not stated: 2

It is noted that the Town received correspondence from both Main Roads Western Australia and the Heritage Council of Western Australia, advising receipt of correspondence, however no further response has been received to date. These have not been considered as formal submissions.

The key amendments made as a result of the submissions received are detailed in the Details section of this report, with Officer justification in the Comments section.

A summary of the comments received in the submissions can be found in Appendix 9.1.10(b).

LEGAL/POLICY:

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

“Australian/New Zealand Standard” AS/NZS 4819:2003 ‘Geographic information – Rural and Urban addressing’

STRATEGIC IMPLICATIONS:

Strategic Plan 2009-2014 states:

“Natural and Built Environment”

- Objective 1.1 Improve and maintain environment and infrastructure*
- 1.1.2 Develop and implement a Town Planning Scheme and associated policies, guidelines and initiatives that deliver the community vision*
- (b) Implement and promote planning policies and guidelines to enhance sustainability, amenity, universal access, neighbourhood interaction and crime prevention.”*

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

The current 2009/2010 Budget allocates \$66,000 for Town Planning Scheme Amendments and Policies.

COMMENTS:

The Town notified a number of authorities who they deemed would be affected by the amendments to the Policy. The Town considered that Australia Post would provide comment on the Policy given the applicability to the services they provide. No formal submission was received, however in a non-formal discussion with the Town's Approvals Liaison Officer, they considered that the Policy was close to their addressing standards and therefore had no reason to comment. Following further discussion with Australia Post it is evident that Australia Post use the Australian Standard documentation discussed in the latter part of this report. This is not considered a formal submission; however their comments should be noted.

In addition to the amendments proposed in the advertised Draft Amended Policy, it was considered appropriate that further amendments to the Policy be made to incorporate the information provided to the Town in the submission received from Landgate.

It is considered that the further amendments combined with the previous amendments will improve the operation and implementation of the Policy. The justification for each of the amendments outlined in the Details section of the report is summarised below;

1. Renaming the Policy

A suggestion was made by Landgate that in the name of Policy, the word 'property' can be confusing as property numbering could also relate to Lot on Survey plan, Strata Lot number etc. Therefore the word 'property' has been substituted for 'street' in the Policy title and throughout the Policy.

2. Clause 1: Determining the Property Number

It was noted that there was ambiguity in relation to the statement "requirements of the Fire and Emergency Services Authority of Western Australian (FESA)". After receiving clarification from FESA it was apparent that they were not aware of any specific "requirements". Suggestions for re-wording were made by both Landgate and FESA, to clarify the intent of the statement. The Clause has been amended to reflect this.

3. Clause 2: Siting and Sizing

It was considered appropriate to include a clause to assist with the identification of letterboxes. A new clause was added to assist in facilitating responses in emergency situations.

4. Clause 3) ii) e): Numbering for New Subdivisions and Developments

As stated in the Australian/New Zealand Standard, "*Address numbers shall be reserved for both frontages of corner address sites. Upon completion of site development, a primary address in one frontage shall be allocated. The unused numbers shall be reserved for future use in case the parcel is subdivided.*" Clause 3) ii) e) has been amended to ensure that it is consistent with the above statement outlined in the Australian/New Zealand Standard.

5. Clause 3) v): Numbering for New Subdivisions and Developments

The current clause does not take into account where there are more than four developments proposed, as it only makes reference to suffixes. In the practice outlined in Clause 3) vii) of the Policy, where there are more than four developments proposed, numeric prefixes are used rather than suffixes. Therefore the clause has been amended to take this into consideration.

6. Clause 3) vi): Numbering for New Subdivisions and Developments

The order of clauses 3) vi) a) and 3) vi) b) were swapped as it was considered more logical to initially try to allocate a whole number and then in the instance where one is not available to then use suffixes.

7. Clause 3) viii): Numbering for New Subdivisions and Developments

It was initially the Town's intention to include this clause to address the issues relating to addressing mixed use developments, and to be able to distinguish between commercial and residential units. Currently Officers have to look at old building licences to find the approved plans to determine the land use. The proposed numbering system would have allowed Officers to readily obtain this data. However, following information received during the community consultation it was recognised that the process could be confusing and not meet with standard State requirements. Given this, the numbering of both commercial and residential addresses is to be consistent with standard addressing rules. Clause 3) viii) in the Policy, has been amended to reflect this.

8. Clause 3) ix): Numbering for New Subdivision and developments and 4) vi): Changing Property Addresses

It was suggested that clauses 3) ix) and 4) vi) were essentially the same. Both clauses stated that all costs associated with numbering and renumbering were the responsibility of the owner/s. After reviewing the Policy it became evident that there was a similar statement in clause 6) ii) relating to notifications. Given that clause 6 relates to all numbering and renumbering, it was not necessary to state it in both clauses 3 and 4. Therefore clauses 3) ix) and 4) vi) have been deleted from the Policy.

9. Clause 6: Notification

This clause has been amended to better reflect the processes that occur when a new street address is approved. Following discussions with Landgate, it was evident that this clause could be somewhat ambiguous. Residents may misinterpret the clause and assume the Town will update their personal details with the authorities. Due to privacy reasons the Town is unable to change personal details. Therefore clause 6) ii) has been further amended to ensure that it is clear that the responsibility lies with the owner/s to update their personal details with all relevant authorities.

10. Clause 7: Definitions

The definition of the *Australian/New Zealand Standard* document has been included in the Policy. The Standard is used to ensure addressing is clear and unambiguous.

As the Policy has been amended from 'property address' to 'street address', it was considered that a definition of street was included in the Policy. Therefore the Policy has been amended to include the definition of street as per the definition of the Geographic Names Committee (of Landgate).

Summary

Whilst the original intention for amending the Policy was to be able to distinguish between residential and commercial uses in a mixed use development, following the consultation it became evident that the proposed numbering procedure in the Draft Amendment Policy was confusing. The Policy was therefore amended to use standard addressing practices. To address the initial issue, the Town will adopt an internal practice where a memorandum will be placed on the individual rates assessment in Authority for future reference. This will allow Officers to distinguish between commercial and residential uses.

In light of the above justification and the submissions received, it is recommended that the Council receives and adopts the final version of the Amended Policy in accordance with the Officer Recommendation.

9.2.2 Progress Report No 2 - Proposed Vietnamese Boat People Monument of Gratitude

Ward:	South	Date:	2 July 2009
Precinct:	Forrest P14	File Ref:	CMS0021
Attachments:	001		
Reporting Officer(s):	J van den Bok; T Woodhouse		
Checked/Endorsed by:	R Lotznicker	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) **RECEIVES** progress report No 2 on a suitable location within the Town for the Proposed Vietnamese Boat People Monument of Gratitude;
- (ii) **NOTES** that;
 - (a) *as requested, the Town's Officers have held a number of further meetings with the President of the Vietnamese Community and representatives to explore other suitable locations within the Town for the memorial;*
 - (b) *locating the Vietnamese Boat People Monument of Gratitude in Hyde Park is NOT supported by the Heritage Council of WA and is no longer considered to be the preferred location by both the Vietnamese Community representatives and the Town's officers;*
 - (c) *the President of the Vietnamese Community, representatives and the Town's officers consider that Weld Square is the most suitable location for the Vietnamese Boat People Monument of Gratitude;*
 - (d) *a letter of support from the President of the Vietnamese Community has been received (refer attached) indicating support for locating the Vietnamese Boat People Monument of Gratitude in Weld Square;*
 - (e) *the Town's officers have had informal discussions with the East Perth Redevelopment Authority (EPRA) regarding an improvement plan for Weld Square whereby the East Perth Redevelopment Authority have indicated that they may be in a position to make a financial contribution towards the future improvement of the park; and*
 - (f) *the Town's officers are liaising with Main Roads and the Department of Indigenous Affairs to establish an agreed approach to meet the requirements of the Aboriginal Heritage Act 1972 ;*
- (iii) **APPROVES IN PRINCIPLE** locating the "Vietnamese Boat People Monument of Gratitude" in Weld Square, Perth as shown on attached concept plan No. 2647-LS-01A, for the reasons outlined in the report, subject to;
 - (a) *the proposal meeting the requirements of Section 18 of the Aboriginal Heritage Act 1972 depending on authorisation received from Main Roads and/or the Department for Indigenous Affairs;*

- (b) *the proposal being assessed by the Town's Heritage Officers in accordance with the principles of The Burra Charter and relevant policies and provisions; and*
- (c) *all costs associated with design and construction of the Monument and any other costs associated with locating the monument on the site, being borne by the Vietnamese Community of Western Australia;*
- (iv) *CONTINUES its discussions regarding improvements to Weld Square with all stakeholders and RECEIVES a further report once more information is available; and*
- (v) *ADVISES the President of the Vietnamese Community in Western Australia, Main Roads (WA) and the East Perth Redevelopment Authority of its decision.*

COUNCIL DECISION ITEM 9.2.2

Moved Cr Messina, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED (6-0)

(Cr Farrell and Cr Doran-Wu on approved leave of absence. Cr Youngman was an apology for the Meeting.)

PURPOSE OF REPORT

To advise the Council of the progress of the proposal to provide a location within the Town for the Vietnamese Boat People Monument of Gratitude.

BACKGROUND

At its Ordinary Meeting of held on 2 December 2008 the Council considered a report on a proposal to construct a Vietnamese Boat People Monument of Gratitude at Weld Square where it decided (in part):

"That the Council;

- (ii) *NOTES that;*
 - (a) *a request was originally received from the Vietnamese Community to provide a suitable area in Hyde Park for the Vietnamese Boat People Monument of Gratitude;*
 - (b) *the Town's Officers considered locating the Vietnamese Boat People Monument of Gratitude in Hyde Park was not appropriate for the reasons outlined in the report; and*
 - (c) *a meeting was held with the President of the Vietnamese Community on 14 November 2008 to explore other suitable locations within the Town for the memorial; and*
- (iii) *REQUESTS the Officers to reconsider locations for the monument and submit a further report to the Council."*

DETAILS

Possible Locations for Monument

As requested, the Town's officers met with members of the Vietnamese community on several occasions to discuss the locations previously identified and further possible options for the location of the monument within the Town.

Hyde Park

As the Council is aware, the President of the Vietnamese Community originally requested that the Town provide a suitable area in Hyde Park for the Monument.

At its Ordinary Meeting held on 27 April 2004, the Council adopted the Hyde Park Conservation Plan and acknowledged that the plan comprehensively and sensitively addressed all aspects of the history and future management challenges of the park to achieve a long term objective of overall conservation and heritage presentation.

The Council was further advised that the Plan comprised a "*comprehensive, holistic and sensitive document that responded to the complex and multi-layered needs of the Park to ensure its long term protection and management of its evolution*".

As Hyde Park is listed on the State Register of Heritage Places, it is important that due consideration is given to the Policies detailed in the Hyde Park Conservation Plan in the advent of any new permanent structures proposed to be constructed in the Park. A review of the Conservation Plan reveals that locating the Vietnamese Boat People Monument of Gratitude in Hyde Park does not support Policy 47 of the Hyde Park Conservation Plan which states that "*As there has not been a tradition of public sculptures, artworks or memorials in Hyde Park it is recommended that they are limited to functional elements. It is preferable that artworks and memorials are associated with Hyde Park and its history*".

As previously reported to the Council, locating the Vietnamese Boat People Monument of Gratitude in Hyde Park is contrary to the recommendations detailed in the Hyde Park Conservation Plan and would not be approved.

Officers' Comments

This matter was discussed at length with the President and representatives of the Vietnamese Community during a number of meetings. It was agreed that Hyde Park would be discounted as a possible viable location. Discussions also centred on the design possibly changing to a flatter (less prominent) structure which may be more in keeping with the Hyde Park Conservation Plan requirements, however, this was not supported by the representatives of the Vietnamese Community. Therefore, as previously reported to the Council, this reserve is not considered appropriate.

The other possible locations which were considered are as follows:

Wade Street Reserve

This small passive reserve is located at the top end (north) of William Street, Perth and is bounded by William and Wade Streets. During the development of plans for the redevelopment of William Street, this park was identified by the officers as a possible location for some artwork/entry statement etc. to complement the Asia Town theme.

The Vietnamese Boat People's Monument could be accommodated at the Brisbane Street end of the reserve, however, this park was considered too small by the Vietnamese representatives as their annual commemorative event involves several hundred persons.

Officers' Comment

Given the increased size of the monument and the area requirements of the Vietnamese community for their annual event, this reserve is no longer considered appropriate.

Multicultural Federation Garden & Children's Playground

This reserve is located in View and Olive Streets, North Perth. This park was developed several years ago to have a multicultural theme and the Vietnamese Boat People's Monument would compliment this theme.

Officers' Comment

Given the increased size of the monument, the many features already existing within this reserve and the area requirements of the Vietnamese community for their annual event, this reserve is no longer considered appropriate.

Banks Reserve

This reserve is located in Joel Terrace, East Perth. Banks Reserve has been redeveloped over the years and, whilst originally considered a passive reserve, now includes many "active" features including a playground, half basketball court, amphitheatre, practice cricket wicket, soccer goals and outdoor gym equipment. A monument could be located within the large open area of the reserve.

Officers' Comment

Whilst this reserve was identified by officers as a possible alternative location, the Vietnamese representatives did not feel this location was appropriate and was too far away from the Northbridge area. With the addition of the above features, the likely impact on adjacent residents of another structure within the reserve and ongoing increased use, Banks Reserve is not considered the most appropriate location.

Birdwood Square

This reserve is located on the corner of Bulwer and Beaufort Streets, Perth. Birdwood Square is an active reserve that has been used infrequently over the past due to the unevenness of the playing surface. This location is close to William Street and the monument could be positioned along the Brisbane Street (southern) side of the reserve.

Officers' Comment

Whilst this location was considered by the Vietnamese representatives, it is not their preferred location and officers would ultimately prefer to see Birdwood Square utilised as an alternative soccer ground now that training lighting has been installed and the ground levelled and restored. Therefore, with potential increased use and a high degree of vandalism in this vicinity, this location has been discounted.

Gladstone Street Reserve

This reserve is located on the corner of Gladstone Street and Murchison Terrace in East Perth. It contains a small playground, barbeques and shelters and is surrounded by large mature trees.

Officers' Comment

Given the increased size of the monument, the remaining vacant area remaining within the reserve and the area requirements of the Vietnamese community for their annual event, this reserve is no longer considered appropriate. It is also likely that the root systems of the mature trees will be affected during installation if this site was selected

Preferred and Recommended Location - Weld Square, Perth

As outlined in the previous report to Council regarding this matter, Weld Square is approximately 1.0ha in size and is bounded by Beaufort, Parry, Stirling and Newcastle Streets.

The Graham Farmer Freeway is located beneath the southern portion of the reserve (parallel to Newcastle Street) and therefore no significant plantings (trees) or large structures can be built on this section of the reserve due to the minimal cover (70mm) of fill over the tunnel roof.

The Vietnamese Boat People's Monument would be most appropriately located within this section of the reserve providing some height and scale to an otherwise very flat and unattractive piece of parkland.

The President and representatives from the Vietnamese Community consider that Weld Square is the most suitable location for the Vietnamese Boat People Monument of Gratitude due to its location in close proximity to Northbridge, where their community has thrived and there is ample room on this reserve for commemorative events without any adverse impact on adjoining residents or other groups.

Officers' Comment

Following a number of meetings and discussions with regard to possible alternative locations within the Town, officers and the President and representatives from the Vietnamese Community consider Weld Square to be the most appropriate location within the Town for the Proposed Vietnamese Boat People Monument of Gratitude.

Proposed Monument

The design of the proposed monument has been refined following further discussion within the Vietnamese community and is shown attached. It is just over 4.0 metres in height and has a diameter of 6 metres. It comprises three (3) granite sails built on a stepped concrete base.

Upgrade plan for Weld Square

With the recent review and adoption of the Town's Strategic Plan (The Plan for the Future), Weld Square has been identified and listed for an upgrade.

Recent improvements have included an upgrade to the lighting which has significantly reduced incidences of vandalism and undesirable behaviour. However, with the construction of the tunnel and subsequent transplanting of many mature trees to the northern frontage (Parry Street), the reserve now lacks structure, with the main feature being the public toilet block.

Following initial meetings with the Vietnamese Community representatives and East Perth Redevelopment Authority (EPRA), the Town's Officers identified the potential for the following:

- Installation of a path network diagonally across the park
- Improved seating areas and low gardens with water wise native species planted along paths
- Earth mounds around the south eastern, southern and south western edges of the park (to provide a sense of enclosure)
- The construction of the monument on the southern portion of the reserve, together with a gazebo or another structure (to focus attention away from the existing toilet block)

The attached concept plan is to be further developed in conjunction with the Vietnamese Community and EPRA Planning Officers, who have provided advice on further developing the design based on addressing the following matters:

- Strategic Analysis
- Indigenous Heritage
- Place Activation
- Functionality
- Public Art

Heritage Implications

At the time of the boundary review, Weld Square was listed on the City of Perth Planning Scheme Municipal Heritage Inventory. Until such time as a Scheme Amendment, the City of Perth Planning Scheme continues as the statutory planning document for the area and, as such, Weld Square continues as heritage listed. Given this, the proposed location of the Vietnamese Boat People's Monument will need to address the heritage significance associated with the place and assessed in accordance with the principles of The Burra Charter and information made available from the City of Perth.

Further to this, Weld Square is listed as a Registered Aboriginal Site (Site ID 17848). On initial advice from the Department of Indigenous Affairs, as the owners of the subject land, the Town is required to submit a notice in writing under section 18 of the Aboriginal Heritage Act 1972 to the Aboriginal Cultural Material Committee to seek approval to install the proposed monument. Two written quotations (of between \$25,000 to \$35,000) were also obtained from consultants to prepare a new Section 18 Approval (if required).

Since receiving the initial advice from the Department of Indigenous Affairs, various conversations relating to the approvals process required to undertake landscaping works on the site have been held with officers from the Department of Indigenous Affairs and the Town's Senior Heritage Officer, Tory Woodhouse.

Following these discussions, in a letter dated 22 April 2009 MRWA authorised the Town to peruse the documents pertaining to and supporting the Section 18 Notice and clearances obtained for the Graham Farmer Freeway Project.

The research undertaken by the Town's Officers indicated that in a letter dated 16 February 1996, the then Minister for Aboriginal Affairs, Kevin Prince (MLA), offered consent to MRWA to use the land containing a number of ethnographic sites, for the construction of the City Northern Bypass and associated rail works from the Mitchell Freeway to Great Eastern Highway with a series of conditions.

One of the conditions noted that, *'impact on the north end of Weld Square is kept to a minimum and the site is rehabilitated in accordance with the wishes of the Aboriginal community.'*

Following this consent, the archives revealed that the City of Perth, then the custodian responsible for management and area maintenance of Weld Square, was asked to manage the rehabilitation of Weld Square in association with MRWA and a Draft Design Concept and Management Plan was prepared for the site, which involved consultation with various interest groups.

The archive research also revealed that MRWA correspondence and City of Perth Council Minutes indicated that the relocation and transplanting of some of the trees located in the portion of Weld Square in which the Graham Farmer Tunnel was to traverse, were relocated or transplanted to the northern portion of Weld Square. However, in a letter dated 4 March 1999 from MRWA to contractors Boulderstone Clough Joint Venture, it was advised that the City of Perth had resolved not to proceed with the redevelopment of Weld Square in the short term, and that only the necessary requirements to reinstate the disturbed area as grass to the southern portion of the Park was to be carried out.

To date, no further redevelopment to the southern portion of Weld Square has taken place.

A letter dated 19 May 2009, detailing the historical background above, was sent to the Department of Indigenous Affairs for consideration. On receipt of the letter, further discussions were held between the Town's Senior Heritage Officer and the Department of Indigenous Affairs, who advised to again contact MRWA to seek authorisation on behalf of the Commissioner of MRWA, to become the agents to complete the redevelopment of Weld Square as per the Section 18 Approval issued in February 1996.

To date no response to the letter dated 15 June 2009 requesting the above authorisation has been received from MRWA.

LEGAL/POLICY:

Nil.

STRATEGIC IMPLICATIONS:

In accordance with The Plan for the Future - Strategic Plan 2009-2014 Key Result Area One – 1.1.5 Enhance and maintain Parks, Landscaping and Community Facilities. i) *“Prepare a landscape/upgrade plan for Weld Square.”*

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

The Council has allocated an amount of \$50,000 in the 2009/10 budget for this project, with an additional \$50,000 contribution coming from EPRA, however, this is yet to be confirmed.

The Vietnamese Community have advised that all costs associated with the design and construction of the monument will be borne by them.

COMMENTS:

With the Town now looking at a proposal to upgrade Weld Square as part of the 2009/2014 Strategic Plan and, given that Weld Square is the preferred monument site and only available/suitable site in terms of locations within the Town, the two (2) projects do work in very well together.

As advised in the previous report to Council, the proposed monument would provide the park with some added interest, particularly in the proposed location where very little can be achieved due to the limited layer of fill (maximum 700mm at this location) above the Graham Farmer Tunnel roof. Furthermore, in light of details of the historical background received from MRWA and the City of Perth, it is considered that an opportunity exists to work with EPRA to redevelop the site, including interpretation of various mediums with input from various stakeholders, including but not limited to indigenous groups and the Vietnamese community.

It is therefore considered that the Vietnamese Boat People's Monument be located at the Newcastle Street side of Weld Square and officers continue to progress the improvements to Weld Square in conjunction with all stakeholders.

9.2.4 Proposed "No Parking on Verge" Restriction – 178 Grosvenor Road, North Perth

Ward:	South	Date:	7 July 2009
Precinct:	Smiths Lake (P6)	File Ref:	TES0486 & TES0153
Attachments:			
Reporting Officer(s):	T Blankenburg		
Checked/Endorsed by:	R Lotznicker	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the introduction of a "No Parking on Verge" restriction adjacent to 178 Grosvenor Street;*
- (ii) *APPROVES the introduction of the "No Parking on Verge" restrictions to be in place at all times on the verge adjacent to the Grosvenor Road frontage of 178 Grosvenor Road;*
- (iii) *PLACES a moratorium on issuing infringement notices for a period of two (2) weeks from the installation of the new parking restriction signs; and*
- (iv) *NOTIFIES the applicant of the Council's decision.*

COUNCIL DECISION ITEM 9.2.4

Moved Cr Messina, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED (6-0)

(Cr Farrell and Cr Doran-Wu on approved leave of absence. Cr Youngman was an apology for the Meeting.)

PURPOSE OF REPORT:

The purpose of this report is to request the Council to consider implementing a "No Parking on Verge" restriction on the southern verge of the property at 178 Grosvenor Road.

BACKGROUND:

The Town received correspondence from the Strata Manager of 178 Grosvenor Road requesting consideration for the implementation of a "No Parking on Verge" restriction to address on going damage to the verge.

DETAILS:

On 18 June 2009, the Town received correspondence from the Strata Manager for the property at 178 Grosvenor Road, expressing concern at the damaged state of the verge at this property. The alleged cause of the damage is that vehicles are parked partially on the verge while motorists visit the shopping strip along Fitzgerald Street for various periods of time.

Officers from the Town have inspected the location. The property at 178 Grosvenor Road is located at the corner of Fitzgerald Street. Grosvenor road is just over 6m wide at this location, therefore, if vehicles are parked on both sides of the road; the trafficable width of the road is such that travelling along the road is obstructed. The narrow road and proximity of the intersection leads to a situation where drivers are likely to park vehicles partially on the verge to avoid obstructing the street. The result is that vehicles are regularly parking on this verge and causing damage. As it is likely that it is different vehicles each time, a regime of infringing is unlikely to modify behaviour in this instance. Additionally, the existence of vehicle tyre tracks lends to the impression that parking on the verge is acceptable.

The implementation of a "No Parking on Verge" restriction excludes the parking of all vehicles on the verge, residents and non residents. The strata manager for the property has consulted with all residents of the property and all agree with the proposal to implement the restriction.

Appropriate line marking will also be implemented to ensure vehicles parking on the road comply with the Road Traffic Code.

CONSULTATION/ADVERTISING:

No further consultation was required as extensive communication between the applicant and the Town has been carried out. A part of this communication advised the applicant of the implications of the implementation of this type of restriction.

LEGAL/POLICY:

There is no legal consequence of the recommendation.

STRATEGIC IMPLICATIONS:

In accordance with the objective of Strategic Plan 2009-2014 – 1.1.6 Enhance and maintain the Town's infrastructure to provide a safe, healthy, sustainable and functional environment. *"(a) implement adopted annual infrastructure upgrade programs, including streetscape enhancements, footpaths, rights of way, car parking and roads."*

FINANCIAL/BUDGET IMPLICATIONS:

Implementing parking restrictions on the verge will require the manufacture and installation of two (2) new signs and will cost approximately \$150.00.

COMMENTS:

The Town's policy in relation to verge parking gives the resident the authority to allow or refuse parking on the verge adjacent to their property. In the case of multi residential properties, the Town requests that the complex managers appoint three (3) delegates to liaise with the Town's Ranger Services to issue infringement notices. The Town accepts the rights of residents to determine if parking of vehicles on the adjacent verge is acceptable or not. Whenever a multi-unit development is considered, there is likely to be conflicting opinions on verge parking. The decision is left to the body corporate/strata manager and, in the case that parking is precluded, dedicated signage in this situation would clarify the decision. In light of the above, it is considered that the request for a "No Parking on Verge" request is reasonable and therefore supported.

9.2.5 Traffic Management Matters for Referral to Local Area Traffic Management Advisory Group

Ward:	Both	Date:	7 July 2009
Precinct:	Mt Hawthorn P1, Mt Hawthorn Centre P2 & Hyde Park Precinct P12	File Ref:	TES0334
Attachments:	-		
Reporting Officer(s):	C Wilson		
Checked/Endorsed by:	R Lotznicker	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on Traffic Management Matters to be referred to the Town's Local Area Traffic Management Advisory Group;*
- (ii) *REFERS "Shakespeare Street, Edinboro Street, Purslowe Street and the intersection of Hobart and Dunedin Streets, Mount Hawthorn, Randell Street, Perth and Cowle Street, West Perth" to the Town's Local Area Traffic Management Advisory Group for consideration; and*
- (iii) *RECEIVES a further report on the matters following consideration by the Town's Local Area Traffic Management Advisory Group.*

COUNCIL DECISION ITEM 9.2.5

Moved Cr Messina, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

Cr Burns departed the Chamber at 7.04pm.

Debate ensued.

Cr Burns returned to the Chamber at 7.05pm.

Debate ensued.

MOTION PUT AND CARRIED (6-0)

(Cr Farrell and Cr Doran-Wu on approved leave of absence. Cr Youngman was an apology for the Meeting.)

PURPOSE OF REPORT:

The purpose of this report is to seek the Council's approval to refer six (6) matters to the Local Area Traffic Management (LATM) Advisory Group for consideration.

BACKGROUND:

The LATM Advisory Group meets, as required, to consider requests received by the Town relating to Traffic and related safety issues. The Group considers these requests and, where warranted, the Group's recommendations are reported to the Council.

DETAILS:

Shakespeare Street, Mt Hawthorn, Green Street to Ellesmere Street.

In May 2009 a deputation of residents raised concerns about the speed of traffic in Shakespeare Street, between Green and Ellesmere Streets, particularly in the vicinity of the Shakespeare Street Reserve.

Shakespeare Street is classified as an Access Road in accordance with the Metropolitan Functional Road Hierarchy. Under this classification, its maximum desirable traffic volume is 3,000 vehicles per day with a recommended operating speed of 50 kph.

Traffic data subsequently collected in late May 2009 indicated that average weekday traffic volumes were in the order of 380 vehicles per day (vpd), which is relatively low given the connectivity of the road to Green Street, a District Distributor A Road and Ellesmere Street, a Local Distributor Road.

Similarly, the speed of the traffic in the immediate vicinity of the reserve was within acceptable limits, with the 85% speed being 45.4 kph. However, at the second location, mid-way between the reserve and Ellesmere Street, the 85% speed had increased by 8 kph to 53.3 kph with 25.1% of all vehicles exceeding the 50 kph speed limit. In respect of the lower speed adjacent to the park, this can be in part attributed to its proximity to the Green Street intersection, as motorists are either accelerating or decelerating at this point.

It is recommended that this matter be referred to the Town's LATM Advisory Group and that community representative/s be invited to attend the meeting.

Edinboro Street, Mt Hawthorn, Green Street to Ellesmere Street

Edinboro Street is to the immediate west of Shakespeare Street and the residents' complaints relate to the same section between Green and Ellesmere Streets. It is classified as an Access Road in accordance with the Metropolitan Functional Road Hierarchy. Under this classification, its maximum desirable traffic volume is 3,000 vehicles per day with a recommended operating speed of 50 kph. In addition, this section of Edinboro Street forms part of the bus route for Transperth Service No. 276.

It connects Green Street, a District Distributor A Road, and Ellesmere Street, a Local Distributor Road.

Traffic data collected in June 2009 indicated that the average weekday traffic was 643 vehicles per day, considerably more than Shakespeare Street, while the 85% speed was 54.0 kph.

It is recommended that this matter be referred to the Town's LATM Advisory Group and that community representative/s be invited to attend the meeting. Further, it is recommended that it be considered at the same LATM Advisory Group Meeting as the Shakespeare Street matter, given the potential impact on both streets if one were to be 'traffic calmed' in isolation.

Purslowe Street, Mt Hawthorn, Egina Street to East Street

The Town has received on-going complaints from both residents and visitors to the Town about traffic volumes and speeds in Purslowe Street, particularly in the vicinity of Menzies Park between Egina Street and East Street. Given the popularity of Menzies Park, which is used for both active and passive recreation, the main concern is the mix of children, traffic and parking.

Purslowe Street is classified as an Access Road in accordance with the Metropolitan Functional Road Hierarchy. Under this classification, its maximum desirable traffic volume is 3,000 vehicles per day with a recommended operating speed of 50 kph.

The section in question connects Egina Street, a Local Distributor Road, to Brady Street, a District Distributor A Road.

Traffic data collected in June 2009 indicated that the average weekday traffic was in the order of 776 vehicles per day in the vicinity of the park, increasing to 1,010 vpd between Sasse Avenue and Brady Street. The 85% speed for the same sections were 55.8 kph and 48.6 kph respectively. Therefore, the section adjacent to the park, which generates the most activity, has fewer cars but higher speeds.

It is recommended that this matter be referred to the Town's LATM Advisory Group and that community representative/s be invited to attend the meeting.

Randell Street, Perth, Fitzgerald Street to Palmerston Street

Over the past several years, the Town has received on-going complaints about both volume and speed of traffic using Randell Street. The inference is that it is used as 'rat run' to and from Newcastle Street by motorists to wishing to avoid the Fitzgerald/Carr and Fitzgerald/Newcastle Streets signalised intersections in the peak periods.

Randell Street is classified as an Access Road in accordance with the Metropolitan Functional Road Hierarchy. Under this classification, its maximum desirable traffic volume is 3,000 vehicles per day with a recommended operating speed of 50 kph.

It connects Fitzgerald Street, a District Distributor A Road, to Palmerston Street, an Access Road, and abuts Robertson Park Tennis Club and the north-eastern portion of Robertson Park.

Traffic data collected in November 2005 indicated that the average weekday traffic was 1,387 vehicles per day, considerably more trips than would be expected to be generated by the residents, while the 85% speed was 55.8 kph.

It is recommended that this matter be referred to the Town's LATM Advisory Group and that community representative/s be invited to attend the meeting.

Intersection of Hobart and Dunedin Streets, Mt Hawthorn

On 2 June 2009 there was a car accident at the above intersection, resulting in major property damage and minor injuries, as classified in the Black Spot criteria. As a result, the Town received a flurry of emails and letters from adjacent residents, questioning the safety of the intersection and requesting improvements.

Note: The intersection does not currently qualify as a Black Spot.

The cause of the accident was in part due to vandalised give-way signs, i.e. they were deliberately flattened. However, Hobart Street is considerably wider than Dunedin Street and presents as a straight and unobstructed link between London Street and Scarborough Beach Road, enabling drivers to avoid the traffic signals at Scarborough Beach Road, London and Loftus Streets, particularly during the peak period right turn bans.

There is potential to improve the safety of the intersection with relatively minor works. However, given the level of interest and concern shown by the residents, it is recommended that this matter be referred to the Town's LATM Advisory Group and that community representative/s be invited to attend the meeting.

Intersection of Cowle and Fitzgerald Streets, West Perth

On 3 July 2009 there was a car accident at the above intersection, resulting in major property damage, as classified in the Black Spot criteria. As a result, the Town received several emails from adjacent residents questioning the safety of the intersection and requesting improvements. Apparently drivers turning right into Cowle Street from Fitzgerald Street, at speed, have on three (3) occasions slid into parked cars in Cowle Street.

Note: The intersection does not currently qualify as a Black Spot.

Circumstantial evidence suggests that the cause of the accidents is driver behaviour and speeding.

There is potential to improve the safety of the intersection with relatively minor works. However, given the level of interest and concern shown by the residents, it is recommended that this matter be referred to the Town's LATM Advisory Group and that community representative/s be invited to attend the meeting.

CONSULTATION/ADVERTISING:

Once the matter has been considered by the LATM Advisory Group and referred to the Council, consultation with the wider community may be recommended.

LEGAL/POLICY:

N/A.

STRATEGIC IMPLICATIONS:

In accordance with the objective of Strategic Plan 2009-2014 – Key Result Area One: 1.1.6 Enhance and maintain the Town's infrastructure to provide a safe, healthy, sustainable and functional environment. *“(d) Implement Local Area Traffic Management matters referred to the Local Area Traffic Management Advisory Group by Council”.*

SUSTAINABILITY IMPLICATIONS:

The Council adopted a long term program to ensure its road infrastructure is maintained to an acceptable level of service. Funds are allocated annually to ensure this program is sustainable.

FINANCIAL/BUDGET IMPLICATIONS:

No funds have been specifically allocated in the 2009/2010 budget for these matters, however, there is a Miscellaneous Traffic Management allocation whereby minor works can be dealt with throughout the year.

COMMENTS:

The Town receives many requests for Traffic Management from time to time. Most requests received are addressed by the officers, as vehicle classifier results usually indicate that there is a perceived problem rather than an actual problem. Other matters are referred to the Police Services for enforcement of the legal speed limit.

The matters listed in this report require further investigation prior to any remedial action being considered.

9.3.3 Amended Fees and Charges for 2009/2010 – Planning and Development (Local Government Planning Fees) Regulations 2009.

Ward:	-	Date:	6 July 2009
Precinct:	-	File Ref:	FIN0025
Attachments:	001		
Reporting Officer(s):	M Rootsey, R Rasaratnam		
Checked/Endorsed by:	J Giorgi	Amended by:	

OFFICER RECOMMENDATION:

That the Council APPROVES BY AN ABSOLUTE MAJORITY, the Amendment of Fees and Charges in the Planning and Development (Local Government Planning Fees) Regulations 2009, (Part 7 – Local Government Planning Charges), as shown in Appendix 9.3.3.

COUNCIL DECISION ITEM 9.3.3

Moved Cr Messina, Seconded Cr Ker

That the recommendation be adopted.

MOTION PUT AND CARRIED
BY AN ABSOLUTE MAJORITY (6-0)

(Cr Farrell and Cr Doran-Wu on approved leave of absence. Cr Youngman was an apology for the Meeting.)

PURPOSE OF REPORT:

To present the amended the Fees and Charges for Planning and Development as proposed by the Western Australian Planning Commission from 1 July 2009.

BACKGROUND:

The Annual Fees and Charges for financial year 2009/10 were approved by *ABSOLUTE MAJORITY* at the Ordinary Meeting of Council on 12 May 2009 item No 9.3.2 and subsequently adopted in the Annual Budget 2009/10 which was approved on the 1 July 2009.

DETAILS:

The Town received correspondence from the Western Australian Planning Commission on the 22 June 2009 which reads as follows:

“The purpose of this planning bulletin is to advise of the consolidation and amendments to the maximum prescribed fees for local government planning services. Since 2000 the Planning and Development (Local Government Planning Fees) Regulations 2000 has prescribed the maximum fee for certain planning services provided by local governments. These regulations have now been consolidated into the Planning and Development Regulations 2009. No provisions have been amended in the consolidation of the regulations.

The fees prescribed in the Planning and Development Regulations 2009 for local government services have been increased by the Consumer Price Index (CPI) rate of 4.2% as advised by WA Treasury. The new fees will become effective from 1 July 2009. This planning bulletin supersedes Planning Bulletin 93 Planning and Development (Local Government Planning Fees) Regulations 2000. The change consists of a new schedule of fees prescribed by the regulations by CPI.”

This information was received after the Budget documentation had been prepared and therefore the reason a separate report has been prepared.

CONSULTATION/ADVERTISING:

N/A.

LEGAL/POLICY:

In accordance with Local Government Act (1995) S6.16, 6.17 and 6.18.

STRATEGIC IMPLICATIONS:

Plan for the Future Strategic Plan 2009 – 2014 – Objective 4.1.3 – Plan effectively for the future:

“a) Review the Town’s Long Term Financial Management Plan.”

SUSTAINABILITY IMPLICATIONS:

N/A.

FINANCIAL/BUDGET IMPLICATIONS:

The fees are to be increased by Consumer Price Index (CPI) representing a 4.2% increase. This will have an impact on the income received from Development Application fees and any increase will be estimated and reflected in the mid year budget review.

COMMENTS:

The recommendation that the Amended Fees and Charges for Planning and Development (Local Planning Fees) Regulation 2009 (Part 7 – Local Government Planning Charges) is supported.

9.3.6 LATE ITEM: Beatty Park Leisure Centre – Urgent Safety Works

Ward:	South	Date:	13 July 2009
Precinct:	Smith Lakes	File Ref:	
Attachments:	-		
Reporting Officer(s):	J Fondacaro/D Morrissy/K Steicke		
Checked/Endorsed by:	M Rootsey/ John Giorgi	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the safety works required as identified in the Hazard Reports at the Beatty Park Leisure Centre; and*
- (ii) *APPROVES BY AN ABSOLUTE MAJORITY:*
 - (a) *the amount of \$5,695 for the supply and installation of two permanent static lines and one safety anchor point on the roof of the grandstand at the Beatty Park Leisure Centre; and for this work to be funded from the Beatty Park Reserve Fund;*
 - (b) *the amount of 4,829 for the upgrade of the front switchboard by installation of single Residual Current Devices (RCD's);*

and for this work to be funded from the Beatty Park Reserve Fund.

COUNCIL DECISION ITEM 9.3.6

Moved Cr Messina, Seconded Cr Burns

That the recommendation be adopted.

MOTION PUT AND CARRIED
BY AN ABSOLUTE MAJORITY (6-0)

(Cr Farrell and Cr Doran-Wu on approved leave of absence. Cr Youngman was an apology for the Meeting.)

PURPOSE OF REPORT:

To seek the Councils approval for funds that were not included in the 2009/10 budget to enable urgent safety works to be carried out at the Beatty Park Leisure Centre.

BACKGROUND:

As a result of routine inspections, the Assistant Manager Operations has identified two Hazards which require immediate attention.

These are the provision of static lines or anchor points and contractors to the grandstand roof and the upgrade of an electrical switchboard.

DETAILS:

Outlined below are further details of the work required for each of these items:

Grandstand roof has no static lines and anchor points:

The grandstand roof is regularly accessed by contractors to undertake various maintenance works. In order for this be undertaken, a vertical ladder should be provided to allow safe access from the top floor of the grandstand to the roof.

In addition a walkway should be installed on the roof from the top of the ladder along the roof area to the areas of the hingable floodlight posts, to allow safe changing of the six floodlight bulbs.

Three quotes have been sought and the Property Maintenance Officer has recommended that the cheapest quote - Safemaster be engaged to undertake the work for a cost of \$5695 and they will supply the following:

- (a) Two (2) Safemaster permanent static lines 1 x 36 metres ; 1 x 24 metres overall length approximately;
- (b) One (1) Safemaster Purlifix energy absorbing safety anchor point;
- (c) One (1) Safemaster ladder access bracket; and
- (d) One (1) Safemaster Access control sign.

Electrical Switchboard and Cabling:

One of the Town's electrical contractor has recommend that due to the age of the cabling and switchboards at the centre, this be upgraded. As a result it has been determined that the front switchboard adjacent to the café be upgraded by the installation of individual Residual Current Devices to each circuit (approximately 30).

The Property Maintenance Officer obtained quoted for this work from two of the contractors on the Town's annual tender panel and has recommended engaging Carey's electrical at a price of \$4,890.60 including GST.

This price provides the following:

- Installation of 32 x single phase RCD's;
- Installation of 2 x3 25 amp RCD's; and
- A thermal scan of other older switchboards.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

The Town has a legal responsibility to maintain its building in a safe condition and to comply with legislative requirements.

STRATEGIC IMPLICATIONS:

This is in keeping with the Town's Strategic Plan 2009-2014 – Key Result Area 1.1.5 – Enhance and maintain parks, landscaping and community facilities.

SUSTAINABILITY IMPLICATION:

The replaced switchboard will ensure a more efficient use of power at the Centre for this function.

FINANCIAL/BUDGET IMPLICATIONS:

There are no funds allocated for this work in the Annual Budget 2009/10, as these items have not been previously identified before the formulation of the 2009/10 Budget. However it is recommended that the cost for this work be funded from the Beatty Park Reserve Fund and will therefore have no impact on the Towns financial position.

COMMENTS:

The work required to be undertaken has been brought to the Town's attention in a Hazard Report. These therefore constitute an occupational health and safety matter. The Town has a duty of care to take action on these matters having had them brought to its attention.

It recommended that the Council approve the use of the funds for the specified safety works.

9.4.2 Review and Adoption of Delegated Authority Register 2009/10

Ward:	Both	Date:	7 July 2009
Precinct:	All	File Ref:	ADM0038
Attachments:	001		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:		Amended by:	-

OFFICER RECOMMENDATION:

That pursuant to Section 5.42 of Division 4 of Part 5 of the Local Government Act 1995, the Council APPROVES BY AN ABSOLUTE MAJORITY the delegation of the exercise of its powers and duties to the Chief Executive Officer, as detailed in the Delegated Authority Register 2009/10, as shown in Appendix 9.4.2.

COUNCIL DECISION ITEM 9.4.2

Moved Cr Burns, Seconded Cr Ker

That the recommendation be adopted.

MOTION PUT AND CARRIED
BY AN ABSOLUTE MAJORITY (6-0)

(Cr Farrell and Cr Doran-Wu on approved leave of absence. Cr Youngman was an apology for the Meeting.)

PURPOSE OF REPORT:

The purpose of this report is to seek Council's approval of the Delegated Authority Register for the 2009-2010 year, as detailed in this report.

BACKGROUND:

The Local Government Act 1995, at Section 5.42, allows for a Council to delegate to the Chief Executive Officer its powers and functions.

The purpose of delegating authority to the Chief Executive Officer is to provide for the efficient and orderly administration of the day to day functions of the Local Government. The CEO exercises the delegated authority in accordance with Council's policies.

The Chief Executive Officer has reviewed the current delegation register and the following changes are recommended for the 2009-2010 Delegation Register:

Delegation No 8: Insert the "Planning and Development Act 2005" and "Local Government (Miscellaneous Provision) Act 1960"; and

Delegation No 10: Insert the "Planning and Development Act 2005".

Chief Executive Officer's Comment:

The necessity to include Planning and Development Act 2005 and Local Government (Miscellaneous Provision) Act 1960 is required as part of the day to day enforcement of conditions pertaining to development applications and building licences. The Town's solicitors have recommended that these two statutes be included in the Delegation Register so that there can be no legal challenge when matters are listed in the Courts.

LEGAL/POLICY:

Section 5.42 of the Local Government Act 1995 gives power to a Council to delegate to the CEO the exercise of its powers and functions; prescribes those functions and powers which cannot be delegated; allows for a CEO to further delegate to an employee of the Town; and states that the CEO is to keep a register of delegations. The delegations are to be reviewed at least once each financial year by the Council and the person exercising a delegated power is to keep appropriate records.

Quarterly reports detailing the administration's use of delegations are reported to the Council as follows:

Period	Report to Council
1 January – 31 March	April
1 April – 30 June	July
1 July – 30 September	October
1 October – 31 December	February

STRATEGIC IMPLICATIONS:

The use of delegations is in keeping with the Council's Strategic Plan 2009-2014 – Leadership, Governance and Management, Objective 4.1.2 – *“Manage the Organisation in a responsible, efficient and accountable manner.”*

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The review of the Delegations Register has resulted in a more concise and less complex document. As previously stated, the delegations are identical to the 2009/10 delegations. Two minor changes have been recommended for inclusion.

Accordingly, it is recommended that the Council approve of the Delegated Authority Register 2009/10.

9.4.3 Appointment of Council Members to Mindarie Regional Council

Ward:	-	Date:	1 July 2009
Precinct:	-	File Ref:	ADM0030
Attachments:	-		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION

That the Council;

- (i) *NOTES that;*
- (a) *the tenure of Regional Councillors on the Mindarie Regional Council expires on 30 June each year; and*
 - (b) *Cr Steed Farrell and Cr Ian Ker were previously appointed as Member and Deputy Member respectively, until 30 October 2009; and*
- (ii) *in accordance with the provisions of the Local Government Act 1995 Section 2.28, APPROVES BY AN ABSOLUTE MAJORITY to appoint;*
- (a) *Cr Steed Farrell as Member; and*
 - (b) *Cr Ian Ker as Deputy Member;*
- of the Mindarie Regional Council for the term 1 July 2009 to 30 June 2010.*

COUNCIL DECISION ITEM 9.4.3

Moved Cr Ker, Seconded Cr Messina

That the recommendation be adopted.

MOTION PUT AND CARRIED
BY AN ABSOLUTE MAJORITY (6-0)

(Cr Farrell and Cr Doran-Wu on approved leave of absence. Cr Youngman was an apology for the Meeting.)

PURPOSE OF REPORT:

The purpose of the report is to appoint Council Members to the Mindarie Regional Council for the period of 1 July 2009 to 30 June 2010.

BACKGROUND:

As part of the Council's role in governing for the Town, Council Members and/or Council Officers represent the Council on a wide range of Statutory Committees, Authorities, Advisory and Working Groups.

DETAILS:

Mindarie Regional Council (*1 Council Member*)

- Meeting Occurrence: Monthly (or Six Weekly)
- Date of Meeting: Thursday
- Time of Meeting: 5.30pm
- Location of Meeting: Member Councils on a rotation basis
- Liaison Officer: Mindarie Regional Council - Chief Executive Officer
- Purpose of Council:*
- *To make decisions concerning Waste Management, including the landfill disposal site at Tamala Park.*
- (* *Member sitting fee of \$2,400 and \$1,000 allowances is paid.*)
- Non-Council Members:
- Member Councils - Chief Executive Officers and Senior Management
 - Chief Executive Officer
 - Director Technical Services
- Meetings held October 2007 to June 2009:
1. 25 October 2007
 2. 13 December 2007
 3. 28 February 2008
 4. 24 April 2008
 5. 3 July 2008
 6. 21 August 2008
 7. 23 October 2008
 8. 11 December 2008
 9. 5 March 2009
 10. 23 April 2009
 11. 30 June 2009 (*Special Meeting*)

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

Not applicable.

STRATEGIC IMPLICATIONS:

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

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

Not applicable.

COMMENTS:

It is recommended that Council approve of the recommendation to extend Cr Steed Farrell's term as Member and Cr Ian Ker's term as Deputy Member, on the Mindarie Regional Council, until 30 June 2010. The matter will be further considered after the elections in October 2010.

**9.4.4 Annual General Meeting of Electors held on 8 December 2008 -
Response to Motions**

Ward:	Both	Date:	30 June 2009
Precinct:	All	File Ref:	ADM0016
Attachments:	-		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council RECEIVES the report on the response to the motions carried at the Annual General Meeting of Electors held on 8 December 2008.

Moved Cr Burns, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Maier, Seconded Cr Ker

That the recommendation be amended to read as follows:

“That the Council;

(i) RECEIVES the report on the response to the motions carried at the Annual General Meeting of Electors held on 8 December 2008; and

(ii) REQUESTS:

(a) the Chief Executive Officer to investigate and report on policy changes required to enable:

1. owners or occupiers to apply for a sign which says that no unauthorised parking is allowed on the verge; and

2. owners or occupiers to request that rangers issue infringement notices without requiring them to sign any further documentation; and

(b) that the report referred to in clause (a) be presented to Council by the end of August 2009 and consider any costs to be charged for the sign.”

Debate ensued.

AMENDMENT PUT AND CARRIED (6-0)

(Cr Farrell and Cr Doran-Wu on approved leave of absence. Cr Youngman was an apology for the Meeting.)

MOTION AS AMENDED PUT AND CARRIED (6-0)

(Cr Farrell and Cr Doran-Wu on approved leave of absence. Cr Youngman was an apology for the Meeting.)

COUNCIL DECISION ITEM 9.4.4

That the Council;

- (i) *RECEIVES the report on the response to the motions carried at the Annual General Meeting of Electors held on 8 December 2008; and*
- (ii) *REQUESTS:*
 - (a) *the Chief Executive Officer to investigate and report on policy changes required to enable:*
 - 1. *owners or occupiers to apply for a sign which says that no unauthorised parking is allowed on the verge; and*
 - 2. *owners or occupiers to request that rangers issue infringement notices without requiring them to sign any further documentation; and*
 - (b) *that the report referred to in clause (a) be presented to Council by the end of August 2009 and consider any costs to be charged for the sign.*

PURPOSE OF REPORT:

The purpose of this report is to provide information to the Council on the motions moved at the Annual General Meeting of Electors held on 8 December 2008.

BACKGROUND:

At the Annual General Meeting of Electors held on 8 December 2008, the Council received the Annual Report 2007/2008. In addition, during General Business various motions were carried.

DETAILS:

Motion 1:

"That the Town consider introducing a mechanism for rate payers to display signs on their verges which discourage parking on the verge similar to the old "registered lawn" signs."

Officer's Comments:

Under the City of Perth Parking Facilities Act 1954, the City of Perth operated a "Registered Lawn" system until around 1979/80, when the then Council acknowledged that the system was difficult to administer and that it resulted in a great deal of wasted time. The system placed a requirement on Parking Inspectors, to ensure that no-one parked on these "Registered Lawns", so they had to check every "Registered Lawn" almost every day.

Since almost all of the "Registered Lawns" referred to road verges and not to private gardens and lawns, the City added a new clause to the State Enactment, which is very similar to clause 4.11 of the current Town of Vincent parking legislation. This clause adopted a different approach to enforcement of vehicles that parked illegally, by transferring the responsibility, for notifying the Parking Inspectors, to the adjacent occupier. As a result, Parking Inspectors (Rangers in the Town of Vincent) could continue to deal with the every-day parking issues and, if contacted about a vehicle that was illegally parked on a verge, they could respond to the report, rather than patrolling to find offences.

When the City of Perth Parking Facilities Act 1954 was repealed and the City of Perth Parking Facilities Local Law was adopted, all reference to "Registered Lawn" was removed. Subsequently, when the City was restructured in 1994, the Town of Vincent Parking Facilities Local Law incorporated the "Verge Parking" clause that had been introduced. This clause has been operating well, since 1994/5 and, since 1 July 2008, a total of 91 infringement notices have been issued for this offence.

It is suggested that, while the re-introduction of a "Registered Lawn" system, may remove the need for adjacent occupiers to contact Rangers about an illegally parked vehicle, it would require Rangers to undertake (unproductive and time consuming) patrols, in case a vehicle was parked on a verge and would not be an efficient use of Rangers' time. By requiring local residents to notify the Town's Rangers of an offence, it allows them to only respond, when they know an offence is being committed.

For the above reasons, it is strongly recommended that the motion to "register lawns" is **not adopted**.

Motion 2:

"That;

- 1. this meeting notes the significant social impact on some residents of limiting visitor permits in areas affected by parking restrictions; and*
- 2. the Town review the Residential and Visitors Parking Permits policy with the view to increasing the number of visitor and resident parking permits available to residents, particularly addressing the needs of families and residents in units and terraced housing."*

Officers' Comments:

The Town's Strategic Planning Officers and Manager Ranger and Community Safety Services are in regular contact with Luxmoore Parking Consultants to assist in the preparation and finalisation of the Precinct Parking Management Plans. In this respect, the Consultants are regularly updated with relevant information from Council Members, Council decisions and public comment for consideration in the preparation of the Precinct Parking Management Plans. In May 2009, the following information was forwarded to the Consultants:

- 1 May 2009 - contact details of owner of Planet Video forwarded to consultants to contact and discuss implications for the Precinct Parking Management Plan for Mount Lawley.
- 4 May 2009 - Petition from business owners adjacent to the Raglan Road car park dated 24 April 2009 forwarded to the consultants.
- 7 May 2009 - Minutes of Ordinary meeting of the Council held on 28 April 2009, Item 13.2 relating to Urgent Business - Car Parking Strategy was forwarded to consultants with summary of salient points made by Council members relating to the Item.
- 8 May 2009 - Draft Car Parking Strategy and associated Minutes of Special Meeting of the Council held 14 October 2008 was forwarded to the General Manager of the Leederville Hotel for consideration and an invitation to comment.
- 8 May 2009 - Request by Councillor Maier to add 2 new Rangers to the Draft Budget at the Special Meeting of the Council held 5 May 2009 was forwarded to the Consultant for consideration in the preparation of the Precinct Parking Management Plans.
- 13 May 2009 - Item 9.1.16 of Ordinary Meeting of the Council held 23 April 2009 relating to the public meeting to discuss the parking and anti-social behaviour in the Mount Lawley Precinct and renewal of an extended trading permit for the Flying Scotsman forwarded to the consultant for consideration in the preparation of the Precinct Parking Management Plan for Mount Lawley.

Upon completion of the Precinct Parking Management Plans, a report will be presented to Council at an Ordinary held in late June/July 2009 to consider the Precinct Parking Management Plans and the Draft Car Parking Strategy.

Motion 3:

"That the Town considers a greater promotion of precinct groups."

Officers' Comments:

The Town's Policy No. 4.1.6 relates to Community/Precinct Groups. At present, the following Community/Precinct Groups are listed as active in the Town:

- Banks Precinct Action Group Inc (*Incorporated 16/01/98*)
- Beaufort Street Network (*Awaiting Incorporation*)
- Cleaver Precinct Action Group Inc (*Incorporated 11/06/96*)
- Friends of Forrest Park (*Awaiting Incorporation*)
- Mount Hawthorn Precinct Group (*Incorporated 18/11/02*)
- North Perth Precinct Group (*Incorporated 10/01/01*)
- Smith's Lake Precinct Group

The Town's Public Relations Officer is the Town's first point of contact for Community/Precinct Groups. The Town's Community/Precinct Groups are listed on the Town's website and information is included in the "Welcome Pack", issued to all new residents.

The CEO is not aware of any further promotional strategies which could be used.

Motion 4:

"That the Town investigate the initiation of a 10 year plan for Charles Veryard Reserve to bring it up to an A-Class facilities and clubrooms that the community can have access into."

Officers' Comments:

Whilst some parks have been identified and upgraded since the Town's inception, Charles Veryard is not considered as a priority at this point in time, nor has it been identified for upgrade as part of the Town's recently revised "Plan for the Future." Since 1995, a considerable amount of money has been spent on upgrading the Reserve including; automatic reticulation, new surrounds fencing, new playground, dog exercise area and, recently, an upgrade of the internal car parks.

The existing building is adequate and internal works undertaken by the lessees have maintained this facility to a standard acceptable for the amount and level of use this facility receives.

Notwithstanding the above, this Reserve has been linked into part of the Wetlands/Heritage Trail and, at some future point, a proposal for pathways/lighting/landscaping and possible Parks outdoor exercise equipment will be considered.

Motion 5:

"That the Town give consideration to the preparation of a Weed Management Strategy for Robertson Park to assist the considerate volunteer effort by residents in maintaining the wetland."

Officers' Comments:

Generally a weed management plan is implemented for large broad acre areas such as natural bushland, where the identification of weeds is vital in controlling exotic weeds that have the potential to compete with the plants/trees/shrubs that are indigenous to the area.

Robertson Park is a very small area recreated into a seasonal wetland that is surrounded by a highly modified park/urban area and the weeds within this small section of the wetland can be easily controlled without the need for a weed management plan.

The majority of weeds located within the wetland are common to Robertson Park and the surrounding residential properties.

The Town's Officers have on numerous occasions offered to meet with the volunteers to assist in weed identification/eradication. The Parks Officers have also applied herbicide within this area as required and remove weeds as part of their general duties.

Therefore, given the above information and the relative small area concerned, the Town's Officers consider that a specific weed management plan for the Robertson Park wetland is not required, as the matter can be managed in the normal day-to-day duties for Parks Management.

CONSULTATION/ADVERTISING:

N/A.

LEGAL/POLICY:

N/A.

STRATEGIC IMPLICATIONS:

In accordance with the objective of the Town's Plan for the Future - Strategic Plan 2009-2014 – 1.1.6: *"Enhance and maintain the Town's infrastructure to provide a safe, healthy, sustainable and functional environment."*

SUSTAINABILITY IMPLICATIONS:

N/A.

FINANCIAL/BUDGET IMPLICATIONS:

N/A.

COMMENTS:

The report contains comments to the motions carried at the Annual General Meeting of Electors held on 8 December 2008.

9.4.6 Information Bulletin

Ward:	-	Date:	7 July 2009
Precinct:	-	File Ref:	-
Attachments:	001		
Reporting Officer(s):	A Radici		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Information Bulletin dated 14 July 2009, as distributed with the Agenda, be received.

Moved Cr Ker, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Ker, Seconded Cr Messina

That the recommendation be amended as follows:

“That:

- (i) the Information Bulletin dated 14 July 2009, as distributed with the Agenda, be received; and*
- (ii) the Town write to the Western Australian Local Government Association (WALGA) in relation to Item IB06 (Public Housing – Delegation of Planning Approval) requesting that WALGA on behalf of all Local Governments:*
 - (a) obtain legal advice as to the legality of the Delegation of Planning Approval for Public Housing, as stated in the letter dated 3 July 2009 from the Department of Housing, given that the Department of Housing will act as both the ‘proponent’ and the ‘determining authority’. Moreover, as there is no third-party appeal right in Western Australia, the Local Governments will not be able to appeal against Department of Housing or Department for Planning and Infrastructure decisions; and*
 - (b) make appropriate representation to the Ministers for Planning, Local Government, Housing and the Western Australian Planning Commission that the period of 21 calendar days to provide comments to the Department of Housing or Department for Planning and Infrastructure for public housing proposals is not adequate for informed comments to be made, even where a Council meets twice a month.”*

Debate ensued.

AMENDMENT PUT AND CARRIED (6-0)

(Cr Farrell and Cr Doran-Wu on approved leave of absence. Cr Youngman was an apology for the Meeting.)

MOTION AS AMENDED PUT AND CARRIED (6-0)

(Cr Farrell and Cr Doran-Wu on approved leave of absence. Cr Youngman was an apology for the Meeting.)

COUNCIL DECISION ITEM 9.

“That:

- (i) the Information Bulletin dated 14 July 2009, as distributed with the Agenda, be received; and***
- (ii) the Town write to the Western Australian Local Government Association (WALGA) in relation to Item IB06 (Public Housing – Delegation of Planning Approval) requesting that WALGA on behalf of all Local Governments:***
 - (a) obtain legal advice as to the legality of the Delegation of Planning Approval for Public Housing, as stated in the letter dated 3 July 2009 from the Department of Housing, given that the Department of Housing will act as both the ‘proponent’ and the ‘determining authority’. Moreover, as there is no third-party appeal right in Western Australia, the Local Governments will not be able to appeal against Department of Housing or Department for Planning and Infrastructure decisions; and***
 - (b) make appropriate representation to the Ministers for Planning, Local Government, Housing and the Western Australian Planning Commission that the period of 21 calendar days to provide comments to the Department of Housing or Department for Planning and Infrastructure for public housing proposals is not adequate for informed comments to be made, even where a Council meets twice a month.”***

DETAILS:

The items included in the Information Bulletin dated 14 July 2009 are as follows:

ITEM	DESCRIPTION
IB01	Memorandum to Cr Steed Farrell in response to Question Taken on Notice at the Ordinary Meeting of Council held on 9 June 2009
IB02	Letter from the Minister for Environment; Youth regarding Changes to Landfill Levy Rate
IB03	Letter from Premier of Western Australia regarding future funding of the Ethnic Communities Council Western Australia Inc
IB04	Letter from Michael Sutherland MLA, Member for Mount Lawley to the Hon Peter Collier MLC, Minister for Energy regarding complaints received regarding the poor level of service provided by Western Power
IB05	Letter from the Department of Culture and the Arts regarding Better Beginnings: Making a Difference
IB06	Letter from the Department of Housing regarding Public Housing – Delegation of Planning Approval
IB07	Letter from the Department of Fisheries regarding New Recreational Fishing Licensing Arrangements
IB08	Letter from the National Trust of Australia (Western Australia) regarding St Alban’s Church

ITEM	DESCRIPTION
IB09	Letter of Appreciation from 176 Investments Pty Ltd regarding Professional and Co-Operative Attitude by Planning Officers Town of Vincent
IB10	Letter of Appreciation from Ms M. Slyth regarding a Town of Vincent Planning Officer
IB11	Email of Appreciation from Mr K. Ling regarding Scarborough Beach Road Roadworks and Recycling Bins
IB12	Letter of Congratulations to Dr G. Panizza of North Perth on receiving an Order of Australia Medal
IB13	Letter of reply to Mr Angelo Tancredi regarding the outcome of his "Display of Items on Footpath" Application.
IB14	Letter from State Administrative Tribunal (SAT) regarding Matter No. DR/222 of 2009 – Virium Pty Ltd v Town of Vincent (No. 69 Barlee Street, Mount Lawley)
IB15	Letter from State Administrative Tribunal (SAT) regarding Matter No. DR/519 of 2009 – Tran v Town of Vincent (No. 36 Paddington Street, North Perth)
IB16	Minutes of Local Area Traffic Management (LATM) Advisory Group Meeting held on 4 June 2009
IB17	Report on the 16 th Telstra Australasian-Oceania Swimming Professionals Convention and Expo 2009 Convention – Broadbeach Queensland
IB18	Review of State Local Government Public Library Framework Agreement
IB19	Report on the Mayor and Chief Executive Officer's Attendance at the National General Assembly of Local Government 2009
IB20	Register of Petitions - Progress Report - July 2009
IB21	Register of Notices of Motion - Progress Report - July 2009
IB22	Register of Reports to be Actioned - Progress Report - July 2009
IB23	Register of Legal Action - Progress Report - July 2009
IB24	Register of State Administrative Tribunal Appeals - Progress Report - July 2009
IB25	Forum Notes - 16 June 2009
IB26	Forum Advice - 21 July 2009

10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

11. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil.

12. REPRESENTATION ON COMMITTEES AND PUBLIC BODIES

12.1 WALGA Nominations – Environmental Regulation Stakeholder Reference Group; Plant Biosecurity Reference Group; Regional Development Council; Local Government and Community Road Safety Grants Committee

Ward:	-	Date:	25 June 2009
Precinct:	-	File Ref:	ORG0045
Attachments:	001		
Reporting Officer(s):	M McKahey		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That;

- (i) _____ *be nominated as WALGA Member - Environmental Regulation Stakeholder Reference Group (Re-Advertised);*
- (ii) _____ *be nominated as WALGA Member - Plant Biosecurity Reference Group;*
- (iii) _____ *be nominated as WALGA Member - Regional Development Council (Panel of 6 names) (Ministerial Approval); and*
- (iv) _____ *be nominated as WALGA Member - Local Government and Community Road Safety Grants Committee.*

The Presiding Member, Mayor Nick Catania called for nominations, however none were received.

DETAILS:

Please see Appendix 12.1 for further details.

N.B.:

NOMINATIONS CLOSE 12 NOON MONDAY 20 JULY 2009

13. URGENT BUSINESS

Nil.

At 7.22pm Moved Cr Ker, Seconded Cr Messina

That Council proceed "behind closed doors" to consider confidential item 14.1 as this matter relates to a matter affecting an employee.

PROCEDURAL MOTION PUT AND CARRIED (6-0)

(Cr Farrell and Cr Doran-Wu on approved leave of absence. Cr Youngman was an apology for the Meeting.)

One member of the public was present and he departed the Chamber. No journalists were present.

At 7.22pm the Council proceeded "Behind Closed Doors" to consider the follow items:

14. CONFIDENTIAL ITEMS/MATTERS FOR WHICH THE MEETING MAY BE CLOSED ("BEHIND CLOSED DOORS")

14.1 CONFIDENTIAL REPORT: Chief Executive Officer's Performance Review 2009 - Appointment of Consultant

OFFICER RECOMMENDATION:

That the Council APPROVES of engaging Human Resource Consultant, Mr John Phillips of WALGA's Employment Solutions to assist in conducting the Chief Executive Officer's (CEO's) Performance Review 2009, as detailed in this report, at a maximum cost of \$3,000 (incl. GST).

COUNCIL DECISION ITEM 14.1

Moved Cr Burns, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED (6-0)

(Cr Farrell and Cr Doran-Wu on approved leave of absence. Cr Youngman was an apology for the Meeting.)

Note: The Chief Executive Officer has determined that this report be released to the public as the Council has considered and determined the matter.

PURPOSE OF REPORT:

The purpose of the report is to obtain Council approval to engage a consult to assist in conducting the CEO's Performance Review 2009.

BACKGROUND:

At the Ordinary Meeting of Council held on 21 October 2008, the Council resolved (in part) as follows;

“That the Council;

- (iii) *APPROVES of the Deed of Contract of Employment Clause 5.4(e) to be amended to vary the review process to provide for;*
 - (a) *a more streamlined and concise annual performance review;*
 - (b) *removing the necessity for Council Members to provide a written response;*
 - (c) *requiring the Reviewing Person to offer each Council Member the opportunity of an interview to make comments; and*
 - (d) *a Council Member to also submit a written response (if they choose to do so);*
- (vi) *NOTES the next review of the Chief Executive Officer’s performance is to be conducted by August 2009.”*

The Contract of Employment incorporates clauses which require the Council to determine the most suitable method for conducting the annual review and includes the use of an external person to assist in conducting the CEO's Annual Performance Review. The performance review process is similar to previous years and consists of the following:

1. Council to determine the most appropriate method of conducting the CEO's annual review and this process will now include the use of an external consultant in conjunction with the Mayor and Councillors;
 2. CEO to prepare annual performance review within twenty (20) working days of the anniversary of the CEO's commencement with the Town (i.e. 8 August 2004) or date to be agreed;
 3. CEO and external consultant to meet to discuss the process and timing;
 4. CEO to present report to external consultant and Mayor;
 5. External consultant to review and assess CEO's review report assessing the performance measured against the position description, performance criteria, key result areas;
 6. External consultant to:
 - *(a) offer each Council member the opportunity of an interview to make comments;
 - *(b) send each Council Member a questionnaire to individually record their assessment and comments of the CEO's performance (if they choose to do so) and will compile a summary of responses and comments;
- (*Amended at OMC 21 October 2008).
7. A summary of the Council Members' responses will be prepared and discussed jointly between the external consultant, Mayor and CEO;
 8. CEO provided with an opportunity to comment on the report;
 9. The external consultant and Mayor to jointly prepare a report within fourteen (14) working days of the interview and the report to be signed by all parties to be presented to Council within twenty (20) working days of the interview date.

An indicative timeframe was been prepared and is as follows:

Item	Indicative Timeline	Indicative hours
1. Report to Council seeking approval to use External Consultant	14 July 2009	-
2. Initial meeting with CEO to discuss timeline and format	15-17 July 2009	1hr approx
3. Consultant to review of CEO's Review Report	27-31 July 2009	2hrs approx
4. Consultant to issue the CEO's questionnaire to Council Members	3-5 August 2009	1hr approx
5. Collation of Council Members' responses and follow-up, if required (*conduct interviews, if any, by 14 August 2009)	5-14 August 2009	3hrs approx
6. Preparation of Council Members' responses Summary Report for discussion with CEO	17-21 August 2009	2hrs approx
7. Meeting with CEO to discuss Council Members' Summary Report	24-26 August 2009	1hr approx
8. Meeting with Mayor and Councillors to discuss Council Members' Summary Report	26 August-4 September 2009	2hrs approx
9. Preparation of CEO report to Council and liaison with Mayor	7-9 September 2009	3hrs approx
10. Final meeting with CEO to discuss final Report, any recommendations and areas of interest, etc	9-11 September 2009	1hr approx
11. Report to Council	22 September 2009	-
	Total	16hrs approx

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

The Local Government Act 1995, Section 5.39 requires that Senior Employees are to be governed by a written contract. (The Town's CEO and Executive Managers are designated Senior Employees.)

It is a legal requirement that each Contract of Employment contains sufficient information to enable the Officer to effectively carry out his responsibilities. Under Section 5.38, each employee is to be reviewed at least once in every of their employment.

This matter is to be treated as a Confidential Item as it relates to an employee. Section 5.23 of the Local Government Act 1995 allows for matters relating to employees to be considered on a confidential basis.

STRATEGIC IMPLICATIONS:

This proposal is in keeping with the Town's Strategic Plan 2009-2014, Objective 4 "*Leadership, Governance and Management*", in particular, 4.2.4 "*Attract and retain quality employees and encourage career development.*"

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

A written quotation was obtained from WALGA to conduct the CEO's performance review as detailed in this report. The amount of up to \$3,000 (incl. GST) is a maximum amount and is dependent upon the actual hours the consultant is involved and the number of interviews requested by Council Members. This quotation is less than that submitted in 2008. Any interviews (in person or telephone) will be an additional cost of \$120 (incl. GST) per hour (which includes any travelling). Mr Phillips of WALGA has assisted Council in conducting the CEO's Performance Review since 2004.

The actual cost for the 2008 consultancy was \$2,500 (incl. GST).

COMMENTS:

The proposed CEO Review Process is in keeping with the Council decision of 21 October 2008 and the CEO's Contract of Employment.

PROCEDURAL MOTION

At 7.24pm Moved Cr Ker, Seconded Cr Messina

That an "open meeting" be resumed.

PROCEDURAL MOTION PUT AND CARRIED (6-0)

(Cr Farrell and Cr Doran-Wu on approved leave of absence. Cr Youngman was an apology for the Meeting.)

15. CLOSURE

The Presiding Member, Mayor Nick Catania, declared the meeting closed at 7.23pm with the following persons present:

Mayor Nick Catania, JP	Presiding Member
Cr Anka Burns	South Ward
Cr Ian Ker	South Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Izzi Messina	South Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Development Services
Rick Lotznicker	Director Technical Services
Mike Rootsey	Director Corporate Services
Anita Radici	Executive Assistant (Minutes Secretary)

No Members of the Public or journalists present.

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 14 July 2009.

Signed:Presiding Member
Mayor Nick Catania

Dated this day of 2009