



TOWN OF VINCENT

"Enhancing and celebrating our diverse community"

MINUTES

<p>15 DECEMBER 2009</p>

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Nil. 305

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 - (ii) WALGA Metropolitan Deputy Member - WA Local Government Grants Commission (Panel of 6 names requested) (Approval by Minister);
 - (iii) WALGA Metropolitan Deputy Member - Keep Australia Beautiful Council (WA) (Panel of 3 required) (Ministerial Approval);
 - (iv) WALGA Member - Roadside Conservation Committee (Elected Member); and
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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 15 December 2009, commencing at 6.00pm.

1. DECLARATION OF OPENING

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

2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE

(a) Apologies:

Mayor Nick Catania – apology – during the meeting he will need to attend a Student Citizenship Award (Council business) between approximately 6.50pm until approximately 7.15pm.

Cr Steed Farrell – apology – will be arriving late due to an attendance for Council business (Student Citizenship Awards) approximately 7.00pm. Also Cr Farrell will need to depart during the meeting to attend another Student Citizenship Award (Council business) between approximately 7.45pm until approximately 8.30pm.

(b) Present:

Mayor Nick Catania, JP	Presiding Member
Cr Matt Buckels	North Ward
Cr Anka Burns	South Ward
Cr Steed Farrell	North Ward (from 7.03pm)
Cr Taryn Harvey	North Ward
Cr Sally Lake (<i>Deputy Mayor</i>)	South Ward
Cr Warren McGrath	South Ward
Cr Dudley Maier	North Ward (until 10.50pm)
Cr Joshua Topelberg	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)

Approximately 44 Members of the Public

(c) Members on Approved Leave of Absence:

Nil.

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

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

1. Amy Hughes of 136 Alma Road, North Perth – Item 9.1.8. Strongly supports the proposal as the Shopping Precinct will greatly benefit. Believed the interactive business will result in a more attractive streetscape and bring a new vibrancy to the area consequently increasing the value of nearby businesses and homes. Believed the extra 7 car bays should not be made a requirement, given many customer will walk, ride or catch public transport and those who do drive will be visiting numerous other shops and businesses. Believed the Shopping Precinct needs a lift and the Town should be doing what it can to encourage people friendly businesses such as cafés into the area. Stated that charging new cafés large parking fees is a huge discouragement and burden which will hinder this kind of development in the future.

2. Gary Nutt of 12 St Albans Avenue, Highgate – Item 9.1.2. Believed the Amendment has the potential for wide spread affects in the Town and on the whole community. Stated the affects are broad ranging, affecting both social and cultural, the infrastructure, education, traffic management and Town services which will include but not limited to heritage and streetscape. Concerned with the broad range affects and method of consultation adopted by the Town regarding the Amendment. Advised when the streetscape proposal was raised he received direct communication from the Town by mail and the method adopted from this Agenda Report suggests that it was advertised in a newspaper which the Town does not control the distribution or delivery and letters to Precinct Groups. Stated his house is in the former Hyde Park Precinct Group but that does not form part of the current list of groups and, if not for a meeting to reinstate the group he would not have been aware of this. Concerned with the differential method of communication. Urged Council to defer the item until all voices have an opportunity to be heard.
3. Mr Amir-Ansari of 1/22 Little Walcott Street, North Perth – Item 9.1.6. Concerned about this development because he believes it is going to devalue all the properties in the neighbourhood which consists of families and retired people. Believed this development will have a negative impact on the neighbourhood.
4. Ben Doyle of Planning Solutions, 255 Beaufort Street, Perth – Item 9.1.3. Thanked Officers and the Council for the time, assistance and consideration. Supported the Officer's comments and recommendation of approval subject to minor modifications to the conditions which have been outlined in emails to Councillors i.e. sun shade fins on the face of the building and the orning to Bulwer Street. Advised that from discussions with Councillors the 4-storey height to Greenway Street as an issue and he concurs with the Officer's assessment that the proposal represents an opportunity to regenerate the area and is consistent with Council's support for higher intensity and higher building development in the area. Stated that the 5th floor will not be visible from the front of the building on Greenway Street and considers it represents an appropriate transition to the 3-storey Brisbane foundries building on the opposite side of the road. Concurred with Officer's noting that precedent is of very little value in considering planning matters and all applications are considered on their own merits and this site represents unique constraints on opportunities which they consider warrant different treatment to what may otherwise be considered in other areas. Stated in relation to the small bar on the ground floor, which will have a small capacity of 50 people, would require a separate planning approval of Council. Advised that the site is near the Brisbane Hotel and the supporting car park and believe it is ideally located for such a use which will provide life for the building serving non-alcoholic beverages particularly in the morning to office workers and other people in the area – noted that no objections were received. Urged Council to adopt the Officer Recommendation for approval.
5. Keith Bowley of 6 Travally Way, Sorrento – Item 9.1.8, representing the proprietors of the proposed café. Stated it will be a family run business with a goal of developing a shop that produces the very best possible quality service in a friendly and approachable style. Believed patrons would see a uniqueness to the café that will be very attractive to the area. Stated they intend to employ a leading Australian gourmet coffee and tea merchant and sell many quality condiments from South West WA. Stated they have received a huge amount of support for the development and urged Councillors to look favourably on it.

6. Ed Fiszer of 12 St Albans Avenue, Highgate – Item 9.1.2. Advised that he submitted a Petition on 11 December 2009 on behalf of 100 residents asking that Council defer any decision on this item tonight as they were not aware of this change and would like adequate consultation prior to the Council making the final decision. Believed the consultation process so far has not been far reaching to those who it concerns the most – residents. The Report states Council has done all that is required in advising residents through Precinct Groups and advertising for 2 weeks in a local paper however, it also stated that Council has clearly met the obligations and advertised for 4 weeks in the local paper and not the required 2. Stated that he personally emailed all Councillors regarding the matter. Urged the Council to defer judgement tonight to consult the community.

7. Marcel Anderson of 157 Grosvenor Road, North Perth – Item 9.1.17, client of and speaking on behalf of the applicants who have requested she speak on their behalf as they have found that interaction with the Council so far has been quite stressful. Wanted to correct what she believed to be a misleading attempt to portray the business scale and nature. Stated it is not a commercial business and there is no intention run a commercial business. Stated the owners are both in their late 60's wishing to operate a modest hairdressing service to clients from their previous salon which had over 400 clients now reduced to approx. 40 on average once every 4-5 weeks. Owners believed they see fewer than 20 clients/week – at most 5/day. Stated the area used appears as a normal part of the facade from the street, it is spotless and organised and not a large space though it is slightly larger than the 20m allowed under the Policy which the owners are happy to reduce. Stated the owners submitted a response (also laid on the table) after the last consideration of this item to correct misleading and incorrect statements by objectors and she reiterates:
 - there has been no attempt to solicit new business – the owners have told neighbours who have approached them for an appointment that no new clients will be accepted; and
 - parking situation is identical to what it was prior to this service being provided i.e. out of the first 3 clients on Saturday morning, only one has a car.Believed the application does conform with the requirements of the Town Planning Scheme and it is not going to involve increased substantial traffic flow, no impact on parking and no visual amenity. Urged Council to support the application.

8. Marie Slyth of 89 Carr Place, West Perth – Item 9.1.2. Stated had Cleaver Precinct know of or been made aware by the Council of the now so called “*unintended*” consequences of the proposed amendment at initiation in May 2008 and subsequent Council Meetings, there is no way they would not have immediately disagreed and protested about the impact the removal of the “no multiple dwellings” clause would have on Cleaver Precinct without having the certainty and protection of a streetscape policy in place. Asked the Council to fully consult with all affected Precincts. Stated the side effect of the amendment is no way in keeping with the Vision 2024 which aimed to preserve historic and character streetscapes. Urged the Council to defer its decision on this matter until full consultation of all ratepayers in Cleaver and Hyde Park (now South Vincent) Precincts is conducted and a suitable streetscape policy is in place. Submitted a further petition requesting deferral with 11 signatures (totally 53 with the previous petition).

9. Mario D’Alonzo of 158 Palmerston, Perth – Item 9.1.2. Stated that he only found out about the amendment by chance and appreciates what the Council is trying to do. Concerned about what the implications are for the Hyde Park Precinct as it is quite significant. Advised that many residents are concerned and would like to have an input. Advised that a replacement of the Hyde Park Precinct Group has recently been formed – South Vincent Precinct Group and they would like to have more meetings to look at the matter and liaise with the Councillors to discuss the matter. Urged the Council to defer to allow for more liaison with residents.

10. Joanne Abbot of 38 Cavendish Street, Highgate – Item 9.1.2. Stated they have concerns and although obligations have been fulfilled in terms of advertising, she does not feel on a matter this important, that people are satisfied and urged the Council to reconsider and engage in further consultation.
11. Megan Anwyl of 116 Palmerston Street, Perth – Item 9.1.2. Stated, having chaired the meeting to restart what was known as the Hyde Park Precinct Group, she appreciates the attendance of the Director Development Services, some of his colleagues and some Councillors however, it was very clear that people were not familiar with what is proposed. Stated it was advertised in the Guardian however, most people do not receive that as a home delivery and the Precinct Group was defunct which should have been known to the Council. Stated the new residents group is not intending to say they oppose everything however, they ask and appeal for a dialogue so they can work through the issues. Believed it is important to have proper consultation.
12. Gordon Jenkins of 39 Monger Street, Perth – Item 9.1.11. Supports this item as do the neighbours he has spoken to, who were unable to attend. Stated that there is an enormous problem with car parking and this would take quite a few cars that are semi permanently parked in the street away and into the car park which, would free up parkings for people who shop in the area. Believed this car park would make less problems for the Rangers and people who work and own businesses in the area. Urged the Council to approve the item.
13. Shawn Offer of 199 Royal Street, Yokine – Item 9.1.20 on behalf of himself and other owners of Fresh Provisions. Stated the recommendation is that it is still a long way off and they still have severe issues in the area. Advised they see the main problem to be after midday on Saturday. They are going into 7-day trading environment and would like to sort this out as soon as possible as other major shops do not have the issues they have at the moment. Believed it can be solved by changing times and looking a having Rangers patrol the area blitzing it and trying to tackle the times after 4pm. Advised that they have spent quite a bit of money refurbishing their store and all improvement is coming before 4pm and they are having severe issues in the evenings. Urged the Council to help them as soon as possible.
14. Dean Schiltz of Beaufort Street 24-Hour Chemist – Item 9.1.20. Particularly concerned with the 2012 date mentioned as they track their business fairly closely on an hourly basis and, for the last 18 months their customer numbers after 4pm have dropped between 15-20%. Advised that they have just invested in a shop fit out and are doing everything they can to address it however, all their enquiries quite clearly indicate that people will not go after 4pm, as they cannot park. Stated that the Town has the only 24-hour pharmacy in Perth and they have already had discussion about what is going to happen with the hours, as they cannot cope. Concerned that in the report there is a lack of concern for convenience shopping and Alexander Building is a convenience area. Believed it needs to be addressed with an amount of free parking, whether there are metres allowing for an hour free and then you pay or bays are set aside for free parking, which is absolutely essential to maintain the character of the area. Urged the Council to address this as soon as possible.
15. Toni Clancy of 40 Sherwood Street, Maylands – Item 9.1.1. Stated that along with Katrina Thompson they have initiated the local produce market at Aranmore College in August 2009 with the consent and positive response of the School, Parish and local residents. Advised as the Market has established itself and the Council is now ready to review their application, they are suddenly faced with the difficulty of the bursar of Aranmore, Ray Mason and the Principal, Jim revoking their permission to allow them to continue on School grounds. Mr Mason and Jim have also stated that

they are worried the Market will damage the playing field, which has had problems remaining healthy over the years however. Advised that there are no financial interests in operating the Market, as only participants make money. Advised they have worked very hard to establish this and would never have dedicated the time and personal investment if there was a chance the agreement would be terminated early. Stated they are aware they need to submit a new planning application when a final site has been selected and would like to continue to hold the Market in the Town however, they will need the support of the Council to continue. Advised that they will be submitting a new application in January and requested the item be deferred or the application be approved in the meantime.

16. Marcella Polain of 241 Walcott Street, North Perth – Item 9.1.6. Referred to their letter dated 25 October 2009 stating their objections. Disputed the report and noted that objections outweighed letters of support by 14 to 1. Considered the proposal too dense in that it exceeds the allowed policy bonus by 250%. Stated it is too close in that it reduces the required side setback by 47% and it is too high in that it does not comply with the criteria to go to 3-storey's. Believed it is badly designed and has not supplied the R Code appropriate information or the Town's neighbourhood context report. It unnecessarily locates all outdoor living areas close to and facing the side boundary adjacent to their home and living areas. Believed if built, the building will result in major loss of amenity to their home in the form of excessive noise, excessive overlooking. Believed the proposal contravenes many core principles of the Town Planning Scheme and every key policy guiding its implementation. Requested that full and proper consideration of their adjoining property be given in the reconsideration of the proposal. Stated they look forward to the Town recognising the poor design, lack of compliance with regulations and loss of amenity to their home, by not granting approval to the proposed development.
17. Treavor Goodman Jones of 423 Beaufort Street, Highgate – Item 9.1.14. Stated the recommendation significantly changes the Council determination on 28 July 2009. Referred to Condition 4 of the proposal which significantly changes the status quo previously determined by the Council which was to cease all performances by 10pm and cease all activities in the outdoor area by 11pm, by adding the word "live" and taking out the 11pm condition. Asked the Council to consider an amendment to reinstate the condition introduced on 28 July 2009. Stated the recommendations to close at 10pm were made by Racing, Gaming and Liquor to the owners and acoustic engineers which they previously engaged even though they extend the wall which he has no objection to. Advised that there have been 2 meetings between the owners and residents to hopefully enable an open line of communication between this venue and those that surround it, 1 was the day he received notice from the Council about the development application and the owners did not mention their intention to extend their activities in the amphitheatre beyond 10pm. Urged the Council to amend the recommendation to maintain the current conditions.
18. Anthony Rechichi of 99-101 Francis Street, Northbridge – Item 9.1.4. Stated that his client wishes for the Council to uphold the Officers Recommendation. Believed if aged and dependent persons are able to live close to town centres, it makes their life far more useable, better to co-existing within the Town and to have a more "normal" quality of life. Believed this development is articulate, disciplined and fills a void that is lacking in the Town. Urged the Council to uphold the recommendation.
19. Any Freeman of 190 Woodside Street, Doubleview – Item 9.1.14. Stated as proven over the last few months Luxe and Bamboo have been working very coherently with the Town and local community with regular Bamboo Community Network Meetings. Stated they have been maintaining the submitted Bamboo sound management document as per the Council's request as well as an afterhours mobile number should there be any complains from locals which, has only rung once in the

first couple of days it was put into place several months ago. Advised with their probationary period with the Town which forces Bamboo to close at 11pm with a max. capacity of 150 although when measured recently by the Town Health they approved it for 250. Requested the ability to continue performances in the space until 11pm provided it is within the Environmental Health Regulations. Advised that they have film, dance, percussion, bands, djs, circus, acoustic, jazz, orchestral and theatrical performances in the amphitheatre on a regular basis. Believed the cessation of all performance is far too general for them to run a successful business. Believed this is a fair request as they have made great progress over the past few months since instigating multiple costly changes i.e. change in Bamboo direction, performance styles and sound attenuation they have invested in the space. Stated that they need a minimum of 11pm trading hours for the space to be financial viable as it has been a struggle over the last 12 months. Urged the Council to see to this allowance provided they manage to meet the Environmental Health Regulation.

20. Michelle Mok of 31 Unwin Avenue, Wembley Downs – Item 9.1.14. Stated the Bamboo program will change a lot in the next few months to work with the community and how they want to cooperate with their neighbours. Advised from October 2009 to January 2010 there are 48 events which they have amended from January to April 2010 to 9 events, as this will be more concise and smaller as they want to respect their neighbours and make sure they are doing the right thing in programming events. Advised they are also going to have gay and film community events. Advised that in the upcoming 9 events there will be 3 theatre events, a chef event (from over east) and 5 film events in conjunction with the FTI. Stated that they are amending the program each season to make sure the space does not affect their neighbouring residents. Believed changing the time from 11 to 10pm it will limit the use of the beautiful space. Urged the Council, when considering this, to think about the fact that it will mean that Perth will lose a special and unique performance space in this vibrant precinct. Asked that the Council ensure that the Town is leading the growth of an exciting city.

21. Izzi Messina of 400 Fitzgerald Street, North Perth – Item 9.1.8. Submitted photos of parking in the vicinity of the property. Requested the Council to give consideration to refusal due to the lack of parking provided. Noted the Agenda did not contain detailed plans regarding parking. Pointed out that this has been recommended for approval on only 1 car bay with a shortfall of 7 bays. Felt it contrary to the amenity of the area based on the lack of parking. Advised that less than 3 months ago he lodged an application on his site which has a current occupation of 6 tenancies all of about 80m² each with provision of 27 car bays on site. Referred to the photos which show the current situation, Gelatino which at this time does not provide retail services, Stones Pizza closed during the day, his current tenancy which seats 40, soon to be 120, Shop 4 not in use (kitchen), Shop 5 not in use (previous hairdressing salon) and Shop 6 Dentist which provides for 1 client every hour. Therefore, the parking at the front alone has more than 10 bays taken up today at 10am simply based on his 40 seats in his café on the one site. Stated on his lodgement he requested alfresco seating in the car park which was refused by the Council on the grounds that he was removing 2 car bays to do this however, this application is approved with a shortfall of 7 bays and provision of only 1, which he believes is inconsistent. Asked how it is equitable or fair to surrounding businesses who have made an effort to add vibrancy and diversity to North Perth whilst providing the amenity of parking, which his company has done. Stated the success of town centres is based on uses such as the one provided however, as the Council is also aware, it is now dealing with town centres that parking shortfalls have led to an excessive demand on parking and shortfall of supply. Referred to 4 previous speakers lodging issues to be addressed regarding a result of lack of parking. Believed the statement that people will walk to the café is admirable however it is not reality. Asked the Council to refuse the application.

22. Christopher Cain of 117 Richmond Street, Leederville – Item 9.1.4. Advised that he lodged a submission objecting to this item for a number of reasons i.e. it is a very small street, currently there is inadequate parking and something of this magnitude is going to be very different to park in the street. Stated that he is not against aged care workers at all however, there will be nurses, doctors and relatives visiting and there is no parking at all in the street. Would like their submissions regarding the noise to be considered.
23. Leanne Zinetti of 20/432 Beaufort Street, Highgate – Item 9.1.14. Advised that she is right next door to Luxe and can look straight into Bamboo. Spoke in full support of these proposed changes and does not have a problem with noise. Stated that she is a medical scientist and is in bed early on Sunday and has never had her sleep disturbed by any noise. Advised that if the wall does go up it does not impact on her. Advised that the owners have always been kind and ask if she has any problems with noise disturbance or noisy patrons and are always open to any suggestions.

There being no further speakers, public question time closed at approx. 7.00pm.

The Presiding Member, Mayor Catania advised that as he needs to depart the Meeting for a period of time to attend to Council business, there are items that he would like to be present for the debate. Therefore he requested the follow Procedural Motion be moved.

PROCEDURAL MOTION

Moved Cr Lake, Seconded Cr Buckels

That pursuant to Standing Orders Clause 2.8(2) the Order of Business be as per the Agenda, (and changed in accordance with Standing Orders to consider items raised during public speaking time), except that the following items not be considered unless the Mayor and Cr Farrell, (who are required to perform official Council business at local college/school awards during the evening) are present;

Item 9.1.2, 9.1.6, 9.1.8, 9.1.13, 9.1.18, 9.1.20, 9.1.21, 9.3.3 and 9.4.4.

PROCEDURAL MOTION PUT AND CARRIED (8-0)

(Cr Farrell had not arrived at the meeting.)

Mayor Catania called on Deputy Mayor, Cr Sally Lake to assume the Chair and he departed the Meeting at 7.00pm.

Deputy Mayor, Cr Sally Lake assumed the Chair at 7.01pm.

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND PRESENTATIONS

- 5.1 A petition was received from Cleaver Precinct Action Group of c/o Kingston Avenue, West Perth, along with 42 signatures, objecting to the removal of the “no multiple dwellings” provision of the Town of Vincent Town Planning Scheme and seeking that no changes be made to the Town Planning Scheme until full and comprehensive consultation has been conducted by the Town.

The Chief Executive Officer advised that this petition was being considered at tonight’s meeting as it is listed as Item 9.1.2.

- 5.2 A petition was received from Mr C N Huynh of Lincoln Street, Highgate on behalf of residents of Units at 133 Lincoln Street, Highgate, along with 47 signatures, objecting to the proposed development at No. 381 (Lots 4 & 5 D/P: 230, Lot 51 D/P; 28690 Beaufort Street, Perth for height and setback reasons.

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

Cr Farrell entered the Chamber at 7.03pm.

- 5.3 A petition was received from Mrs C Muscat of Farr Avenue, North Perth, along with 9 signatures, petition from residents of Farr Avenue, North Perth, requesting the same 3-hour parking restrictions as Morriston, Emmerson Streets and Swimming Lane be instated in their Street.

The Chief Executive Officer advised that this petition was being considered at tonight’s meeting as it is listed as Item 9.2.3.

- 5.4 A further petition was received from Mr E Fiszer of St Albans Avenue, Highgate, along with 100 signatures, objecting to the removal of the “no multiple dwellings” provision of the Town of Vincent Town Planning Scheme, i.e. the effective density increase to R80 in areas coded R60 with no multiple dwellings allowed and seeking that no changes be made to the Town Planning Scheme until full and comprehensive consultation has been conducted by the Town.

The Chief Executive Officer advised that this petition was being considered at tonight’s meeting as it is listed as Item 9.1.2.

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

Moved Cr Harvey, Seconded Cr Topelberg

That the Petitions be received, as recommended.

CARRIED (8-0)

(Cr Farrell had not arrived at the meeting.)

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Minutes of the Ordinary Meeting of Council held on 1 December 2009.

Moved Cr Maier, Seconded Cr McGrath

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

CARRIED (8-0)

(Mayor Catania was absent from the Chamber and did not vote.)

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

7.1 Injury Control Council of Western Australia “Highly Commended Award”

I am delighted to announce that the Town received a High Commendation in the Community Injury Prevention category from the Injury Control Council of Western Australia.

The Award recognises the action and excellence of Western Australian individuals' and community organisations' efforts and commitment to reduce the frequency and severity of injuries in their local communities.

In announcing the commendation, the ICCWA noted that the *"Accord has developed a number of best practice initiatives in response to heightened community concern about the impact of alcohol consumption and problematic drinking. The initiatives aim to benefit the local community and encourage the adoption of positive and effective community based harm minimisation and prevention strategies"*.

The Vincent Accord was established in June 2005 and re-launched in February 2009. The Vincent Accord is driven by the Town's Health Services section.

The Town of Vincent also thanks Wembley Police Station for actively pursuing a strong relationship between the Town and WA Police.

The Town of Vincent thanks the Office of Crime Prevention for the \$5,000 Community Partnership grant funding to develop the promotional material/initiatives.

For information, the Town is one of the first local governments in Western Australia to develop such a strategy which promotes the 'Socialise with Safety' message.

Further information is detailed in the Progress Report on tonight's Agenda (Item 9.1.23).

7.2 Disability Services Commission “Count Us In Awards” 2009 – Town of Vincent Finalist

I am pleased to announce that the Town was a Finalist in the Local Government Award Category of the Disability Services Commission "Count us in Awards" 2009 for the Town's Beatty Park Leisure Centre "Angelfish Program".

The Angelfish Program provides an opportunity for people with disabilities to learn to swim in mainstream classes with the help of a teacher aide. This program is conducted through the Beatty Park Swim School and is an initiative of the Swim School Co-ordinator, Bev Christmass.

For information, this Program was recognised in the National Leisure Industry Awards held in late 2008.

Further information is detailed in the Information Bulletin in tonight's Agenda (IB10).

Congratulations to Beatty Park Leisure Centre and, in particular, Bev Christmass.

7.3 Carols By Candlelight – Friday 11 December 2009

Carols by Candlelight were held at Hyde Park on Friday evening, 11 December 2009. The Town shared the funding with "Youth with a Mission".

It was a wonderful night enjoyed by the many people that attended.

7.4 Mayor's Community Barbecue – Sunday 13 December 2009

A very hot day did not keep away the big crowd of Mums, Dads, Grandparents and many children to the Town of Vincent Annual Mayoral Community Christmas BBQ.

An afternoon of entertainment was organised, including a band and children's activities.

The St Vincent de Paul Society collected donations on the day for the less fortunate in our Community.

Each year the St Vincent de Paul Society assists over 175,000 people including the elderly, the homeless, the mentally ill, newly-arrived refugees and migrants, children and young adults.

A wonderful afternoon was had by all and I would like to thank all the Town of Vincent Employees who helped make this community BBQ happen, particularly our Community Development and Parks Services Sections.

7.5 Official Open of Hyde Park Stage

I am also pleased to announce that the official opening of the new Hyde Park Stage was held last Sunday 13 December 2009.

The original stage was built around 1989 and was a very basic construction consisting of a base and some pipe framework.

The stage has been used for various annual events held within Hyde Park over the years. The very successful Rotary Hyde Park Fair is by far the most patronised and the stage gets well used.

In 1997, the Town considered the original concept for upgrading this facility. In 2001, the Town met with the Rotary Club of North Perth to look at the possibility of refurbishing the stage. We were delighted that North Perth Rotary Club kindly contributed some \$15,000 towards the works. The design of the stage was placed in the very capable hands of Central TAFE students.

In 2005 the students were asked to come up with concept designs that were practical, aesthetically pleasing and not intrusive.

Having received many excellent conceptual designs, in conjunction with the project architect, Peter Hunt, we selected the most suitable.

In 2008 tenders were called for the construction of the stage and works commenced on site earlier this year.

The completed project is a modest, but very functional facility which blends in with the park surrounds. I am sure that it will give much pleasure for all who use it in the future.

I would like to thank all of the Town's employees involved, particularly the Parks & Property Services Section for supervising the project and carrying out the landscape works.

7.6 Christmas Message

I wish to extend a very Merry Christmas to Council Members, CEO and staff and a safe and happy New Year.

The Chief Executive Officer responded on behalf of the Town's Administration and thanked Council Members for their support during the year. He wished them a Merry Christmas and a Happy and Safe New Year.

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 investment shares.

8.2 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.

8.3 Cr Buckels declared an interest affecting Impartiality in Item 9.1.12 – No.197 (Lot: 1 D/P: 9766) Oxford Street, Leederville - Change of Use from Single House to Office Building (Retrospective Approval). The extent of his interest being that he has an association with this development the neighbour at 1 Melrose Street who is seeking the wall is his mother-in-law. He declared that he would leave the Chamber and not vote on this Item as there is a consequence there may be a perception that his impartiality will be affected.

The Chief Executive Officer advised that Cr Buckels has no legal obligation to leave the Chamber and it is purely his prerogative.

8.4 Cr McGrath declared an interest affecting Impartiality in Item 9.1.8 – No. 408 (Shop 1, Lot 1, STR 14218) Fitzgerald Street, corner of Forrest Street, North Perth - Proposed Change of Use from Shop to Eating House (Café) and Associated Signage. The extent of his interest being that the applicant placed a campaign post in their shop window after he met her during door knocking of shops along Fitzgerald Street. He advised that he has had not contact with the applicant since that time until yesterday when she called to discuss the matter before the Council. He advised that at no time was the approval of the café discussed in context of the placement of the poster. He stated that as a consequence there may be a perception that his impartiality in the matter may be affected. He declared that he would consider the matter on its merits and vote accordingly.

- 8.5 Cr McGrath declared an interest affecting Impartiality in Item 9.1.9 – Nos. 49A & 49B (Lots 1 & 2, D/P 672, Lot 50, D/P 7748) Vincent Street, Mount Lawley - Proposed Two (2), Single Bedroom Dwellings. The extent of his interest being that the subject property has been recently purchased by a friend of his. He stated that as a consequence there may be a perception that his impartiality in the matter may be affected. He declared that he would consider the matter on its merits and vote accordingly.
- 8.6 Cr Topelberg declared an interest affecting Impartiality in Item 9.1.11 – Nos. 388 - 396 (Lots 64 and 65 D/P: 613) William Street, corner Monger Street, Perth - Proposed Change of Use from Car Yard to Private Car Park. The extent of his interest being that site is located approximately 100m from his place of business and family owned property. He stated that as a consequence there may be a perception that his impartiality in the matter may be affected. He declared that he would consider the matter on its merits and vote accordingly.

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

Nil.

10. REPORTS

The Presiding Member, Deputy Mayor, Cr Sally Lake, 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 9.1.8, 9.1.2, 9.1.6, 9.1.3, 9.1.17, 9.1.11, 9.1.20, 9.1.1, 9.1.14 and 9.1.4.

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 9.1.3, 9.1.4, 9.1.5, 9.1.6, 9.3.3 and 9.3.7.

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

Item 9.3.1.

Presiding Member, Deputy Mayor, Cr Sally Lake, 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 Farrell	Items 9.4.4 and 9.4.5.
Cr Topelberg	Items 9.1.5, 9.1.16, 9.2.5 and 9.4.1.
Cr Buckels	Item 9.1.13.
Cr McGrath	Item 9.4.3.
Cr Harvey	Nil.
Cr Lake	Nil.
Cr Burns	Items 9.2.3 and 9.3.4.
Cr Maier	Items 9.1.15, 9.2.2 and 9.3.5.
Mayor Catania	Items 9.1.18 and 9.1.21.

Cr Farrell and Cr Burns departed the Chamber at 7.17pm.

The Presiding Member, Deputy Mayor Cr Sally Lake advised that the applicant of Item 9.1.16 requested the item be deferred and she requested it be brought forward for consideration.

9.1.16 No. 11 (Lot: 2 STR: 9151) Orange Avenue, Perth - Proposed Partial Demolition of and Alterations and Additions to Existing Single House including Garage and Studio

Ward:	South	Date:	7 December 2009
Precinct:	Hyde Park; P12	File Ref:	PRO4862; 5.2009.395.1
Attachments:	001 ; 002		
Reporting Officer:	C Harman, Planning Officer		
Responsible Officer:	R Boardman, Director Development Services		

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, REFUSES the application submitted by S P O'Brien on behalf of the owner S P & S I O'Brien for proposed Partial Demolition of and Alterations and Additions to Existing Single House including Garage and Studio, at No. 11 (Lot 2, STR 9151) Orange Avenue, Perth, and as shown on plans stamp-dated 2 November 2009, for the following reasons:

- (i) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) *the non-compliance with clause SADC 9 (b) of the Town's Policy No. 3.2.1 relating to Residential Design Elements, which requires 6 metres manoeuvring space located directly in front of the garage;*
- (iii) *the non-compliance with clause 6.3.2 of the Residential Design Codes, which requires walls built up to the boundary to have an average height of 3 metres, a maximum height of 3.5 metres, and be limited to one side boundary only;*
- (iv) *the non-compliance with clause 6.4.1 of the Residential Design Codes, which requires a minimum of forty five (45) per cent of the site be dedicated to open space;*
- (v) *the non-compliance with clause 6.9.1 of the Residential Design Codes, which requires that overshadowing of adjoining properties does not exceed fifty (50) per cent; and*
- (vi) *consideration of the objections received.*

COUNCIL DECISION ITEM 9.1.16

PROCEDURAL MOTION

Moved Cr Harvey, Seconded Cr McGrath

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

PROCEDURAL MOTION PUT AND CARRIED (6-0)

(Mayor Catania had departed the Meeting for Official duties. Cr Burns and Cr Farrell were absent from the Chamber and did not vote.)

Cr Burns and Cr Farrell returned to the Chamber at 7.19pm.

Cr Harvey departed the Chamber at 7.19pm.

Cr Farrell departed the Chamber at 7.20pm.

Cr Farrell and Cr Harvey returned to the Chamber at 7.21pm.

Landowner:	S P & S I O'Brien
Applicant:	S P O'Brien
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1: Residential R80
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	206 square metres
Access to Right of Way	West side, 3 metres wide

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves the extension of the existing dwelling and the construction of a garage with studio above, at the rear of the property. The applicant's submission is "*Laid on the Table*".

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Building Setbacks:			
- North.	1.7 metres.	Nil.	Not Supported – Considered to have an undue impact on adjoining property as the length and height of the wall is quite substantial. Supported – Not considered to have an undue impact on adjoining property and no objections received relating to this.
- South.	1.6 metres.	Nil.	
Building Articulation.	Any portion of wall greater than 9 metres in length is required to incorporate horizontal or vertical articulation.	Wall on northern side of dwelling is 23.4 metres without articulation. Wall on southern side of the dwelling is 23.3 metres without articulation.	Not Supported – Considered to have an undue impact on adjoining property, as the walls without articulation are built up to the boundary on both sides.

Buildings on the Boundary.	Walls not higher than 3.5 metres, with an average height of 3 metres, for 2/3 (25.26 metres) the length of the balance of the boundary, behind the front setback line, to one side boundary only.	Two Boundary Walls. Wall on northern boundary. Wall height = 3.65 – 5.08 metres (average height = 4.32 metres). Length is compliant. Wall on southern boundary. Wall height = 3.7 – 5.08 metres (average height = 4.45 metres) Length = 33.1 metres.	Not Supported – Considered to have an undue impact on adjoining property. Whilst the lot is limited in size, the wall height and length is considered excessive for a single storey dwelling.
Solar Access.	Proposed development is not to overshadow more than 50% of the adjoining property at midday, 21 June.	Proposed development overshadows 76.44% of adjoining property.	Not supported – Considered to have an undue impact on adjoining property. Whilst overshadowing is somewhat inevitable, the proposed overshadowing of the adjoining property is considered excessive.
Carports and Garages.	Minimum 6 metres manoeuvring space.	4.5 metres manoeuvring space.	Not supported - Considered to have an undue impact on the amenity of the area.
Open Space.	45%	38.2%	Not Supported – Construction of the proposed additions will result in inadequate open space, and set an undesirable precedent for future developments.

Consultation Submissions

Support	Nil.	Noted.
Objection (4)	<ul style="list-style-type: none"> The height, bulk and scale of garage and study above is too excessive. 	<ul style="list-style-type: none"> Supported in part – The garage and studio are proposed to incorporate parapet walls on both side boundaries, which contribute to the adverse impact on adjoining properties; however, the garage and loft are confined to the rear of the lot, and would not have an adverse impact on the streetscape.
	<ul style="list-style-type: none"> Wants any windows in the study to have obscure glazing. 	<ul style="list-style-type: none"> Supported – The second storey study may have the potential to overlook adjoining properties. If approved, a condition should be applied to address this.

	<ul style="list-style-type: none"> Excessive bulk and height for the size of the lot. 	<ul style="list-style-type: none"> Supported – The lot is quite narrow which limits development potential; however, wall heights of up to 3.9 metres for a single storey building is considered far too excessive, and will have an adverse impact on the adjoining property.
	<ul style="list-style-type: none"> Building should be setback from the northern boundary to minimize the impact on No. 13 Orange Avenue. 	<ul style="list-style-type: none"> Supported – The wall on the northern side of the dwelling has a nil setback, is 3.8 metres high and is 23.4 metres in length without articulation which would adversely impact the adjoining property. Complying with the setback requirements will reduce the impact on the adjoining property.
	<ul style="list-style-type: none"> Overshadowing is too excessive on adjoining property. 	<ul style="list-style-type: none"> Supported in part – Due to the size of the lot, complying with the overshadowing requirements would significantly restrict the development options on the site. The current proposal however, which incorporates parapet walls for the full length of the boundary, excessively overshadows the adjoining lot.
	<ul style="list-style-type: none"> Approval would create an undesirable precedent, allowing all property owners to build large walls abutting the right of way. 	<ul style="list-style-type: none"> Supported – There are a number of variations which, if approved, would create an undesirable precedent for other properties in the locality.

Other Implications

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

Greg Rowe and Associates, on behalf of S P O'Brien, have submitted a justification report regarding some of the variations involved with the proposal, which is summarised below, as well as a Traffic Engineer's report prepared by Transcore Pty Ltd (attached) in relation to vehicle manoeuvrability.

Vehicle Manoeuvrability

In relation to carports and garages, and in particular manoeuvring space, a Traffic Engineer's report prepared by Transcore Pty Ltd, was submitted to justify the proposed 4.5 metres manoeuvring space in lieu of 6 metres.

The Town's Technical Services Officers have viewed the report and do not believe that 4.5 metres of manoeuvring space can be justified given the lot is only 5.9 metres wide. The report also made no mention of any standard or regulation used to assess the ingress and egress to the proposed garage.

Boundary Walls

The applicant is seeking a performance based assessment regarding boundary walls, and provides the following reasons:

- *"The boundary walls enhance the amenity of the development by virtue of allowing sufficient outdoor living areas, which could not otherwise be achieved if boundary setbacks were provided;*
- *Given the size of the subject site and the adjoining properties, the proposed boundary walls are not considered to provide any greater impact on amenity than if the walls were set back at a distance of 1.2 metres from the boundary which is permissible under the R-Codes;*
- *The proposed northern boundary walls will have no impact on direct solar access to No. 11 Orange Avenue."*

It is noted that complying with the setback requirements would limit development options; however, a nil setback on both boundaries increases the visual impact on adjoining properties, as the proposal involves long blank parapet walls along both boundaries. The lack of any setback also increases the extent of overshadowing to No. 9 Orange Avenue.

Overshadowing

The applicant is seeking a performance based assessment regarding overshadowing and their comments are summarised as follows:

- The lot is relatively narrow and is east-west oriented; and
- The adjoining property has no solar collectors or balconies to be overshadowed and is therefore, compliant with the performance criteria of the R-Codes.

Whilst it would be difficult to comply with the overshadowing requirements, the overshadowing could be reduced by reducing the height of the parapet wall which is located along the full length of the boundary.

Open Space

The applicant's justification for not complying with the open space requirements is summarised as follows:

- The proposal does not involve any modifications to the front of the dwelling and, therefore, the open space provided, is sufficient to compliment the building and allow attractive streetscapes.
- The proposal allows for an outdoor living area which is double the size of that which is required, and the garage and study component allows for two land uses in an otherwise unutilised area of the site.

Whilst the proposal will not significantly impact the streetscape, a variation to the open space requirement will create an undesirable precedent for future development in the Town. The garage and study are part of the one residential use, and if the garage or study is to be used for commercial or industrial purposes, a change of use application will be required to be submitted to, and approved by the Town.

Articulation of the Southern Wall

The applicant has stated that the provision for horizontal or vertical articulation do not apply, as Clause SADC 11 of the Town's Policy No. 3.2.1 relating to Residential Design Elements, requires that boundary walls be designed in accordance with the performance criteria of the R-Codes.

Clause SADC 11 states that buildings on the boundary are to be in accordance with Clause 6.3.2 A2 of the Residential Design Codes, which refers to the acceptable development criteria rather than the performance criteria. Notwithstanding this, both the northern and southern walls do not incorporate horizontal or vertical articulation.

In light of the variations to open space, boundary walls, carports and garages, building setbacks, building articulation and overshadowing, as well as the objections received, the proposal is not supported by the Town's Officers and the proposal is therefore recommended for refusal.

The Presiding Member, Deputy Mayor, Cr Sally Lake, 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 9.1.7, 9.1.9, 9.1.10, 9.1.12, 9.1.19, 9.1.22, 9.1.23, 9.2.1, 9.2.4, 9.2.6, 9.3.2, 9.3.6, 9.3.8 and 9.4.2.

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 9.1.7, 9.1.9, 9.1.10, 9.1.12, 9.1.19, 9.1.22, 9.1.23, 9.2.1, 9.2.4, 9.2.6, 9.3.2, 9.3.6, 9.3.8 and 9.4.2.

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

Items 9.1.8, 9.1.2, 9.1.6, 9.1.3, 9.1.17, 9.1.11, 9.1.20, 9.1.1, 9.1.14 and 9.1.4.

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

Moved Cr Farrell, Seconded Cr Maier

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

Items 9.1.7, 9.1.9, 9.1.10, 9.1.12, 9.1.19, 9.1.22, 9.1.23, 9.2.1, 9.2.4, 9.2.6, 9.3.2, 9.3.6, 9.3.8 and 9.4.2.

CARRIED (8-0)

(Mayor Catania was absent from the Chamber and did not vote.)

9.1.7 No. 108 (Lot: 2 STR: 14498) Edward Street, Perth - Proposed Change of Use from Commercial Kitchen to Offices (Retrospective Application)

Ward:	South	Date:	4 December 2009
Precinct:	Beaufort Precinct; P13	File Ref:	PRO1825; 5.2009.358.1
Attachments:	001		
Reporting Officer(s):	A Reynolds, Statutory Planning Officer		
Checked/Endorsed by:	R Boardman, Director Development Services		

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 J J Pavlos on behalf of the owner I V Walters for proposed Change of Use from Commercial Kitchen to Offices (Retrospective Application), at No. 108 (Lot 2 STR 14498) Edward Street, Perth, and as shown on plan stamp-dated 7 September 2009, subject to the following conditions:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the development complying with the requirements of the Building Code of Australia for a Class 5 (Office) building, in particular the requirements for fire safety, energy efficiency, and access and toilet facilities for people with disabilities. The revised plans shall not result in any greater variation to the requirements of the Town's Policies;*
- (iii) prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title and Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town;*
- (iv) all 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;*
- (v) the gross floor area of the offices shall be limited to a combined area of 95 square metres;*
- (vi) the doors, windows and adjacent floor areas fronting Edward Street shall maintain an active and interactive relationship with this street;*
- (vii) a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Edward Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. The landscaping of the verge shall include details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months. The Council encourages landscaping methods which do not rely on reticulation. Where reticulation is not used, the alternative method should be described. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*

- (viii) *prior to the issue of a Building Licence, one (1) class one or two bicycle parking facility shall be provided at a location convenient to the entrance of the proposed development. Details of the design and layout of the bicycle parking facility shall be submitted to and approved by the Town prior to the installation of such facility; and*
- (ix) *the hours of operation of the offices shall be limited to 8:00am to 5:00pm from Monday to Friday, inclusive.*

COUNCIL DECISION ITEM 9.1.7

Moved Cr Farrell, Seconded Cr Maier

That the recommendation be adopted.

CARRIED “EN BLOC” (8-0)

(Mayor Catania was absent from the Chamber and did not vote.)

Landowner	I V Walters
Applicant	J J Pavlos
Zoning	Metropolitan Region Scheme: (MRS) Urban Town Planning Scheme No. 1 (TPS 1): Residential/Commercial R80
Existing Land Use	"Unauthorised Offices"
Use Class	"Offices"
Use Classification	"AA"
Lot Area	203 square meters
Access to Right of Way	North side, 3.0 metres wide, sealed, privately owned

BACKGROUND:

17 November 1986 The City of Perth Council at its Ordinary Meeting approved an application for change of use from residential to commercial kitchen and office.

6 November 2001 The Council at its Ordinary Meeting conditionally approved an application for change of use from commercial kitchen to consulting rooms (acupuncture and massage therapy). This approval included the following conditions:

- “(ii) *the only persons permitted to undertake consulting, acupuncture and massage therapy at the property is Xi Min Zhang, Jian Ma, and/or Zong Quiang Quiang Chen. Any other person seeking to undertake consulting, acupuncture and massage therapy at the abovementioned property shall apply to and obtain approval from the Town prior to the commencement of any work on site; and*
- (vi) *this approval is for a period of 12 months only and should the applicant wish to continue the use after that period, it shall be necessary to reapply to and obtain approval from the Town prior to continuation of the use;”*

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Beaufort Precinct Policy:	To contain a residential component of no less than 66 per cent of the existing or approved floor space.	No residential component proposed.	Supported - Not considered to have an undue impact on adjoining properties and the amenity of the street, given the current approved use of the site is 100 percent commercial, and the property is surrounded by properties of a predominant commercial nature.
Consultation Submissions			
Support (1)	No comments provided.		Noted.
Objection	Nil.		Noted.
Bicycle Parking			
Bicycle parking requirement (nearest whole number):			
Office (95 square metres of gross floor area) -1 space per 200 square metres of gross floor area for employee/resident (Class 1 or 2) = 0.475 space			1 space (Class 1 or 2) required.
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:

Beaufort Precinct Policy

The land is zoned Residential/Commercial R80; the immediate area is characterised by dwellings converted for commercial purposes. The Town's Policy relating to the Beaufort Precinct specifies that mixed residential/commercial development is to incorporate a residential component of no less than 66 per cent of the existing or approved floor space.

The enforcement of a residential component on the subject site is not considered reasonable in this instance, as the current approved use of the site as "Commercial Kitchen" is of a non-residential nature. The site contributes to the established commercial amenity of the sites immediately adjoining and surrounding the subject site. Furthermore, the retrospective change of use involves the re-use of the existing building which is strongly encouraged by the Precinct Policy.

Building Code of Australia Requirements

The current permitted use of the building is “Commercial Kitchen”, and does not comply with the requirements of the Building Code of Australia for a Class 5 (Office) building, particularly in respect of fire safety, energy efficiency, and access and toilet facilities for people with disabilities. As such, a condition has been recommended to be applied to the proposed development, requiring works to be completed to meet the requirements of the Building Code of Australia prior to the issue of a Building Licence.

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

9.1.9 Nos. 49A & 49B (Lots 1 & 2, D/P 672, Lot 50, D/P 7748) Vincent Street, Mount Lawley - Proposed Two (2), Single Bedroom Dwellings

Ward:	South	Date:	7 December 2009
Precinct:	Hyde Park; P12	File Ref:	PRO3581; 5.2009.461.1
Attachments:	001		
Reporting Officer:	A Reynolds, Statutory Planning Officer		
Responsible Officer:	R Boardman, Director Development Services		

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 vittinoAshe Pty Ltd on behalf of the owner Catholic Womens League of WA for proposed Two (2), Single Bedroom Dwellings, at Nos. 49A & 49B (Lots 1 & 2, D/P 672, Lot: 50, D/P: 7748) Vincent Street, Mount Lawley, and as shown on plans stamp-dated 1 December 2009, subject to:

- (i) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) *any new street wall, fence or gate within Vincent Street setback area, including along the side boundaries within the street setback area, shall comply with the Town's Policy provisions relating to Street Walls and Fences;*
- (iii) *prior to the issue of a Building Licence for the single bedroom dwellings, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the single bedroom dwelling that:*
 - (a) *a maximum of one (1) bedroom and two (2) occupants are permitted in the single bedroom dwelling at any one time;*
 - (b) *the floor plan layout of the single bedroom dwelling shall be maintained in accordance with the Planning Approval plans; and*
 - (c) *the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential unit/dwelling. 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 single bedroom dwelling; and

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

COUNCIL DECISION ITEM 9.1.9

Moved Cr Farrell, Seconded Cr Maier

That the recommendation be adopted.

CARRIED “EN BLOC” (8-0)

(Mayor Catania was absent from the Chamber and did not vote.)

Landowner:	Catholic Women's League of WA
Applicant:	vittinoAshe Pty Ltd
Zoning:	Metropolitan Region Scheme: (MRS) - Urban
Existing Land Use:	Single House
Use Class:	Two (2) Single Bedroom Dwellings
Use Classification:	"P"
Lot Area:	612 square metres
Access to Right of Way	South side, 3.0 metres wide, sealed, Town owned

BACKGROUND:

On 15 April 2008, the Town recommended conditional approval of a subdivision of the subject property into two (2) lots. On 7 August 2008, the Western Australian Planning Commission (WAPC) conditionally approved the subdivision.

In a letter dated 7 October 2008, the WAPC sought the Town's comments regarding the applicants request for reconsideration of several conditions relating to provision of car parking, courtyard area, open space, truncation, right of way widening and plate height. The Council at its Ordinary Meeting held on 4 November 2008 advised the WAPC of the following in relation to the reconsideration of the WAPC's conditions:

- “(i) Condition 6 – Advise 5(i) to be deleted;*
- (ii) Condition 6 – Advise 5(ii) to be deleted;*
- (iii) Condition 6 – Advise 5(iii) to be deleted;*
- (iv) Condition 7 to be retained;*
- (v) Condition 8 to be deleted; and*
- (vi) Condition 12 to be retained.”*

On 10 February 2009, the WAPC approved the subdivision of the subject property following the recommendation of the Council in terms of the reconsideration of the conditions.

DETAILS:

The proposal involves the conversion of existing single house into two (2) single bedroom dwellings. In its current form, the single house has a partition dividing the house into two separate residences. The applicant wishes to obtain built-strata subdivision approval from the Town, thereby formalising the built division separating the two portions of the house.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Floor Area:	Single bedroom dwellings to be maximum plot ratio floor area of 70 square metres.	49A Vincent Street: 100 square metres 49B Vincent Street: 80 square metres	Supported – Not considered to have an undue impact on the adjoining property and the amenity of the street. The two dwellings and respective floor areas are existing; and thus do not further increase the bulk and scale of the existing single house. The two (2) single bedroom dwellings comply with the open space requirements of the Residential Design Codes. No objections were received during the advertising period.
Car Parking:	One (1) car parking bay per dwelling.	49A Vincent Street: Nil 49B Vincent Street: One (1) car parking bay	Supported – see ‘Comments’ section.
Consultation Submissions			
Support	(1)		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 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:

Heritage

The subject place at Nos. 49A and 49B has some historic value for its association with Matthew Gibney, Catholic Bishop of Perth and the Catholic Women’s League; and some aesthetic value as an unusual example of the Federation Bungalow style because of the width of its principal frontage and its irregular lot configuration. The place is listed on the Town’s Municipal Heritage Inventory (MHI) as Management Category B – Conservation Recommended.

The application proposes to convert the existing building into two single bedroom dwellings.

The proposal does not involve any works or alterations to the internal layout or significant front façade of the subject place. An internal site visit conducted on 20 November 2009 reveals that whilst the external elements of the subject dwelling demonstrate an arrangement of a single house, the internal spaces have been blocked up into two individual dwellings over the years, which are numbered 49A and 49B, with each accommodating its own lounge, bedroom, dining area, kitchen and bathroom. Given that the proposed Built Strata will not impact on the external configuration of the subject dwelling, which continues to demonstrate the intent of a single house, the application is supported on heritage grounds.

Carparking

As per the Town's Single Bedroom Dwellings Policy No. 3.4.7, one car parking bay is required per single bedroom dwelling. In the instance of the above mentioned proposal, a total of two car parking bays would be required, one for each of the two (2) single bedroom dwellings.

As mentioned above, the existing single house in its current form has a partition dividing the house into two separate residences. To date, an existing single carport accessed from Vincent Street, provides the only opportunity for on-site parking. The application for two (2) single bedroom dwellings includes no additional on-site carparking. The existing singular car parking bay would provide a compliant parking arrangement for No. 49B Vincent Street, with No. 49A Vincent Street having nil on-site bays.

The applicant has advised that the current, long standing parking arrangement will be sufficient, given the site's close proximity to the city, and a number of public transport opportunities. Furthermore, the applicant has been advised that the Town will not issue a residential car parking permit to any owner or occupier of the dwelling.

Technical Services

The existing Right of Way (ROW) at the rear of the proposed development is 3.0 metres wide. While this generally operates as a single lane ROW, it is two (2) way (not dissimilar to a large number of ROWs in the Town).

Any proposed perpendicular parking bay from the lot to the ROW would need a reversing width of 6.0metres. Therefore, the proposed parking bay would need to be at least 8.0 metres long; that is, 5.0 metres in length plus 3.0 metres for reversing (plus the ROW width). The reversing width could be reduced, if the parking bay was widened; however, there appears to be insufficient room within the allotment for this to occur.

Another option is to provide a parking bay within the allotment, parallel to the ROW; however, this may be difficult to accommodate, without the demolition of the existing rear toilet building.

The applicant has indicated that there is currently on-road unrestricted parking on Vincent Street directly outside the development, and these bays are generally under-utilised. In addition, there is scope to line-mark one or two additional on-road parking bays at this location (to the west of the existing bays).

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

9.1.10 No. 125 (Strata Lot 2 on Strata Plan 41619) Summers Street, Perth - Proposed Two Single Bedroom Multiple Dwellings

Ward:	South	Date:	7 December 2009
Precinct:	EPRA (15)	File Ref:	PRO4901; 5.2009.453.1
Attachments:	001		
Reporting Officer:	D Pirone, Planning Officer		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions and powers of both the Local Government (Change of Districts Boundaries) Order 2007 and the Local Government (Constitution) Regulations 1998, allowing the Town of Vincent to, in effect, administer the East Perth Redevelopment Scheme No. 1 as if it were its own Scheme, and the Metropolitan Region Scheme, APPROVES the application submitted by the owner P Vintila for proposed Two Single Bedroom Multiple Dwellings, at No. 125 (Strata Lot 2 on Strata Plan 41619) Summers Street, Perth, and as shown on plans stamp-dated 2 December 2009, subject to the following condition(s):

- (i) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall comply with the EPRA Planning Policy No. 1.16 relating to Antennae and Satellite and Microwave Dishes;*
- (ii) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
- (iii) *first obtaining the consent of the owners of Nos. 121 and 127 Summers 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. 121 and 127 Summers Street in a good and clean condition;*
- (iv) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) *the balcony to the living room and study on the northern elevation of unit 2 within the 7.5 metre cone of vision, being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of Nos. 121 and 127 Summers Street stating no objection to the respective proposed privacy encroachments; and*
 - (b) *the eastern boundary wall on the upper floor being setback a minimum of one metre from the eastern boundary.*

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

- (v) *prior to the first occupation of the development, each multiple dwelling shall be provided with a screened outdoor area for clothes drying or clothes tumbler dryer;*
- (vi) *the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town; and*
- (vii) *prior to the issue of a Building Licence for the single bedroom dwellings, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the single bedroom dwelling that:*
- (a) *a maximum of one (1) bedroom and two (2) occupants are permitted in the single bedroom dwelling at any one time;*
 - (b) *the floor plan layout of the single bedroom dwelling shall be maintained in accordance with the Planning Approval plans; and*
 - (c) *the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential unit/dwelling. 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 single bedroom dwelling;

COUNCIL DECISION ITEM 9.1.10

Moved Cr Farrell, Seconded Cr Maier

That the recommendation be adopted.

CARRIED "EN BLOC" (8-0)

(Mayor Catania was absent from the Chamber and did not vote.)

Landowner:	P Vintila
Applicant:	P Vintila
Zoning:	Metropolitan Region Scheme: Urban East Perth Redevelopment Scheme No. 1: Residential R80
Existing Land Use:	Vacant Land
Use Class:	Multiple Dwelling
Use Classification:	"Preferred Use"
Lot Area:	329 square metres
Access to Right of Way:	Not Applicable

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves the construction of two single bedroom multiple dwellings at the subject site.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density:	3.95 single bedroom multiple dwellings	2 single-bedroom multiple dwellings.	Noted – no variation.
Plot Ratio:	1.0 or 329 square metres	0.47 or 155.4 square metres	Noted – no variation.
Single Bedroom Dwelling Plot Ratio:	60 square metres for each dwelling	77.7 square metres for each dwelling	Supported – Whilst the dwellings are slightly larger than the required 60 square metres for the single bedroom dwellings, the overall plot ratio is significantly less than the required 1.0. It is noted that the land is still covered by the EPRA Scheme No. 1; hence, the Town’s Single Bedroom Dwellings Policy does not apply.
Building Setbacks: Ground Floor -West	1 metre	Nil	Supported – Not considered to have an undue impact on the neighbouring property and no objections received from affected land owner.
-East	1 metre	Nil	Supported – The ground floor boundary wall is not considered to have an undue impact on the neighbouring property.
Upper Floor -West	1.2 metres	Nil	Supported – Not considered to have an undue impact on the neighbouring property and no objections received from affected land owner.

-East	1.2 metres	Nil	Not supported in part – A condition has been applied for the eastern wall on the upper floor to be setback 1 metre from the eastern boundary.
Carport -West	1 metre	Nil	Supported – The proposed height and length of the boundary wall of the carport is compliant with the requirements of the R Codes.
Buildings on Boundary:	Walls not higher than 3.5 metres with average of 3 metres for 2/3 (33.61 metres) of the length of the balance of the boundary behind the front setback, to one side boundary.	Walls proposed on western and eastern boundaries. -West Wall Height – 5.8 metres – 5.9 metres (average height = 5.85 metres) Wall Length = 9 metres -East Wall Height – 5.9 metres – 6.1 metres (average height = 6 metres) Wall Length = 9 metres The proposed height and length of the boundary wall of the carport (east) is compliant with the requirements of the R Codes.	Supported – Not considered to have an undue impact on the neighbouring property and no objections received from affected land owner. Not supported in part – A condition applied for the eastern wall on the upper floor to be setback 1 metre from the eastern boundary. Noted – No variation.
Private Outdoor Area:	All dwellings are to have a balcony or courtyard with a minimum area of 10 square metres and a minimum dimension of 2 metres.	The proposed balcony has a dimension of 1.2 metres by 10 metres.	Supported – The total area of the balcony is 12 square metres which is larger than the required 10 square metres. The proposal also indicates a significant communal open space area for the use of the two dwellings.

Privacy Setbacks: Balcony to living room/study of unit 2	7.5 metres	0.6 metre to the eastern neighbouring property.	Not supported – A condition has been applied for the balcony to screened to 1.6 metres within the 7.5 metre cone of vision.
	7.5 metres	3.2 metres to the western neighbouring property.	Not supported – A condition has been applied for the balcony to screened to 1.6 metres within the 7.5 metre cone of vision.

Consultation Submissions

Support	Nil	Noted.
Objection (4)	<ul style="list-style-type: none"> • Plot ratio. • Overshadowing. • Privacy from windows to bedroom and living area of unit 2. • Density. • No storage of bin areas. • Noise from the car turntable. • Damage to neighbouring properties. • Building height. • Overlooking from the balcony on the northern elevation. • Lack of aesthetics/cultural or architectural beauty. 	<ul style="list-style-type: none"> • Not supported – Whilst the dwellings are slightly larger than the required 60 square metres for the single bedroom dwellings, the overall plot ratio is significantly less than the required 1.0. • Not supported – The proposed overshadowing is compliant with the requirements of the R Codes. • Supported – The applicant has submitted amended plans that comply with the privacy requirements of the R Codes. • Not supported – A recalculation of the density has revealed that the proposal is compliant with the requirements of the R Codes. • Supported – The applicant has submitted amended plans indicating compliant store rooms and bin areas for the dwellings. • Supported in part – The applicant has submitted amended plans that remove the car turntable from the proposal as Technical Services has advised that there is sufficient room to manoeuvre a car without the turntable. • Supported – This is dealt with at the Building Licence stage of the development. • Not supported – The overall height of the building is compliant with the requirements of the R Codes and the East Perth Redevelopment Scheme No. 1. • Supported – A condition has been applied for the balcony to screened to 1.6 metres within the 7.5 metre cone of vision. • Not supported – This is not a planning related matter.

	<ul style="list-style-type: none"> • Lack of information on the proposed tenants of the dwellings. • Lack of car parking. • Two-storey boundary wall on the eastern elevation. 	<ul style="list-style-type: none"> • Noted – This is not required to be provided at the development stage; however, it should be noted that a maximum of 2 persons can reside in each of the dwellings and a condition has been applied to ensure this. Furthermore, the applicant has not applied for short term accommodation approval; therefore, the same tenants are required to reside at the property for no less than 6 months. • Not supported – The proposal is compliant with the car parking requirements of the R Codes. • Supported in part – A condition has been applied to the Officers Recommendation for the eastern wall on the upper floor to be setback 1 metre from eastern boundary. The actual setback requirement is 1.2 metres.
Other Implications		
Legal/Policy	TPS 1 and associated Policies, and Residential Design Codes (R Codes).	
Strategic Implications	Nil	
Financial/Budget Implications	Nil	
Sustainability 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:

The application proposes two single bedroom dwellings which contribute to the range of housing options in this area. The dwellings are compliant with the requirements of the East Perth Redevelopment Scheme No. 1 and the Residential Design Codes, and it is recommended that the Council approve the application, subject to standard and appropriate conditions to address the abovementioned matters.

9.1.12 No. 197 (Lot: 1 D/P: 9766) Oxford Street, Leederville - Change of Use from Single House to Office Building (Retrospective Approval)

Ward:	South	Date:	7 December 2009
Precinct:	Oxford Centre; P4	File Ref:	PRO3178; 5.2009.446.1
Attachments:	001		
Reporting Officer:	R Narroo, Senior Planning Officer (Statutory)		
Responsible Officer:	R Boardman, Director Development Services		

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 P Moltoni on behalf of the owner Stalpina Investments Pty Ltd ATF The P & S Moltoni Trust for Change of Use from Single House to Office Building (Retrospective Approval), at No. 197 (Lot 1, D/P 9766) Oxford Street, Leederville, and as shown on plans stamp-dated 20 October 2009, subject to the following conditions:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) a detailed landscaping plan, including a list of plants, shall be submitted and approved by the Town. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (iii) 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;*
- (iv) prior to the first occupation of the development, one class one or two, bicycle parking facility, shall be provided at a location convenient to the entrance and within the development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to the installation of such facilities;*
- (v) doors, windows and adjacent floor areas of the office fronting Oxford Street shall maintain an active and interactive relationship with this street;*
- (vi) the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans within 28 days from the date of this planning approval and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (vii) no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*

- (viii) *the maximum gross floor area of the Office Building shall be limited to 154.75 square metres;*
- (ix) *any new street wall, fence and gate within the Oxford Street setback area, including along the side boundaries within this street setback area, shall comply with the Town's Policy provisions relating to Street Walls and Fences;*
- (x) *prior to the issue of a Building Licence, the applicant is required to pay \$530 for the retrospective planning application;*
- (xi) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (a) *a minimum of 10 per cent of the site, preferably the front setback area, being landscaped;*
 - (b) *a 2.4 metres high wall or lower height wall, if agreeable with the owner of No. 1 Melrose Street, being provided along the western boundary of No. 197 Oxford Street, abutting No. 1 Melrose Street;*
 - (c) *detailed plans of site works, including identification of pavement type, drainage and parking; and*
 - (e) *the bin compound being redesigned to accommodate the following bins:*
- Commercial*
- General Waste: One (1) mobile garage bin or equal to 240 litres per commercial unit or 200 square metres of floor space, or part thereof; and*
- Recycle Waste: One (1) mobile garage bin or equal to 240 litres per commercial unit or 200 square metres of floor space, or part thereof.*
- The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies; and*
- (xii) *the car park shall be used only by employees, tenants, and visitors directly associated with the development.*

COUNCIL DECISION ITEM 9.1.12

Moved Cr Farrell, Seconded Cr Maier

That the recommendation be adopted.

CARRIED "EN BLOC" (8-0)

(Mayor Catania was absent from the Chamber and did not vote.)

Landowner:	Stellalpina Investments Pty Ltd ATF The P & S Moltoni Trust
Applicant:	P Moltoni
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential/Commercial R80
Existing Land Use:	Residential
Use Class:	Office Building
Use Classification:	"AA"
Lot Area:	574 square metres
Access to Right of Way:	North side, 3 metres wide, sealed, private owned

BACKGROUND:

12 July 2005 The Council at its Ordinary Meeting granted conditional approval for the change of use from single house to office building and associated alterations at No. 197 Oxford Street, Leederville.

14 March 2006 The Council at its Ordinary Meeting resolved to refuse the application for demolition of existing garage and shed and part of existing single house, and change of use from single house to office building and associated additions and alterations for the following reason:

“1. Lack of interaction with the streetscape.”

11 April 2006 The Council at its Ordinary Meeting granted conditional approval for demolition of existing garage and shed and part of existing single house, and change of use from single house to office building and associated additions and alterations.

DETAILS:

The proposal involves the change of use from single house to office building and associated additions and alterations.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	N/A	N/A	Noted.
Plot Ratio	N/A	N/A	Noted.
Landscaping	Ten per cent of site= 57.4 square metres	Nil	Not supported- condition of planning approval. Landscaping of the front setback area will improve the amenity of the site and surrounding area.

Car Parking		
Car parking requirement (nearest whole number)		3 car bays
Office = 1 space per 50 square metres of gross floor area (proposed 154.75 square metres) = 3.1 car bays		
Total = 3 car bays		
Apply the adjustment factors.		(0.6141)
<ul style="list-style-type: none"> ▪ 0.85 (within 400 metres of a bus stop) ▪ 0.85 (within 800 metres of a train station) ▪ 0.85 (within 400 metres of a public car park in excess of 75 car bays) 		1.84 car bays
Minus the car parking provided on-site		6 car bays
Resultant surplus		4.16 car bays
Bicycle Parking		
Requirements	Required	Provided
1 per 200 (proposed 154.75 square metres of gross floor area for employees (class 1 or 2))	1 space	Nil
Consultation Submissions		
Support	Nil	Noted.
Objection(1)	<p>When Council approved change of use from single house to office building in July 2005, there were two specific conditions relating to a 2.4 metre high wall along the western boundary and the car parking being sealed, drained, paved and line marked. These conditions were never implemented by the previous owner.</p> <p>For this new application, the key issues are:</p> <p><i>“Drainage, with the new unauthorized car park causing flooding on our property</i></p> <p><i>Visual and noise impact, with the existing low fibro fence resulting in traffic noise and overlooking issues.”</i></p>	Supported- Given the area was not sealed and line-marked, and the car parking wall not constructed, it is suggested that these conditions be re-imposed, in addition to a condition requiring drainage of the carpark.
Other Implications		
Legal/Policy	TPS 1 and associated Policies.	
Strategic Implications	Nil	
Financial/Budget Implications	Nil	
Sustainability 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:

Following a site visit, it was confirmed that the office use was already operating on the subject site. Therefore, as per the Town's "Fees and Charges" 2009/2010 the applicant was requested to pay an additional fee of \$530 for retrospective approval. Given that the fee has yet to be paid, a condition of planning approval requiring payment of the fee should be imposed.

Given the previous planning approvals for office use on the subject site, the building will maintain a residential appearance, the required landscaping of the front setback area as per the planning condition, and that there is a mix of residential and non-residential uses in the surrounding area, it is considered that the proposal represents an appropriate use of the subject site. Accordingly, it is recommended that the proposal be supported subject to conditions addressing the above issues.

9.1.19 Metropolitan Region Scheme Proposed Amendment 1161/41 – Parks and Recreation Reservations for Public Lands

Ward:	-	Date:	7 December 2009
Precinct:	-	File Ref:	PLA0066
Attachments:	001 , 002		
Reporting Officer:	E Lebbos, Strategic Planning Officer		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report regarding the Western Australian Planning Commission's (WAPC) proposed Amendment 1161/41 to the Metropolitan Region Scheme (MRS) relating to Parks and Recreation Reservations for Public Lands as 'Laid on the Table';*
- (ii) *NOTES that no changes are proposed to land in the Town of Vincent; and*
- (iii) *advises the WAPC that it SUPPORTS IN PRINCIPLE, the proposed Amendment 1161/41 to the Metropolitan Region Scheme (MRS) relating to Parks and Recreation Reservations for Public Lands as outlined in this report.*

COUNCIL DECISION ITEM 9.1.19

Moved Cr Farrell, Seconded Cr Maier

That the recommendation be adopted.

CARRIED "EN BLOC" (8-0)

(Mayor Catania was absent from the Chamber and did not vote.)

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of the Western Australian Planning Commission's proposed Amendment to the Metropolitan Region Scheme, relating to Parks and Recreation Reservations for Public Lands.

BACKGROUND:

The Amendment Report which relates to Amendment 1161/41 to the MRS, is concerned with Parks and Recreation Reservations for Public Lands. It states that *'the protection of Perth's river foreshores and other significant areas set aside in the MRS for community recreation and protection of the natural environment has been an important planning principle since the 1930 Report of the Metropolitan Town Planning Commission.'*

The MRS, when it came into effect in 1963, reserved substantial portions of the metropolitan region to control development, and to enable the long-term acquisition of privately owned land in order to protect the environment, and appropriate levels of public access.

The main purpose of this proposed amendment, is to include within the parks and recreation reservation of the MRS, various pieces of publicly owned land to reflect their regional significance. Additionally, some properties are proposed to be rezoned to better reflect their current use and purpose within the MRS.

The Town of Vincent has received a letter dated 6 October 2009 inviting the Town to comment on the proposed MRS Amendment. The document has been released for public comment, with submissions closing on 29 January 2010 to ensure that the community has the opportunity to provide feedback on the proposed Amendment prior to it being determined by the Minister for Planning.

DETAILS:

The purpose of Amendment 1161/41 is to update zones and reservations in the MRS in relation to public lands, to ensure that reservations match cadastral boundaries, as well as to ensure that the MRS is kept up to date as the statutory regional plan for Perth.

As mentioned above, the main purpose of the proposed Amendment is to include various pieces of publicly owned land within the parks and recreation reservation of the MRS, in order to reflect their regional significance. An overview of the more significant proposals in the Amendment is as follows:

- *'The inclusion of approximately 18,352 hectares of land in the parks and recreation reservation (115 proposals). Thirty-five of these proposals include additions to the protection of Bush Forever and 41 involve additions to foreshore reserves of the Swan/Canning river systems, including the Helena and Southern Rivers and the Jane and Ellen Brooks.*

It should be noted that the Bush Forever inclusions do not have status under the Metropolitan Region Scheme but fall within areas proposed for parks and recreation reservation;

- *14,409 hectares of the total area proposed for the parks and recreation reservation are former areas of state forest to be managed as national parks by the Department of Environment and Conservation on behalf of the Conservation Commission of Western Australia;*
- *Approximately 1160 hectares of land in the rural zone on the western boundary of Whiteman Park is proposed for inclusion in the parks and recreation reservation and Whiteman Park, which already manages the subject land. This land was included in a previous proposed omnibus amendment (1027/33) that was disallowed for other reasons, notably in relation to the proposed rezoning of the Marshall Road lands;*
- *Significant areas of the parks and recreation reservation proposals (other than those associated with the national parks) involve land purchased by the Western Australian Planning Commission (WAPC) to enhance regional open space, such as the western cell of the original Brigadoon special rural estate. The WAPC purchased this land because of its identified landscape amenity values. Many of the remaining parks and recreation proposals involve properties that were purchased at the request of the landowners and their acquisition facilitated better long term management arrangements as part of larger areas of region open space.'*

The proposed Amendment contains 155 separate proposals relating to the following Local Government Authority areas:

- City of Armadale;
- Town of Bassendean;
- City of Bayswater;
- City of Belmont;
- City of Canning;
- City of Cockburn;
- City of Fremantle;
- City of Gosnells;
- City of Joondalup;
- Shire of Kalamunda;
- Town of Kwinana;
- Shire of Mundaring;
- City of Rockingham;
- Shire of Serpentine-Jarrahdale;
- City of Stirling;
- City of Subiaco;
- City of Swan; and
- City of Wanneroo.

Implications for the Town of Vincent

There are no proposed changes to the MRS within the Town of Vincent.

The proposed Amendment was referred to the Environmental Protection Authority (EPA) for advice on whether environmental assessment would be required. The EPA has advised that the proposed Amendment does not require formal assessment under Part IV of the *Environmental Protection Act 1986*. It has however, provided advice on the key environmental factors for the Amendment, included as appendix A to the Amendment Report (Attachment 002).

CONSULTATION/ADVERTISING:

The WAPC is currently advertising the proposed Amendment to the MRS relating to Parks and Recreation Reservations for Public Lands, available for viewing at <http://www.planning.wa.gov.au/Plans+and+policies/Publications/2001.aspx> for public comment, which closes on 29 January 2010.

LEGAL/POLICY:

The procedure for amending the MRS are prescribed by the *Planning and Development Act 2005* (the Act). The Act requires an amendment to be consistent with both the *Swan River Trust Act 1988* and the *Heritage of Western Australia Act 1990*.

The proposed Amendment is being made under the provisions of Section 41 of the Act (as a major Amendment).

STRATEGIC IMPLICATIONS:

Strategic Plan 2009-2014 states:

"Natural and Built Environment

1.1 *Improve and maintain environment and infrastructure*

1.1.4 *Minimise negative impacts on the community and environment.*

1.1.5 *Enhance and maintain parks, landscaping and community facilities."*

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

SUSTAINABILITY IMPLICATIONS:

By proposing this Amendment to include various publicly owned land within the parks and recreation reservation of the MRS, to reflect their regional significance, this will reduce the adverse impact that development has on the natural environment, ensuring that original rural environments, encroached on by increasing development, are being replaced by created parks and open spaces in an effort to enhance city living.

By reserving substantial portions of the metropolitan region to control development and enable the long-term acquisition of privately owned land, it is envisaged that the proposed Amendment to the MRS ensures the protection of the environment, as well as appropriate levels of public access, along with supporting and protecting environmental and social sustainability, within the Perth metropolitan region.

COMMENTS:

The Town's Officers note that there are no proposed amendments within the Town's boundaries, and the proposed changes to abutting Local Government Authorities are not considered to place any undue impact on the Town.

In light of the above, it is recommended that the Council support the Officer Recommendation to advise the WAPC that the Council supports in principle, the proposed Amendment 1161/41 to the Metropolitan Region Scheme (MRS), relating to Parks and Recreation Reservations for Public Lands, as outlined in this report.

9.1.22 Finalisation of Safer Vincent Logo Development

Ward:	Both	Date:	8 December 2009
Precinct:	All	File Ref:	ENS00095
Attachments:	001		
Reporting Officers:	J MacLean, Manager Ranger and Community Safety Services M Wood, Coordinator Safer Vincent		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the Safer Vincent Logo Competition;*
- (ii) *ACKNOWLEDGES the collaborative and positive efforts of all participating schools and students, who provided their vision of a 'Safer Vincent'; and*
- (iii) *NOTES that the approved Safer Vincent Logo will now be used for all future Safer Vincent and Safer Vincent Crime Prevention Partnership activities.*

COUNCIL DECISION ITEM 9.1.22

Moved Cr Farrell, Seconded Cr Maier

That the recommendation be adopted.

CARRIED "EN BLOC" (8-0)

(Mayor Catania was absent from the Chamber and did not vote.)

PURPOSE OF REPORT:

The purpose of the report is to provide an update for the Council on the finalisation of the Safer Vincent Logo Competition.

BACKGROUND:

At the Town's Safer Vincent Crime Prevention Partnership (SVCPP) on 6 June 2007, the Partnership resolved that the Town "brand" all safety programs under one Safer Vincent Logo and that local schools and students be engaged to design an appropriate logo. It was decided that the design should reflect the partnership approach to crime prevention within the Town (Police, Town, Government Agencies, businesses and community members working together) and that the logo demonstrate the positive aspects of living, working and visiting the Town of Vincent. The SVCPP consists of people who represent all aspects of the community. It is made up of Councillors, staff, local Police, general community representatives, a seniors representative, a youth representative, a multicultural representative and business representatives. The SVCPP composition has been created to be reflective of the Town of Vincent community. The Partnership meets monthly and is tasked with developing safety and crime prevention initiatives.

At the Ordinary Meeting of Council held on 26 May 2009, the Council resolved the following, at Item 9.4.3:

“That the Council;

- (i) APPROVES the development of a Safer Vincent Logo, which will be used, in conjunction with the Town of Vincent Logo, to brand all Safer Vincent initiatives and promotional material;*
- (ii) APPROVES a "Safer Vincent Logo Competition", as "Laid on the Table" and seeks the co-operation of local schools for their students to participate in the development of the Safer Vincent Logo, including children of West Leederville Primary School;*
- (iii) NOTES that:*
 - (a) the winning design will be selected by the Safer Vincent Crime Prevention Partnership and, if necessary, will be further refined by a graphic artist; and*
 - (b) the logo will be used, in conjunction with the Town of Vincent Logo (where appropriate), for all future Safer Vincent programmes and projects.”*

DETAILS:

All primary schools within the Town of Vincent, along with West Leederville Primary School, were invited to participate in the ‘Safer Vincent Logo Competition’ project.

This project was developed to fit within current Curriculum Frameworks and was designed to suit primary school students. To encourage as wide primary school participation as possible, prizes were provided for each school that submitted a minimum of 20 entries. This prize consisted of a Certificate of Participation and a ‘participation prize’ of \$180.00 Wooldridge’s Educational Store Gift Voucher.

The Guidelines were provided to the schools to enable the students to incorporate the elements into the logo design. These included;

- *safety;*
- *unity;*
- *harmony;*
- *diverse community;*
- *working together;*
- *partnerships between the community, police, Town and businesses; and*
- *positive aspects of living within the Town of Vincent.*

The Town invited children in years 4 to 7, from all schools within Vincent, to design a logo depicting their vision of a "Safer Vincent". To acknowledge that children are a vital part of the Town’s community, the competition was designed to enhance the students awareness of community safety in their local community. Many students embraced the competition and provided the Town with high quality visual representations of what they considered to be aspects of a Safer Vincent.

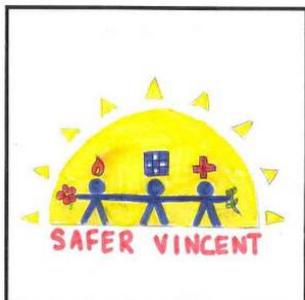
Five schools participated in the project, with 168 entries being received from:

- Aranmore Catholic Primary School;
- Kyilla Primary School;
- Mount Hawthorn Primary School;
- North Perth Primary School; and
- Sacred Heart Primary School Highgate.

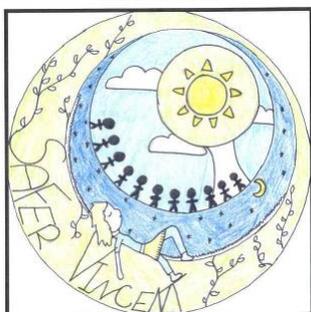
On 7 October 2009, the SVCPP had the challenging task of judging all entries and selecting 3 final logo designs, which best reflected a 'Safer Vincent' environment. Each of the three winning designs was assessed, from which an overall final 'Safer Vincent' logo was selected.

Individual educational prizes for students were awarded as per below:

- 1st Place - Erika Luk Year 6, Aranmore Catholic Primary School;



- 2nd Place – Claire Gillam Year 7, Mount Hawthorn Primary School



- 3rd Place – Reuben Tuffin Year 5, Sacred Heart Primary School Highgate.



When the winning design was selected, it was submitted to a Graphic Designer, for professional enhancement and the reworked logo selected by the SVCPP was:



CONSULTATION/ADVERTISING:

Teachers, students of all schools in the Town of Vincent and including West Leederville Primary School, were consulted with and given an opportunity to participate. The whole Town of Vincent Community was invited to view each entry, which was displayed in the junior area of the Town of Vincent Library and Local History Centre from 23 November 2009 until 4 December 2009.

LEGAL/POLICY:

There is no legal implications associated with the above recommendation being approved. The Town of Vincent reserves the right to use the winning artwork(s) as the basis for a logo and/or promotional materials to be used by the Town of Vincent in their absolute discretion.

STRATEGIC IMPLICATIONS:

The above is in keeping with the *Town of Vincent Strategic Plan 2006-2014* in the following areas:

- "2.1.1 Promote the Town of Vincent as a place for investment appropriate to the vision for the Town.*
- 2.1.2 (a) Establish public/private alliances and partnerships to attract external funding and investment to enhance the strategic direction of the Town.*
- 3.1.1(a) Organize and promote community events and initiatives that engage the community and celebrate cultural and social diversity within the Town.*
- 3.1.2 (d) Promote and implement the Safer Vincent Crime Prevention Plan 2006.*
- 4.1.1 Develop leadership skills and behaviours that enhance the public image of the Town."*

FINANCIAL/BUDGET IMPLICATIONS:

The graphic design, school prizes and logo development has been co-funded from the Town Safer Vincent Initiatives budget and the Office of Crime Prevention. There are no anticipated extra costs in use of this logo.

SUSTAINABILITY:

There are no sustainability implications, associated with this report.

COMMENTS:

The above initiative was developed with aim of engaging children and schools within the Town of Vincent to depict their vision of a 'Safer Vincent'. The enthusiastic response and high quality of the entries received from schools, indicates that the 'Safer Vincent' logo competition has been an extremely worthwhile community project.

The 'Safer Vincent Logo Competition' has been successful in engaging students and schools in depicting a 'Safer Vincent'. The wide exposure of the logo throughout schools will assist in branding and raising the profile of SVCPP, to promote the programme throughout the community. The report is recommended for endorsement by the Council.

9.1.23 Vincent Accord – Progress Report

Ward:	Both	Date:	8 December 2009
Precinct:	-	File Ref:	ENS0099
Attachments:	001 ; 002		
Reporting Officer:	A Giles, Manager Health Services		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the Injury Control Council of Western Australia “Highly Commended Award”, which acknowledges the valuable contribution of the Vincent Accord to injury prevention in Western Australia;*
- (ii) *NOTES:*
 - (a) *the application submitted to the Injury Control Council of Western Australia’s Injury Prevention Awards 2009, with nominations from the Safer Vincent Crime Prevention Partnership and the State Alcohol Accord Coordinator – WA Police (Attachment 001);*
 - (b) *that the chairperson of the Vincent Accord, Senior Sergeant Mike Green, Officer in Charge of Wembley Police Station, has been promoted to Inspector and will subsequently be resigning from the position of chairperson;*
 - (c) *that the future Vincent Accord chairperson will be decided at the first meeting of the Accord for 2010, scheduled for 24 February 2010; and*
 - (d) *NOTES that the first formal review of the Vincent Accord 2009-2011 strategic document will be undertaken at the meeting on 24 February 2010, in accordance with ‘Key Strategy Area 9 - Review’; and*
- (iii) *ACKNOWLEDGES the contribution of Senior Sergeant Mike Green, outgoing chairperson of the Vincent Accord, by formally writing to express appreciation of his significant contribution to the Town, particularly his work towards the development of a strong working relationship between WA Police and the Town;*

COUNCIL DECISION ITEM 9.1.23

Moved Cr Farrell, Seconded Cr Maier

That the recommendation be adopted.

CARRIED “EN BLOC” (8-0)

(Mayor Catania was absent from the Chamber and did not vote.)

PURPOSE OF REPORT:

The purpose of the report is to update the Council on the progress, initiatives and strategic direction of the Vincent Accord, and to formally announce the receipt of the 'Highly Commended Award' from the Injury Control Council of WA, Community Injury Prevention Awards held in October 2009 (Attachment 001).

The minutes from the previous Vincent Accord meeting are also included (Attachment 002), generally provided as an Information Bulletin item.

BACKGROUND:

The Vincent Accord was established on Wednesday, 8 June 2005, and was re-launched on 25 February 2009. With financial assistance from the Office of Crime Prevention and a renewed focus over the past two years, the Vincent Accord has developed a number of strategic initiatives to ensure measurable and meaningful outcomes are achieved.

The Vincent Accord 2009 - 2011 initiatives demonstrate the hard work and commitment of local Licensed Premises, Town of Vincent, WA Police, and related agencies who are committed to collectively and proactively address issues such as responsible service of alcohol, public health, transport, local amenity and safety.

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

As a result of the pro-active and significant contribution of all stakeholders toward harm minimisation within the community, it was considered appropriate that an application be lodged for the Injury Control Council of WA, Community Injury Prevention Awards.

DETAILS:

The Town is one of the first local government authorities in Western Australia to develop a strategic document, measurable initiatives and a number of associated projects that members of the Vincent Accord have adopted to proactively promote the 'Socialise with Safety' message.

A number of strategies and initiatives have been developed and are currently being implemented including:

- Adoption of the Vincent Accord Strategy Document 2009-2011;
- Distribution of a Community Information Guide by licensed premises to local residents and businesses;
- Development of the Party Bus Code of Conduct;
- Development and distribution of posters promoting the 'Socialise with Safety' message;
- Display of membership stickers by premises;
- Provision of subsidised group First Aid Training for stakeholders;
- Regular updates are provided in the Town's newsletter *Town of Vincent News*;
- Regular updates are provided in the Health Services *Food Safety Matters* newsletter to assist food businesses, who have a liquor licence or permit BYO, learn more regarding the Accord and relevant principles;
- On-going liaison and promotion;
- Provision of publications and resources for Accord members;
- Maintenance of a Vincent Accord page on the Town's website; and
- Liaison with Department of Racing, Gaming and Liquor regarding proposed improvements to 'Incident Reporting Requirements' for the benefit of the industry.

The Injury Prevention Awards recognise the action and excellence of Western Australian individuals' and community organisations' efforts and commitment to reduce the frequency and severity of injuries in their local communities. The Vincent Accord was Highly Commended in the Community Injury Prevention category.

In announcing the commendation, the ICCWA noted that the "*Accord has developed a number of best practice initiatives in response to heightened community concern about the impact of alcohol consumption and problematic drinking. The initiatives aim to benefit the local community and encourage the adoption of positive and effective community based harm minimisation and prevention strategies*".

Safer Bars WA

Safer Bars is a Canadian program which is being modelled to the needs of Western Australian licensed venues by the Injury Control Council of WA (ICCWA), and is funded by a Criminal Property Confiscation Act 2000 grant. Safer Bars aims to increase the capacity of bar staff to prevent aggression, violence and injury in and around bars, by providing all staff within a licensed premises, free in-house training and supporting information – it goes beyond mandatory 'responsible service of alcohol' training.

ICCWA reports that "*Safer Bars training in Canada has shown to be highly valued by staff and managers with 98% reported as being highly satisfied with the training. The results of the Safer Bars outcome evaluation indicated that the program resulted in a 30% reduction in violent incidences in bars where it has been trialled in Canada.*"

Vincent Accord members were recommended by the Drug and Alcohol Office to ICCWA as an ideal pilot group for the trial implementation of the Safer Bars WA training programme. Licensed premises within, and feeding into the Leederville Entertainment Precinct were chosen, due to the diversity of premises in the one relatively small area. ICCWA conducted a well attended presentation to Vincent Accord members, with many outside the Leederville Entertainment Precinct also displaying a keen interest in the training.

The pilot group consists of the following licensed premises:

- Leederville Hotel
- Double Lucky
- Fibber McGees
- Hip-E-Club and The Manor
- Niche Bar
- Paddington Alehouse (*patrons feed into the Leederville area after closing*)
- Brisbane Hotel (*venue manager undertook the Safer Bars training in Canada*).

ICCWA has also formed a reference group consisting of the following representatives, who will provide guidance to ensure *Safer Bars WA* is relevant to the needs of the local liquor industry:

- Injury Control Council of WA
- Drug and Alcohol Office
- Australian Hoteliers Association
- Nightclubs Association
- Western Australian Local Government Association
- Town of Vincent (Manager Health Services).

The programme has also received significant media attention, and interest from licensed premises state-wide. Licensed premises are demonstrating an active interest to provide their staff with appropriate skills to minimise antisocial incidents before they occur, and are committed to actively promoting the initiatives of the *Vincent Accord* - which proactively promotes the '*Socialise with Safety*' message.

CONSULTATION/ADVERTISING:

Ongoing consultation has occurred between the Town's Officers, WA Police, Licensed Premises, Drug and Alcohol Office, Department of Racing Gaming and Liquor, and at Accord meetings.

A second community survey was recently conducted within the business and residential community in close proximity to Licensed Premises. The initial survey responses assisted in the development of the community pledge, further strategies and guided the format of the community information guide. The second community survey revealed that the community information guide had been well received by residents and businesses who indicated the guide was a worthwhile initiative, useful and user friendly. The posters developed by the Accord group, also received positive feedback, with the 'drinking and driving' and 'consider our neighbours' posters having the most impact.

LEGAL/POLICY:

- Liquor Control Act 1988; and
- Vincent Accord 2009-2011 strategic document.

STRATEGIC IMPLICATIONS:

Strategic Plan 2009-2014

'Key Result Area One: Natural and Built Environment:

1.1.4 Minimise negative impacts on the community and environment.

Key Result Area Three: Community Development:

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

(h) Coordinate and implement the Vincent Accord.'

SUSTAINABILITY IMPLICATIONS:

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

FINANCIAL/BUDGET IMPLICATIONS:

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

A small amount of funding is available in the 2009/2010 Budget, to ensure that initiatives such as signage and posters are sustainable. A further Office of Crime Prevention – Community Safety Partnership Fund grant submission is currently being developed, to further implement education initiatives. The strategic review/planning session scheduled for 24 February 2010 will also be used to further develop the grant submission.

COMMENTS:

Whilst the Vincent Accord strategic document has no statutory power, the collaborative approach has resulted in positive outcomes, even in the early stages of implementation. The ongoing participation and contribution made by all Licensed Premises Accord Members in the development of the Vincent Accord has been commendable.

The formal recognition of the Vincent Accord by the Injury Control Council of WA is a significant achievement, and demonstrates the key role the Vincent Accord plays in community injury prevention.

9.2.1 Infrastructure Asset Management – Adoption of "Asset Management Strategy"

Ward:	Both	Date:	2 December 2009
Precinct:	All	File Ref:	ADM0004
Attachments:	001		
Reporting Officer:	R Lotznicker, Director Technical Service		
Responsible Officer:	R Lotznicker, Director Technical Service		

OFFICER RECOMMENDATION:

That the Council;

- (i) *ADOPTS the "Asset Management Strategy", as shown in Appendix 9.2.1A;*
- (ii) *NOTES the proposed "Asset Management Working Group Terms of Reference", as shown in appendix 9.2.1B, and;*
- (iii) *AUTHORISES the Chief Executive Officer to advertise the "Asset Management Strategy" for a period of 21 days, seeking public comment and report back to the Council should any public submissions be received.*

COUNCIL DECISION ITEM 9.2.1

Moved Cr Farrell, Seconded Cr Maier

That the recommendation be adopted.

CARRIED "EN BLOC" (8-0)

(Mayor Catania was absent from the Chamber and did not vote.)

PURPOSE OF REPORT:

The purpose of this report is to provide information on the proposed Asset Management Strategy.

BACKGROUND:

The Town's officers have been undertaking the development of asset management for the Town by being involved in the Western Australian Asset Management Improvement (WAAMI) Program.

The WAAMI program comprises a number of sessions and outlines why asset management is necessary, where an organisation is in terms of asset management, and what needs to be undertaken to bring the organisation up to speed with regard to asset management.

At its Ordinary Meeting held on 10 March 2009, the Council adopted an Infrastructure Asset Management Policy and Guidelines.

DETAILS:

"*Asset Management*" is a broad term and can be defined as a process that guides the gaining of assets, along with their use (and disposal) in order to make the most of the assets and their potential throughout the life of the assets.

As previously reported to the Council, there are some basic steps that form the foundation for improving asset management. The Town is required to have the following:

- Asset Management Policy/Position (Adopted 10 March 2009)
- Asset Management Strategy (Subject of this report)
- Asset management plans (Currently being prepared)

Asset Management Strategy

The Town is the custodian of an extensive range of community assets which represents a vast investment over many years. In order to fulfil its obligations in delivering a variety of services to the community, the Town must ensure that the assets supporting these services are managed in a way that guarantees maximum performance for the lowest 'whole of life' cost.

Major assets for which the Town is responsible for include:

- Roads (including kerbing)
- Footpaths,
- Car parks
- Drainage infrastructure
- Buildings
- Parks
- Plant and equipment
- Parking meters
- Signage and banner poles
- Information technology assets
- Art works

The importance of these assets to the community and their significance for the Town's budget means that asset management should be a critical part of the Council's long term planning and service delivery.

An Asset Management Strategy will recognise the need to manage assets effectively as part of the Town's service delivery, where service areas delivering the service should be responsible for managing assets that are associated with that service area. Failure to adequately plan for the replacement of existing assets and the development of new assets will invariably result in the accepted 'levels of service' not being met by the Council.

The main objective of the Asset Management Strategy is to outline how the Council will meet its commitment to asset management as documented in its Plan for the Future.

Purpose of the Asset Management Strategy

The purpose of the Asset Management Strategy is to develop a set of actions aimed at improved asset management practices by the "whole" organisation through:

- Improved stewardship and accountability for assets
- Improved communication and relationships with service users
- Improved risk management
- Ensuring more effective utilisation of assets
- Improved financial effectiveness

Further an Asset Management Strategy should:

- Ensure that asset management practices are applied consistently across the organisation and supported by an action plan to enable the Town to more effectively manage its assets now and into the future
- Enable the Town to more effectively plan and fund its works programs
- Enable the Town to competently deliver services to its community
- Enable the Town to maintain its assets to an acceptable 'level of service'
- Be a living document to be reviewed on a regular basis

Asset management is a continuous process, covering the full life of an asset. It is seen as a practical and financially responsible means of managing assets through the creation, acquisition, maintenance, operation, rehabilitation and disposal of assets (where required) to provide for present and future community needs.

The key elements of successful infrastructure asset management are:

- Ensuring appropriate use and maintenance
- Utilising assets to ensure their full potential is optimised.
- Applying full life cycle costing
- Pursuing reduction or optimisation and integration of those assets not achieving the most productive outcome
- Defining clear responsibilities for asset, accountability and reporting
- Recognising that infrastructure assets must support the Council in the delivery of services to its community.

The documentation is recognition that a "rational and realistic" strategic focus is required to achieve maximum value for funds spent.

Having a corporate focus on asset management will ensure that the benefit-cost analysis of asset proposals is critically examined taking into account the overall needs of the Town and the community.

Link with Corporate Documentation

The Asset Management Strategy has a direct link to the following strategic documents:

- Plan for the Future
- Town's Strategic Plan 2009-2014
- Strategic Financial Plan 2009-2019.

Risk Management

"Risk Management" is the process of thinking about the possible risks an organisation faces either before they happen or as a result of an incident or outcome and setting up treatments that will avoid the risk or minimise the impact of the risk.

An enterprise wide Risk Management Framework considers all facets of an organisation's activities and aims to identify and deal with risks the organisation may face strategically and in its day to day operations.

The Asset Management Strategy will be supported by the Town's Risk Management (currently being developed). Risk Management is an integral part of good business practice and works in tandem with strategic and financial planning.

Gap Analysis

As part of the WAMI program, the following information will need to be documented and consolidated into detailed spreadsheets to enable further analysis to determine the current and future infrastructure funding gap levels.

- asset inventory;
- renewal costs;
- renewal expenditure;
- asset life; and
- intervention criteria.

The identification of the renewal gap will allow the Council to predict what it will need to expend in the long term on maintenance of assets.

It is intended that this strategy will form an important part of the future budget planning process. Once the above information has been documented an initial annual renewal gap, based on the condition of all of the Town's infrastructure assets, will be derived.

It is proposed that these initial results will form the basis of the Council's updated financial plan. The introduction of standardised definitions between asset maintenance, operational costs, renewal, upgrade and new projects will further enhance the robustness of the information.

Review

Historically the gap between sustainable asset replacement and the demand of the asset has been determined on broad principles utilising predicted asset lives.

The capital works program is currently set within the confines using these principles. Funding allocation does not necessarily match the demand for asset replacement however with the inclusion of the proposed Renewal and Maintenance Modelling tool (being developed through the WAMMI program) this information will provide more robust data which will and better reflect the real renewal needs of important infrastructure assets.

An Internal Asset Management Working Group (AMWG) comprising key officers will be responsible for reporting progress made in relation to the Action Plan, to the Executive Management Team (EMT). This will include any barriers to achieving objectives and proposed solutions or alternative actions.

It is proposed to review the Asset Management Strategy every 3 years in conjunction with the Long Term Financial Plan and Plan for the Future. The Town's Risk Management Strategy will also guide future actions and assist in the prioritisation of actions and/or activities if identified.

Ownership and User roles and Responsibilities

As mentioned above, the Council recently adopted an "Infrastructure Asset Management Policy" and, in accordance with the policy, the roles and responsibilities for asset "ownership" and "user" are in accordance with the following principles:

- Asset Management Working Group (AMWG) - as a cross functional team with representation from all facets of the Town's Administration to coordinate the management of Town owned assets (including maintenance standards and levels of service) in the most efficient and effective manner, using best practice Asset Management principles

- Maintenance Standards and levels of service are detailed via a service level agreement developed in conjunction with the service area responsible for the service delivery (Operational Manager), the AMWG and user stakeholders
- "Day to day" management or risk is the responsibility of the service area responsible for service delivery (Operational Manager) and as identified in any service level agreement

For information, the terms of reference for the Asset Management Working Group are attached in appendix 9.2.1B.

Action Plan

The draft asset management strategy also includes a tabulated action plan that sets out tasks, priorities, responsibilities, timelines and estimated costs in progressing/implementing the strategy.

CONSULTATION/ADVERTISING:

The Chief Executive Officer will advertise the strategy for a period of 21 days seeking public comment, and report back to the Council with any public submissions received

LEGAL/POLICY:

There is no legal requirement to have an Asset Management Strategy – however it is considered “Best Practice” to have one.

STRATEGIC IMPLICATIONS

In accordance with the objective of Strategic Plan 2009-2014 – Key Result Area Four - 4.1.2 Manage the organisation in a responsible, efficient and accountable manner. *(e) Implement an Asset Management Program to better forecast and maintain management of the Town's assets and infrastructure.*

SUSTAINABILITY IMPLICATIONS

To maintain the Town's assets in a responsible, and financially sustainable manner.

FINANCIAL/BUDGET IMPLICATIONS:

Allocations made in annual budget for asset improvements/maintenance.

COMMENTS:

The Council recently adopted an Infrastructure Asset Management Policy, and the Town's officers have now prepared an Asset Management Strategy, and are progressing with the preparation of associated Asset Management Plans for classes of assets. The Town's officers are also developing a Sustainability Strategy.

The Asset Management Strategy recognises the need to manage assets effectively as part of the Town's service delivery, where service areas delivering the service should be responsible for managing assets that are associated with that service area. Failure to adequately plan for the replacement of existing assets and the development of new assets will invariably result in the accepted 'levels of service' not being met by the Council.

9.2.4 Proposed 2010 Perth Criterium Cycling Series - Leederville Race – Further Report

Ward:	South	Date:	7 December 2009
Precinct:	Oxford Centre P4	File Ref:	TES0172 & CMS0033
Attachments:	001		
Reporting Officer:	C Wilson, Manager Asset & Design Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

- (i) *APPROVES the Town hosting the final event in the 2010 Perth Criterium Series, proposed to be held on Monday, 8 February 2010, subject to additional detailed information regarding the series being received by the Town from the organisers "Trievents";*
- (ii) *NOTES that no specific funding has been allocated in the 2009/2010 budget for this event;*
- (iii) *AUTHORISES the Chief Executive Officer to negotiate the terms and conditions of approval including possibly waiving event fees and making a contribution of an amount to be determined (estimated at \$4,500), for implementing traffic management (refer attached proposed possible road closure plan 2602-CP-02) should the event proceed; and*
- (iv) *ADVISES the organisers of the 2010 Perth Criterium Cycling Series "Trievents" of the decision and that should the event proceed, they would, as a minimum, be required to:*
 - (a) *make application for an Order for a Road Closure in accordance with the Road Traffic Act 1974;*
 - (b) *places a notice of road closure in "The West Australian" Saturday 6 February 2010;*
 - (c) *advertise the event, including the road closures, in the local newspapers in the edition prior to the race, and*
 - (d) *letter drop all the affected residents and businesses within the circuit route and adjoining streets affected by the road closures at least one (1) week prior to the event, advising of the road closures and parking restrictions and providing the event coordinators with the Town's after hours contact details.*

COUNCIL DECISION ITEM 9.1.24

Moved Cr Farrell, Seconded Cr Maier

That the recommendation be adopted.

CARRIED "EN BLOC" (8-0)

(Mayor Catania was absent from the Chamber and did not vote.)

PURPOSE OF REPORT:

The purpose of this report is to seek the Council's approval for the Town hosting the final race of the proposed 2010 Perth Criterium Cycling Series in Leederville on Monday evening, 8 February 2010.

BACKGROUND:

Criterium racing is the most exciting version of road racing in cycling competition. It involves high speeds around a tight and intimate circuit, ensuring that the spectators are very close to the action.

The Town has hosted a leg of the Perth Criterium Cycling Series in every year in which the series has been held, some 11 races over 14 years. Further, the Leederville race is the only race that has featured in all 11 series to date.

At its Ordinary Meeting of 8 September 2009, the Council received a report on the postponement of the 2010 series due to a lack of a major sponsor.

Having considered the report Council decided, in part, that it:

"(ii) NOTES that:

- (a) the Perth Criterium Cycling Series may be resurrected in 2010;*
- (b) a further report on any subsequent proposal will be submitted to the Council, if required;"*

DETAILS:

Previous Situation:

In June 2009, Trievents (the criterium event organisers) wrote to the Town advising that they were having difficulty attracting a major corporate sponsor for the 2010 series and, as a result, the series would either have to be postponed or cancelled.

In August 2009 Technical Services contacted Trievents to ascertain the situation and, at the time, were advised that the 2010 series was still 'in limbo', as reported to Council at its Ordinary Meeting of 8 September 2009.

The last Perth Criterium Cycling Series was held in January 2009 over the Australia Day long weekend. Unlike previous series, the Leederville Race was held on the Saturday afternoon of 24 January, rather than the Monday Public holiday, and for which the Town received some criticism.

The nature of the criticism was outlined in the report to Council of the 8 September 2009 and related to the impact upon those businesses that derived no direct benefit from the event. However, of the 62 public consultation letters delivered to the businesses within the race circuit after the 2009 event, only five (5) responses were received, of which four (4) were complaints, representing a response rate of 8.0%.

Current Situation:

Trievents has recently advised the Town that 'Healthways' has now agreed to sponsor the series in 2010 and that it will be marketed under the banner 'Smoke Free WA', with the finer details of the sponsorship yet to be finalised.

Trievents has tentatively selected the dates of Friday 5, Saturday 6, Sunday 7 and Monday 8 February 2010 for the series, with the Leederville race being on the Monday evening under lights. It should be noted that Monday 8 February 2010 is not a public holiday and in fact may be the first school and workday for many for the 2010 calendar year. However it also a traditionally quiet period for the Oxford Centre Precinct and will attract a far larger crowd to Leederville than could normally be expected on a Monday night.

Note: There will be implications for traffic, particularly in Vincent Street, and therefore the event will have to be scheduled in the evening, at a time to be determined, after the peak period has finished.

It should be noted that past events, pre 2005, were successfully held on weeknights, specifically a Thursday and Friday night, albeit between Christmas and New Years Eve, with road closures being installed incrementally to lessen the impact.

As indicated above, many of the details of the proposed cycling series are yet to be determined, however, it is envisaged that, at earliest, the Leederville race would commence about 8.00pm and last approximately 1.0 hour. Given that it will be mid summer, the late start will assist in lessening the impact upon the traffic while improving the comfort of the riders. However, it will necessitate the use of mobile light towers to illuminate the course to the required level of illumination.

The proposed circuit is the same as in previous years, as shown on attached Plan No. 2602-CP-02, with the racing concentrated on the Oxford Street café strip. It involves the closure of Oxford Street, between Richmond Street and Leederville Parade, Vincent Street, between Leederville Parade and Loftus Street and Newcastle Street between Oxford and Loftus Streets.

CONSULTATION/ADVERTISING:

The applicant would be required to:

- (a) make application for an Order for a Road Closure in accordance with the Road Traffic Act 1974;
- (b) place a notice of road closure in "The West Australian" on Saturday 6 February 2010;
- (c) advertise the event, including the road closures, in the local newspapers in the edition prior to the race, and
- (d) letter drop all the affected residents and businesses within the circuit route and adjoining streets affected by the road closures at least one (1) week prior to the event, advising of the road closures and parking restrictions and providing the event coordinators and the Town's after hours contact details.

LEGAL/POLICY:

The Town is responsible to ensure that road closures for events on roads undertaken within its boundaries are in accordance with the relevant Australian Standards and Main Roads WA Code of Practice for Events on Roads.

STRATEGIC IMPLICATIONS:

In accordance with the objective of Strategic Plan 2009-2014 – 3.1.1 Celebrate and acknowledge the Town's cultural and social diversity. *“(a) Organise and promote community events and initiatives that engage the community and celebrate cultural and social diversity of the Town.”*

SUSTAINABILITY IMPLICATIONS:

The Leederville event, by showcasing elite cycling, promotes the benefits of exercise, healthy choices and alternative transport.

FINANCIAL/BUDGET IMPLICATIONS:

In the past the Town's primary sponsorship has been by way of waiving event fees and the provision of traffic management. Based upon recent public events, it would be expected that the supply and installation of all signage and traffic control devices for the various road closures, provision of sufficient staff (accredited traffic controllers) for a period of six (6) hours (including mobilisation and demobilisation, set up and dismantling), would cost in the order of \$4,500. If approved, there are sufficient funds remaining in the Parades and Festivals budget.

COMMENTS:

The series has been a great success in previous years and it is recommended that the Council approve the proposal and authorises the Chief Executive Officer to negotiate the appropriate Terms and Conditions on behalf of the Town.

9.2.6 State Underground Power Program – Call for Expressions of Interest for Round Five (5) Major Residential Projects

Ward:	Both	Date:	9 December 2009
Precinct:	All	File Ref:	TES0313
Attachments:	001		
Reporting Officer:	C Wilson, Manager Asset & Design Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the Office of Energy’s call for Expressions of Interest for Round Five Major Residential Projects for the State Underground Power Program;*
- (ii) *AUTHORISES the Chief Executive Officer to modify Plan No. 99070-2-1 (previously adopted by the Council at its Ordinary Meeting held on 11 October 2005) as shown in Appendix 9.2.6 to comply with the new State Underground Power Program requirements and submit an Expression of Interest for all areas of the Town, comprising approximately 800 lots, for consideration by the Office of Energy, for inclusion in Round Five (5) of the State Underground Power Program;*
- (iii) *NOTES that as with the Town’s previous submission/s, the Office of Energy will be requested to prioritise the order of implementation of the area/s submitted;*
- (iv) *ENDORSES the Office of Energy's decision as to which area/s, if any, to be included in the Detailed Proposal Stage; and*
- (v) *RECEIVES a further report once Expressions of Interest for Round Five submissions for the State Underground Power Program have been assessed by the Office of Energy and the Town has been advised of the outcome.*

COUNCIL DECISION ITEM 9.2.6

Moved Cr Farrell, Seconded Cr Maier

That the recommendation be adopted.

CARRIED “EN BLOC” (8-0)

(Mayor Catania was absent from the Chamber and did not vote.)

PURPOSE OF REPORT:

The purpose of this report is to authorise the Chief Executive Officer to prepare and submit an Expression of Interest to the Office of Energy (OoE) for consideration for inclusion in Round Five of the State Underground Power Program.

BACKGROUND:

The SUPP was established in 1996 to improve the standard of electricity supply after a report commissioned in 1994 following a series of severe storms found that 80% of damage to power lines was caused by falling trees.

The State Government, through the OoE, has a long-term goal to have at least half the houses in Perth supplied by underground power by 2010, with a corresponding improvement in regional areas of the State.

About 49% of the metropolitan area is now serviced by underground power.

Since the program began, 60 projects, including the Town's Highgate East Project, have been completed, providing underground power to over 70,000 properties.

The program offers two types of projects:

- Major Residential Projects involve the conversion of overhead supply to underground distribution lines in suburban areas; and
- Localised Enhancement Projects aim to beautify urban gateways, scenic routes and tourism/heritage centres, particularly in regional towns.

The Underground Power Program is funded 50% by local government (through ratepayers who directly benefit), 25% by the State Government and 25% by Western Power.

Highgate East Project

The Town's Highgate East SUPP Project was a Round Three project, awarded in 2003, commenced in mid 2007 and was completed in August 2008. The project cost in the order of \$7.0m with underground power connected to over 800 properties.

Round Five (5) Submissions

In late October 2009, the Town, as with all Local Governments in WA, received a media release from the Hon Minister for Energy and Training, Peter Collier, MLA, inviting Expressions of Interest to participate in Round Five of the State Underground Power Program (SUPP) Major Residential Projects (MRP).

The OoE formally invited Local Government submissions in a letter dated 3 November 2009.

Submissions for Localised Enhancement Projects (LEP) will be called in March 2010.

The OoE subsequently held a briefing session for Local Government officers on Friday 27 November 2009, outlining the significant changes in the selection criteria for Round Five MRP projects.

Submissions close Friday, 19 February 2010.

DETAILS:

Revised Round 5 SUPP requirements:

Project Size

The most significant change for Round 5 of the SUPP is a reduction in the project area sizes from 800-1,250 lots to 500-800 lots. This change came about due to smaller projects being considered more manageable and because the OoE has engaged their primary contractors for a fixed terms rather than a project by project basis. Because of the surety of work, the contractors were able to provide competitive rates for all projects irrespective of project size.

Community Support Provisions

Another major change is the tightening up of the community support provisions with the OoE advising that: *'The program will be introduced in areas where there is a clear majority of support from landowners, who will be surveyed by Local Governments as evidence of support.'*

The change is a result of a SUPP in Bunbury, having been designed, scheduled and contracts let, then not proceeding at the last minute when the level of community support was challenged and was found to be deficient.

The new procedure will allow anecdotal evidence of support in initial submission but if a project is selected for the Detailed Proposal Stage, independent public consultation will be required, to be funded by the OoE.

Supply Reliability

The third major change is that a greater emphasis will be placed upon 'supply reliability'. Western Power will provide each Local Government with a 'reliability map' showing the System Average Interruption Duration Index (measured in minutes) for each suburb within a Local Government boundary. This information relates to:

- Pole top fires
- Pole related traffic accidents
- Equipment failures
- Overloaded equipment
- Conductor clashing
- Extreme weather and storm related damage; and
- Pollution, wildlife and vegetation related faults.

By way of example, if the Leederville area has a greater System Average Interruption Duration Index than Mt Hawthorn, it will score higher.

Expression of Interest submissions

The Expression of Interest submissions should include:

- Contact Information
- Nominated Area(s)
- Local Government & Community Support
- Power system reliability criteria (as determined by Western Power)
- Indicative Project Budget

If at the end of the Expression of Interest stage a project, or projects, within the Town are successful, they will advance to the Detailed Proposal Stage. Successful Expression of Interest submissions are expected to be announced in mid 2010.

Detailed Proposal Stage

The criteria for the Detailed Proposal Stage include:

- Demonstrated ability of the Local Government to meet its share of a project's likely cost.
- Final project boundaries.
- Equivalent Underground Power System Design and Cost (i.e. equivalent service level to original power system).

- Streetlight design and cost (takes into account decorative street lighting over and above Western Power's standard range).
- Non-equivalent direct costs to Local Government and Western Power.
- Boundary issues with other Local Governments.
- Community support.
- A draft agreement.

CONSULTATION/ADVERTISING:

Not applicable at this stage.

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. *“(g) Pursue options and funding for undergrounding of power throughout the Town.”*

FINANCIAL/BUDGET IMPLICATIONS:

Not applicable at this stage, however, should the Town be successful with its Round Five SUPP submission, careful consideration of how this will be funded and a "cash flow" model will need to be prepared, based upon the experience gained in the Highgate East Project.

COMMENTS:

The SUPP Expression of Interest stage is the first step in a long process. As demonstrated by the Town's Highgate East Project, it took in excess of five (5) years from the submission stage (early 2003) to project completion (August 2008). It is expected that the first Round Five project would commence, at earliest, in the 2011/12 financial year. Given that there will be ten (10) projects selected in Round Five, completed at a rate of 3-4 projects per year, the last Round Five projects would be undertaken in 2013/14.

If the Town submits a successful Expression of Interest and is invited by the OoE's Steering Committee to proceed to the Detailed Proposal Stage, it may have a significant impact on future budgets.

However, at this stage the submission of the Expression of Interest for Round Five does not bind the Town financially and, should it be successful, provides time to consider all the implications.

It is therefore suggested that the Council authorises the Chief Executive Officer to submit an expression of interest to the OoE for consideration for inclusion in Round Five of the SUPP as recommended and receives a further report once Expressions of Interest have been determined by the OoE and the Town has been advised of the outcome.

9.3.2 Authorisation of Expenditure for the Period 1 – 30 November 2009

Ward:	Both	Date:	7 December 2009
Precinct:	All	File Ref:	FIN0032
Attachments:	001		
Reporting Officers:	K Ball, Finance Officer – Accounts Payable; B Tan, Manager Financial Services		
Responsible Officer:	M Rootsey, Director Corporate Services		

OFFICER RECOMMENDATION:

That the Council CONFIRMS the;

- (i) *Schedule of Accounts for the period 1 November – 30 November 2009 and the list of payments;*
- (ii) *direct lodgement of payroll payments to the personal bank account of employees;*
- (iii) *direct lodgement of PAYG taxes to the Australian Taxation Office;*
- (iv) *direct lodgement of Child Support to the Australian Taxation Office;*
- (v) *direct lodgement of creditors payments to the individual bank accounts of creditors; and*
- (vi) *direct lodgement of Superannuation to Local Government and City of Perth superannuation plans.*

as shown in Appendix 9.3.2.

COUNCIL DECISION ITEM 9.3.2

Moved Cr Farrell, Seconded Cr Maier

That the recommendation be adopted.

CARRIED “EN BLOC” (8-0)

(Mayor Catania was absent from the Chamber and did not vote.)

DECLARATION OF INTEREST

Members/Officers	Voucher	Extent of Interest
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Nil.

PURPOSE OF REPORT:

To seek authorisation of expenditure for the period 1 – 30 November 2009.

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	\$250,908.97
Total Municipal Account		\$250,908.97
Advance Account		
Automatic Cheques	067073-067217	\$396,026.55
EFT Batch		\$0.00
Municipal Account		
Transfer of Creditors by EFT Batch	986-988, 990-993, 996	\$2,448,791.41
Transfer of PAYG Tax by EFT	November 2009	\$188,342.77
Transfer of GST by EFT	November 2009	
Transfer of Child Support by EFT	November 2009	\$1,187.90
Transfer of Superannuation by EFT:		
• City of Perth	November 2009	\$29,780.15
• Local Government	November 2009	\$102,720.45
Total		\$3,166,849.23
Bank Charges & Other Direct Debits		
Bank Charges – CBA		\$7,997.63
Lease Fees		\$2,919.63
Corporate Master Cards		\$7,510.20
Folding Machine Lease Equipment		\$0.00
Trace Fees – Audit Certificate		
Loan Repayment		\$59,208.28
Rejection Fees		\$22.50
System Disk Fee		\$0.00
Beatty Park - miscellaneous deposit		\$0.00
Total Bank Charges & Other Direct Debits		\$77,658.24
Less GST effect on Advance Account		0.00
Total Payments		\$3,495,416.44

STRATEGIC IMPLICATIONS:

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

“Adopt best practice to manage the financial resources and assets 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.

9.3.6 Medibank Stadium, 246 Vincent Street, Leederville – Proposed Agreement for Catering Rights to Klemap Pty Ltd trading as Spices Catering

Ward:	South	Date:	24 November 2009
Precinct:	Oxford Centre, P4	File Ref:	PRO3904, ES0071, TEN0313
Attachments:	001		
Reporting Officer:	T Lumbis, Administration Officer Technical Services		
Responsible Officer:	M Rootsey, Director Corporate Services		

OFFICER RECOMMENDATION:

That the Council:

- (i) *APPROVES of the five (5) year Option in accordance with the Agreement for Catering Rights from 1 January 2010 to 31 December 2015, for part of the premises at Medibank Stadium, 246 Vincent Street, Leederville, being granted to Klemap Pty Ltd trading as Spices Catering subject to final satisfactory negotiations being carried out by the Chief Executive Officer;*
- (ii) *NOTES that Spices Catering have relinquished use of the grandstand “common area” however, retain use of two offices, as shown in Appendix 9.3.6; and*
- (iii) *AUTHORISES the Chief Executive Officer to determine the most appropriate use of the grandstand “common area”.*

COUNCIL DECISION ITEM 9.3.6

Moved Cr Farrell, Seconded Cr Maier

That the recommendation be adopted.

CARRIED “EN BLOC” (8-0)

(Mayor Catania was absent from the Chamber and did not vote.)

PURPOSE OF REPORT:

The purpose of this report is to provide Council with details regarding Spices Catering and their request for a new Agreement.

BACKGROUND:

At the Ordinary Meeting of Council held on 21 December 2004, the Council resolved as follows:

“That the Council;

- (i) *ACCEPTS the tenders submitted by Klemap Pty Ltd trading as Spices Catering as being the most acceptable tender to provide catering services to the Town of Vincent for Leederville Oval for a period of five (5) years with an option of five (5) years (subject to satisfactory performance) as detailed in their tender documents dated 30 November 2004; and*

- (ii) *AUTHORISES the Chief Executive Officer to prepare an Agreement document between the Town and Klemap Pty Ltd trading as Spices Catering for the Leederville Oval Common Room, and for this lease to run concurrent with the Catering Agreement on the Terms and Conditions as detailed in their tender document dated 30 November 2004.*"

DETAILS:

The Town received correspondence from Spices Catering on the 29 October 2009 which in part stated as follows;

"With reference to your letter of 22 December 2004 and Clause 15.2 of the Catering Agreement it is with great pleasure that Spices Catering requests to renew its contract for a minimum of five years on the same terms as the current contract."

However at a meeting with the Town's officers on 8 December 2009 Spices Catering advised they also wished to relinquish the use of "common area" of the main grandstand, as shown in Appendix 9.3.6.

The use of the Common Areas will be determined at a later date following further discussions with all relevant stakeholders and East Perth and Subiaco Football Clubs.

Catering Rights

Currently Spices Catering supply food and beverage to Medibank Stadium, predominantly the Western Australia Football League (WAFL) games, club events (if required by the Clubs) and also any other events approved by the Town.

It is proposed that Spices Catering will continue to hold an Agreement over the areas within the current Agreement excluding the common area.

The caterer will be required to;

- provide catering to Leederville Oval;
- provide catering for other events;
- obtain their own liquor licence for the common area; and
- provide catering to the Clubs for club events (if requested by the Clubs);

Future Use of the Grandstand "Common Area"

The future use of the grandstand "common area" was discussed at the Oval Ground Management Committee meeting held on Monday 7 December 2009.

Both East Perth and Subiaco Football Clubs have expressed a strong desire to extend their lease areas to include the "common area". The Clubs use this area on match days and also display their memorabilia for events.

Spices Catering will retain use of the two offices, as these will be required on match days.

The Town's Chief Executive Officer has advised the Clubs that he does not support the common area to be included into the club leases, as this will severely restrict the value of the Catering Contract in the future.

Furthermore, it may be more beneficial for the Town to control the hire of the grandstand common area for community use – as requests are often received. This option will allow the clubs to use the area on match days (preferably for a minimum fee to cover cleaning and electricity costs etc). The logistics of the future hire need to be explored and it is therefore recommended that the Chief Executive Officer be authorised to determine the future use.

CONSULTATION/ADVERTISING:

The officers have contacted relevant stakeholders to seek their comments on the performance of Spice Catering during the period of the current agreement.

Subiaco Football Club

- (a) What is Subiaco Football Club's opinion on the level of service to patrons?

Officers Comments:

“The service seems fine – the complaints we get are in regard to the length of time patrons have to wait to be served, but we realise it is hard for Snax as everyone wants to eat at the same time – i.e. during breaks in the games. The other complaint we regularly get is the lack of availability of food and drink vans on the eastern side of the oval.”

- (b) What is Subiaco Football Club's opinion on the quality of food provided?

Officers Comments:

“Again it seems fine – we never get any complaints. Patrons enjoys the availability of coffee they introduced this year, especially those who come to the Colts at 8am.”

- (c) What is Subiaco Football Club's opinion on the price of services?

Officers Comments:

“Their prices seem reasonable compared to other sporting venues, although some say they are too high. SFC also operates a canteen in our licensed area for our members and we charge much less for similar products.”

- (d) How does Subiaco Football Club find Spices Catering Liaison with the club?

Officers Comments:

“From my point of view since Mike Giacobino has been at Snax the liaison has been very good. Before that we had very little communication with them. Snax are very cooperative in respect to use of the “Common Rooms” in the grandstand on WAFL match days.

In the next lease there needs to be clear definition of the occasions when the Clubs receive commission on catering sales. While our home games are fine we always have to remind Snax to include WAFL finals. The area that is a point of contention is when the two Clubs (SFC & EPFC) attract other events to Medibank Stadium, such as the State games, Landmark country carnival, amateur finals, development squad games and junior finals. This would add up to another 8 to 10 occasions when Snax get patronage as a result of the two clubs attracting these games to Medibank Stadium. We intend to discuss this matter with them but it important to cover this in any agreement.

(e) Does Subiaco Football Club have any further comments?

Officers Comments:

“We do have some issues with having to clean up around Snax food van at the back of the grandstand after the game. They generally close up and leave, with food scraps being left on the ground in the area near the van.

We receive numerous complaints about the positioning of the ice cream van, which is often parked directly adjacent to the SFC members stand. The compressor on the van is extremely noisy and we have asked them to move to the other side of the ground. Also there are times when the ice cream van does park on walkway on the eastern side of the ground but it parks too close to where the patrons sit to watch the game (again it is extremely noisy). In this position the van also blocks the walkway. On a couple of occasions I have had to ask the ice cream van to move to a location that is at the Y junction of the pedestrian walkways.

At the end of the 2008 season SFC surveyed its members to get their views on a number of things associated with their experience at the football and what we needed to improve. Generally our members were very satisfied but as mentioned above a common complaint was the lack food and drink vans on the eastern side of the oval. I have discussed this with Snax and they have experimented with different types vans for different scenarios. Of course what we can't control is the weather and if it rains on the day it is usually a disaster for Snax, but on a fine day they will do very well.

Parking inside the oval on match day is very scarce. A minor issue is the coffee van usually positions itself in two parking bays next to the Snax food van (behind the grandstand) and despite being asked to position themselves in either another location or at worst in the one parking bay, they do not to move.”

East Perth Football Club

Officers Comments:

“A written response from East Perth Football Club was not received, however they had no issues with liaising with Spices Catering, the quality of the food or service to patrons and therefore comfortable with renewal of the Agreement.”

Officer Comment (Health Services Town of Vincent):

“Spices Catering compliance history details that only minor issues have been identified - inspections have found their practices to be of a high standard during inspections at Medibank Stadium. Spices manage two subcontractors who are also compliant. Relevant fees are paid on an annual basis. Health Services would have no concerns with Spices being offered a further Agreement.”

LEGAL/POLICY:

The Legal Agreement is in place for the catering rights, which includes a five (5) year option period.

STRATEGIC IMPLICATIONS:

In accordance with the objective of Plan for the Future 2009 – 2014, Strategic Plan Strategic Objective;

“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.

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

SUSTAINABILITY IMPLICATIONS:

N/A

FINANCIAL/BUDGET IMPLICATIONS:

The financial terms will be subject to the satisfactory negotiation by the Chief Executive Officer covering the following items;

However the current agreement is as follows;

- (a) Maintenance of plant, equipment, fitting and fixtures; Minimum of \$1,500 per annum or 1.5% of Gross Turnover, whichever is greater. Excludes Gross Turnover of mobile vans.
- (b) Electricity costs; as metered.
- (c) Water costs; as metered.
- (d) Gas costs; as metered.
- (e) Sinking Fund contribution; Minimum \$1,250 per annum or 1.25% of Gross Turnover, whichever is greater. Excludes Gross Turnover of mobile food and drink vans.
- (f) Payment to the Town (includes all Agreement payments); Minimum payment of \$10,000 per annum or 10% of GTO for all events/functions (including East Perth and Subiaco games), whichever is greater. The Payment to the Town shall be paid calendar monthly in arrears throughout each Fiscal Year of the Term by consecutive monthly instalments on the 1st day of each month.
- (g) Building insurance recoup to the Town of Vincent; Pro rata to a maximum of \$500.

COMMENTS:

Spices Catering have been good tenants for the five (5) year period and the Administration has no hesitation supporting a further five (5) year period, as allowed for in the Legal Agreement.

It is therefore recommended that the Council approves a five (5) year Agreement to Spices Catering to commence upon satisfactory negotiation by the Chief Executive Officer and for the Chief Executive Officer to be authorised to determine the future use of the grandstand “common area”.

9.3.8 Supply and Delivery of 2-Way Radio Units and Associated Airtime Charges

Ward:	Both	Date:	7 December 2009
Precinct:	All	File Ref:	TEN0418
Attachments:	-		
Reporting Officer:	H. Kek, Manager Information Technology		
Responsible Officer:	M. Rootsey, Director Corporate Services		

OFFICER RECOMMENDATION:

That the Council ACCEPTS the tender No 410/09 submitted by Vertel for the supply and delivery of an analogue solution Two Way Radio Units and Associated Airtime Charges as being the tender that provides the “best value for money” for the Town.

COUNCIL DECISION ITEM 9.3.8

Moved Cr Farrell, Seconded Cr Maier

That the recommendation be adopted.

CARRIED “EN BLOC” (8-0)

(Mayor Catania was absent from the Chamber and did not vote.)

PURPOSE OF REPORT:

The purpose of this report is to seek Council’s approval to award a tender for the purchase of 2 Way Radio Units and Associated Airtime Charges.

BACKGROUND:

Tenders closed on Wednesday 28 October 2009 at 2pm for the Supply and Delivery of 2-Way Radio Units and Associated Airtime Charges. Present at the tender opening were the Town’s Purchasing Officer and Manager of Information Technology. Eight (8) tenders were received from the following organisations:

1. Transair;
2. Vertel;
3. Direct Communications;
4. Memo (Astib Group);
5. Mobile Masters;
6. Communications Australia;
7. Radlink Communications; and
8. Allcom Communications.

DETAILS:

The tender requested two solutions; analogue and/or digital.

An Evaluation Panel, consisting of the Manager of Information Technology, Manager Ranger and Community Safety Services and the Town’s Purchasing Officer, assessed the tenders using the evaluation criteria in accordance with the tender documentation.

Cost matrix's for the analogue and digital solutions are as follows:

Analogue Solution

Supplier	Hardware Costs	Airtime Charges (annual)	Notes
Transair	\$55,329.89	\$6,000	This is a shared channel option
		\$15,999.84	Sole channel option
Vertel	\$48,432.50	\$17,556	<ul style="list-style-type: none"> Airtime cost includes provision for 10 units to utilise Vertel's Neerabup repeater site to provide better coverage at the Tamala Park site. This cost is \$660 Hardware cost does not include 35 single unit charges which are required. These are valued at \$4042.50
Direct Communications	\$63,477.70	\$19,280.00	<ul style="list-style-type: none"> Airtime includes additional charge for 4 talk groups \$848.00
Memo (Astib)	\$92,638.50	\$35,904.00	
Communications Australia	\$66,915.66	\$7,610.88	
Radlink	\$49,209.60	\$21,120.00	<ul style="list-style-type: none"> Airtime cost is fixed for 3 years
Allcom	\$64,498.00	\$13, 824.00	

Digital Solution

Supplier	Hardware Costs	Airtime Charges (annual)	Notes
Transair	\$76,099.17	\$6,000	This is a shared channel option
		\$15,999.84	Sole channel option
Vertel	\$72,194	\$25,344	<ul style="list-style-type: none"> There is no digital transmitter at Neerabup
Direct Communications	\$148,384.50	\$16,976.00	<ul style="list-style-type: none"> Includes additional charge for 4 talk groups \$848.00
Memo (Astib)	\$91,409	\$38,016.00	
Mobile Masters	\$65,424	\$16,819.20	
Communications Australia	\$115,340.68	\$11,481.60	
Radlink	\$77,177.65	\$25,344.00	<ul style="list-style-type: none"> Airtime is fixed for 3 years
Allcom	\$64,919	\$23,040.00	

Hardware costs for both solutions consist of:

- 55 Portable (handheld) units;
- 9 Mobile (truck) units;
- Installation of mobile radio units into vehicles;
- 4 x six slot charges.

The combined panel scoring results are as follows:

Analogue Solution:

Evaluation Criteria	Weighting	Transair	Vertel	Direct Comm	Memo	Comm. Aust	Radlink	Allcom
1. Contract price	40%	29	39	20	12	21	33	21
2. Organisational capacity to deliver the products/services	25%	23	23	23	23	22	23	22
3. Demonstrated previous experience In the provision of product/services.	20%	17	19	18	19	17	19	17
4. Overall compliance with the tender specifications and requirements	10%	8	10	9	9	9	9	9
5. References	5%	4	5	5	5	5	5	5
Totals	100%	81	96	75	68	74	89	74

Note:

1. Mobile Masters did not submit an analogue solution
2. Transair submitted a second analogue solution, however it is not included as is was a non-complying tender.

Digital Solution:

Evaluation Criteria	Weighting	Transair	Vertel	Direct Comm	Memo	Mobile Masters	Comm. Aust	Radlink	Allcom
1. Contract price	40%	35	27	8	15	40	19	23	31
2. Organisational capacity to deliver the products/services	25%	23	23	23	23	23	22	23	22
3. Demonstrated previous experience in the provision of product/services.	20%	17	19	18	19	18	17	19	17
4. Overall compliance with the tender specifications and requirements	10%	8	10	9	9	9	9	9	9
5. References	5%	4	5	5	5	5	5	5	5
Totals	100%	87	84	63	71	95	72	79	84

As part of the tender specification, tenderers were requested to submit both an analogue and digital solution.

There is considerable debate when comparisons are made between analogue and digital two way radios. Unlike mobile phones, where the analogue networks have been virtually been decommissioned, analogue two way radios currently still have a life span some speculate greater than 10 years. Analogue units are currently in use by many organisations.

The main advantages of a digital system are:

- Superior audio quality; and
- Security (data encryption).

The above issues are important to some organisation such as the Police where privacy is of utmost importance; however the price difference between the two platforms is significant and therefore harder to justify. Based on Vertel's digital proposal for the Town of Vincent requirements the difference is around \$20,000.

To summarise, digital is undoubtedly the way of the future however at this point in time analogue radios still are a more cost effective option. Digital technology is relatively new and as a result prices are high. It is the intention of council to lease these units for a period of three (3) years. During this time more users will make the change to digital and it is anticipated that prices will no doubt decrease. Accordingly the use of analogue as opposed to digital technology will be assessed.

It is for the above reasons and the recommendation of the evaluation panel that the Town of Vincent pursue the analogue solution.

Vertel was chosen as the preferred supplier as the analogue tender submitted scored highest overall against the Town specified evaluation criteria. The proposal was comprehensive in content and addressed all aspects of the Tender scope.

Four Vertel council customers were contacted as part of the reference checking procedure. These sites were:

- City of Stirling;
- City of Wanneroo;
- City of South Perth; and
- City of Subiaco.

Feedback from all councils was very positive in regards to the performance of Vertel.

CONSULTATION/ADVERTISING:

The Tender No 410/09 was advertised in The West Australian newspaper on Wednesday the 14th of October 2009 for a period of fourteen (14) days.

LEGAL/POLICY:

Tender No 410/09 for the Supply and Delivery of 2-Way Radio Units and Associated Airtime Charges was advertised in accordance with the Local Government Act Tender Regulations.

STRATEGIC IMPLICATIONS:

In accordance with the objective of the Strategic Plan 2009-2014 - *4.2.6 Promote technology opportunities to improve the Town's business, data, communication and security systems.*

SUSTAINABILITY IMPLICATIONS:

N/A.

FINANCIAL/BUDGET IMPLICATIONS:

An amount of \$48,000 is allocated in the Annual 2009/10 IT operating budget for the lease of new two way radios and associated air-time.

As mentioned above the extra Neerabup coverage is payable only for the truck units which will require coverage at Tamala Park, Mindarie.

The Town currently leases its two-way radios.

An annual leasing cost estimate for the lease of hardware has been obtained from ISIS LG Finance of \$18,751.12. Together with the annual air-time charge of \$17,556, this results in a total cost of \$36,307 per annum for the operations of the two-way radios.

ISIS LG Finance is listed as a WALGA preferred leasing company.

COMMENTS:

It is recommended that the Council accepts the Analogue tender submitted by Vertel's Analogue solution for the Supply and Delivery of 2-Way Radio Units and Associated Airtime Charges.

9.4.2 Leederville Oval (Medibank Stadium) Ground Management Committee - Receiving of Unconfirmed Minutes - 7 December 2009

Ward:	South	Date:	8 December 2009
Precinct:	Oxford Centre, P4	File Ref:	RES0078
Attachments:	001		
Reporting Officer:	M McKahey, Personal Assistant		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council RECEIVES the Unconfirmed Minutes of the Leederville Oval (Medibank Stadium) Ground Management Committee Meeting held on 7 December 2009, as shown in Appendix 9.4.2.

COUNCIL DECISION ITEM 9.4.2

Moved Cr Farrell, Seconded Cr Maier

That the recommendation be adopted.

CARRIED “EN BLOC” (8-0)

(Mayor Catania was absent from the Chamber and did not vote.)

PURPOSE OF REPORT:

The purpose of the report is for the Council to receive the Unconfirmed Minutes of the Leederville Oval (Medibank Stadium) Ground Management Committee meeting held on 7 December 2009.

BACKGROUND:

At the Ordinary Meeting of Council held on 26 October 2004, the Council considered the establishment of a Committee for the management of Leederville Oval (now known as "Medibank Stadium") and resolved inter alia as follows;

"That the Council APPROVES BY AN ABSOLUTE MAJORITY;

- (i) pursuant to Section 5.9(2)(c) of the Division 2, Part No. 5 of the Local Government Act 1995, to establish a Committee for the management of Leederville Oval ("Ground Management Committee");*
- (ii) in accordance with the lease between the Town and East Perth Football Club (EPFC) and Subiaco Football Club (SFC), to APPOINT the Chief Executive Officer to the Committee and invites EPFC and SFC to also nominate a representative;*
- (iii) to delegate the following functions to the Committee;*
 - (a) to determine the Clubs' rights (day-to-day) to use the facilities;*
 - (b) to consider and make representation to the Town for alternative training grounds;*

- (c) *to determine day-to-day operational issues, (including catering, advertising, sponsorship, turf maintenance, cleaning, security, ticketing, use of car park);*
 - (d) *to establish and review Key Performance Indicators (KPIs);*
 - (e) *to establish and review Risk Management Plans;*
 - (f) *to consider any request for temporary structures;*
 - (g) *to make recommendations for the maintenance of the common area;*
 - (h) *to make recommendations on Capital Improvements;*
 - (i) *to make recommendations on catering and formalise a catering policy; and*
 - (j) *to do other such things with respect to management of Leederville Oval; and*
- (iv) *the KPIs be referred back to Council for adoption."*

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 2009-2014 - "*Leadership, Governance and Management*", in particular, Objective 4.1.2 - "*Manage the Organisation in a responsible, efficient and accountable manner.*"

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

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

9.1.3 FURTHER REPORT - No. 87 (Lot 101, D/P 53475) Bulwer Street, dual frontage to Greenway Street, Perth - Proposed Demolition of Existing Buildings and Construction of Five-Storey Mixed Use Development Comprising Offices, Showrooms, Unlisted Use (Small Bar), Thirty (30) Multiple Dwellings and Associated Basement Car Parking

Ward:	South	Date:	10 December 2009
Precinct:	Beaufort; P13	File Ref:	PRO4257; 5.2009.325.1
Attachments:	001 ; 002		
Reporting Officer:	R Rasiah, Coordinator Statutory Planning		
Responsible Officer:	R Boardman, Director Development Services		
Amended By:	R Boardman, Director Development Services and; John Giorgi, Chief Executive Officer		

CHIEF EXECUTIVE OFFICER AND DIRECTOR DEVELOPMENT SERVICES 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 BY AN ABSOLUTE MAJORITY the application submitted by Oldfield Knott Architects on behalf of the owner Bulwer PDS Pty Ltd for proposed Demolition of Existing Buildings and for proposed Construction of Five-Storey Mixed Use Development Comprising Offices, Showrooms, Unlisted Use (Small Bar), Thirty (30) Multiple Dwellings and Associated Basement Car Parking at No. 87 (Lot 101) Bulwer Street, dual frontage to Greenway Street, Perth and as shown on plans stamp-dated 24 August 2009, and amended plans stamp-dated 8 and 9 December 2009, subject to the following conditions:

- (i) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
- (ii) an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (iii) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (iv) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) the provision of end of trip facilities for bicycle users in accordance with the Town's Policy relating to Parking and Access;*
 - (b) the proposed awning over Greenway Street being deleted;*
 - (c) all shade structures outside the lot boundaries along Bulwer Street and Greenway Street being removed;*
 - (d) design features to be incorporated into the east and west facing walls;*

- (e) *the balconies and kitchen windows to the multiple dwellings on the eastern and western elevations and the bedrooms windows on the eastern elevation, within the within the 7.5 metre, 6.0 metres and 4.5 metres cone of vision respectively to the lot boundaries, being screened with a permanent obscure glazing 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. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the affected owners of properties along the eastern and western sides, respectively, stating no objections to the respective proposed privacy encroachment;*
- (f) *all footings shall not encroach past the property boundary;*
- (g) *wheel stops for all car bays facing the exit walkway and stores are to be provided;*
- (h) *the bin area will be required to be mechanical ventilated, and a waste management plan is to be submitted detailing how the bins are to be collected, which may require the bins area to be redesigned, and*
- (i) *all stores to be a minimum 1.5 metres in dimension and 4 square metres in area.*

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

- (v) *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 \$56,000 (Option 2), for the equivalent value of one per cent (1%) of the estimated total cost of the development (\$5,600,000); 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;

- (vi) *a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (vii) *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;*
- (viii) *first obtaining the consent of the owners of Nos. 334-336, 338-340 Beaufort Street, No. 77 Bulwer Street, Nos. 273-273A and No. 275 Stirling 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. 334-336, 338-340 Beaufort Street, No. 77 Bulwer Street, Nos. 273-273A and No. 275 Stirling Street in a good and clean condition;*
- (ix) *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;*
- (x) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, parking of trade person, footpath access, traffic and heavy vehicle access to the site via Bulwer and Greenway Streets, dust and any other appropriate matters (such as notifying all affected landowners/occupiers of the commencement of construction works), shall be submitted to and approved by the Town;*
- (xi) *prior to the first occupation of the development, six (6) class one or two bicycle parking facilities, shall be provided at a location convenient to the entrance and within the development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to the installation of such facilities;*
- (xii) *doors, windows and adjacent floor areas of the showroom, offices and small bar components fronting Bulwer and Greenway Streets shall maintain an active and interactive relationship with these streets;*
- (xiii) *prior to the first occupation of the development, the car parking spaces provided for the commercial and residential component of the development shall be clearly marked and signposted;*
- (xiv) *prior to the first occupation of the development a minimum of 30 car parking spaces for the residential component of the development, shall be clearly marked and signposted for the exclusive use of the residents of the development;*
- (xv) *the maximum gross floor area for the office/non-residential component for the non-residential component shall be limited to as follows:*
 - (a) *Offices - 1260 square metres;*
 - (b) *showroom - 396 square metres; and*
 - (c) *small bar-limited to 50 persons and 84 square metres. Any increase in floor space or change of use for the subject land shall require Planning Approval to be applied to and obtained from the Town;*

- (xvi) *the car parking area shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;*
- (xvii) *the car park shall be used only by employees, tenants, residents and visitors directly associated with the development;*
- (xviii) *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. Details of how visitors shall access the commercial car parking bays shall be submitted and approved prior to the issue of a Building Licence;*
- (xix) *prior to the issue of a Building Licence, a management plan addressing how a vehicle will enter/exit a tandem parking bay when there is a vehicle already parked at the rear or front parking bay, to be submitted and approved by the Town;*
- (xx) *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;*
- (xxi) *any new street wall, fence and gate within the Bulwer and Greenway Streets setback area, including along the side boundaries within these street setback areas, shall comply with the Town's Policy provisions relating to Street Walls and Fences;*
- (xxii) *prior to the issue of a Building Licence, an acoustic report prepared in accordance with the Town's Policy relating to Sound Attenuation shall be submitted and approved by the Town. The recommended measures of the acoustic report shall be implemented and certification from an acoustic consultant that the measures have been undertaken, prior to the first occupation of the development, and the applicant/owners shall submit a further report from an acoustic consultant 6 months from first occupation of the development certifying that the development is continuing to comply with the measures of the subject acoustic report;*
- (xxiii) *prior to the first occupation of the development, each multiple dwelling shall be provided with a screened outdoor area for clothes drying or clothes tumbler dryer;*

Department of Planning Conditions:

- (xxiv) *the landowner agrees to remove the glass canopy at the time when the reserved land is required for the upgrading of Bulwer Street at their own expense;*
- (xxv) *the landowner agrees that the presence of the glass canopy shall not be taken into consideration in determining any compensation that may be payable by Council or the Western Australian Planning Commission when the reserved land is required for the upgrading of Bulwer Street;*
- (xxvi) *packaged liquor shall not be sold at the small bar;*
- (xxvii) *a detailed management plan that addresses the control of noise, anti-social behaviour, traffic, car parking, disposal of rubbish and its collection and litter associated with the small bar development and any other appropriate matters shall be submitted to and approved by the Town prior to the first occupation of the development, and thereafter implemented and maintained;*

(xxviii) the hours of operation for the small bar shall be limited to 8.30 am to 10.30 pm on Monday to Thursday inclusive, 8.30 am to 12 midnight on Friday and Saturday inclusive, and 8.30 am to 10.00 pm on Sunday; and

(xxix) prior to the issue of a Building Licence, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the 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.

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, APPROVES the application submitted by Oldfield Knott Architects on behalf of the owner Bulwer PDS Pty Ltd for proposed Demolition of Existing Buildings at No. 87 (Lot 101) Bulwer Street, dual frontage to Greenway Street, Perth and as shown on plans stamp-dated 24 August 2009, subject to the following conditions:~~

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

~~(b) an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;~~

~~(c) a development proposal for the redevelopment of the subject property shall be submitted to and approved by the Town prior to the issue of a Demolition Licence;~~

~~(d) demolition of the existing building may make the property ineligible for any development bonuses under the provisions of the Town of Vincent Town Planning Scheme No. 1 and associated Policies for the retention of existing buildings valued by the community;~~

~~(e) support of the demolition application shall not be construed as support of the Planning Approval/Building Licence application for the redevelopment proposal for the subject property; and~~

- ~~(f) — any redevelopment on the site shall be sympathetic to the scale and rhythm of the streetscape in line with the provisions of the Town of Vincent Planning Scheme No. 1 and associated Policies; and~~
- ~~(ii) — in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by Oldfield Knott Architects on behalf of the owner Bulwer PDS Pty Ltd for proposed construction of Five Storey Mixed Use Development comprising Offices, Showrooms, Unlisted Use (Small Bar), Thirty (30) Multiple Dwellings and Associated Basement Car Parking, at No. 87 (Lot 101) Bulwer Street, dual frontage to Greenway Street, Perth and as shown on amended plans stamp dated 8 December 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;~~
- ~~(b) — the non-compliance with building height, residential/commercial mix of 66 and 34 per cent respectively, building setbacks, and privacy requirements of the Residential Design Codes;~~
- ~~(c) — the development creates an undesirable precedent for developments of a similar scale and nature on other potential development sites within the Beaufort Precinct, that are zoned Residential/Commercial;~~
- ~~(d) — the development compromises the future strategic direction and development of the Town's five (5) Town Centres; and~~
- ~~(e) — consideration of the objections received.~~

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

Moved Cr Farrell, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Maier, Seconded Cr Topelberg

That clause (iv)(c) be deleted.

Debate ensued.

The Seconder, Cr Topelberg suggested that clause (iv)(c) be amended to read as follows rather than deleted:

“(iv)(c) all shade structures are contained within the outside the lot boundaries along Bulwer Street and Greenway Street encroachment on any Crown Land would require separate approval from the Minister of Planning; being removed;”

The Mover, Cr Maier agreed to this amendment.

Debate ensued.

The Chief Executive Officer urged some caution, as what is being dealt with is a decision that is outside the jurisdiction of Town. Advised the Council not to proceed with the amendment but to approve the Officer Recommendation that he and the Director Development Services had provided and, indication be given to the applicant or their representative that should they wish to pursue obtaining approval from the State Government that the Council may consider a variation to that plan.

Debate ensued.

Cr Farrell departed the Chamber at 7.40pm.

Debate ensued.

The Director Development Services suggested that the amendment to clause (iv)(c) be altered to read as follows:

“(iv)(c) all walls, building, or material attached to a wall or building, shade structures are to be contained within the outside the lot boundaries, along Bulwer Street and Greenway Street. Any encroachment on any Crown Land would require separate the developer to seek consent and tenure from the Minister of Planning, Culture and the Arts, State Land Services, the Department of Commerce, and the Minister for Lands (as well as the Council); being removed”

The Mover, Cr Maier and Seconder, Cr Topelberg agreed.

AMENDMENT PUT AND CARRIED (6-1)

For: Cr Buckels, Cr Harvey, Cr Lake, Cr McGrath, Cr Maier, Cr Topelberg

Against: Cr Burns

(Mayor Catania and Cr Farrell were absent from the Chamber and did not vote.)

Debate ensued.

Mayor Catania returned to the Chamber at 7.48pm and assumed the Chair.

Debate ensued.

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

(Cr Farrell were absent from the Chamber and did not vote.)

ADDITIONAL INFORMATION:

The applicant has provided the following additional information regarding the operating times of the "small bar", which are as follows:

“The proposed hours of operation are from 7.30am to midnight, 7 days per week. As discussed, we anticipate the trade will be coffee and non-alcoholic beverages until lunch time, and alcoholic and non-alcoholic beverages from the afternoon through to evening. Obviously, there is no tenant yet, so the precise nature of the operation cannot be confirmed.”

As discussed, we note Bar 399 (at 399 William street) is open for coffee/breakfast most (if not all) days, and the substantial majority of pubs now provide breakfast trade. As such we consider the proposed hours of the operation are appropriate.”

The Town Officers are of the view that the hours of operation should be restricted to reduce undue impact on residents, as the small bar is located along Greenway Street, which is directly adjacent to residential developments on the south side of Greenway Street, as follows:

- the hours of operation for the small bar shall be limited to 8.30 am to 10.30 pm on Monday to Thursday inclusive, 8.30 am to 12 midnight on Friday and Saturday inclusive, and 8.30 am to 10.00 pm on Sunday.

COUNCIL DECISION ITEM 9.1.3

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES BY AN ABSOLUTE MAJORITY the application submitted by Oldfield Knott Architects on behalf of the owner Bulwer PDS Pty Ltd for proposed Demolition of Existing Buildings and for proposed Construction of Five-Storey Mixed Use Development Comprising Offices, Showrooms, Unlisted Use (Small Bar), Thirty (30) Multiple Dwellings and Associated Basement Car Parking at No. 87 (Lot 101) Bulwer Street, dual frontage to Greenway Street, Perth and as shown on plans stamp-dated 24 August 2009, and amended plans stamp-dated 8 and 9 December 2009, subject to the following conditions:

- (i) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
- (ii) an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (iii) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (iv) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) the provision of end of trip facilities for bicycle users in accordance with the Town's Policy relating to Parking and Access;*
 - (b) the proposed awning over Greenway Street being deleted;*
 - (c) all walls, building, or material attached to a wall or building, are to be contained within the lot boundaries. Any encroachment on Crown Land would require the developer to seek consent and tenure from State Land Services, the Department of Commerce, and the Minister for Lands (as well as the Council);*
 - (d) design features to be incorporated into the east and west facing walls;*

- (e) *the balconies and kitchen windows to the multiple dwellings on the eastern and western elevations and the bedrooms windows on the eastern elevation, within the within the 7.5 metre, 6.0 metres and 4.5 metres cone of vision respectively to the lot boundaries, being screened with a permanent obscure glazing 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. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the affected owners of properties along the eastern and western sides, respectively, stating no objections to the respective proposed privacy encroachment;*
- (f) *all footings shall not encroach past the property boundary;*
- (g) *wheel stops for all car bays facing the exit walkway and stores are to be provided;*
- (h) *the bin area will be required to be mechanical ventilated, and a waste management plan is to be submitted detailing how the bins are to be collected, which may require the bins area to be redesigned, and*
- (i) *all stores to be a minimum 1.5 metres in dimension and 4 square metres in area.*

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

- (v) *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 \$56,000 (Option 2), for the equivalent value of one per cent (1%) of the estimated total cost of the development (\$5,600,000); 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;*

- (vi) *a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (vii) *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;*
- (viii) *first obtaining the consent of the owners of Nos. 334-336, 338-340 Beaufort Street, No. 77 Bulwer Street, Nos. 273-273A and No. 275 Stirling 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. 334-336, 338-340 Beaufort Street, No. 77 Bulwer Street, Nos. 273-273A and No. 275 Stirling Street in a good and clean condition;*
- (ix) *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;*
- (x) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, parking of trade person, footpath access, traffic and heavy vehicle access to the site via Bulwer and Greenway Streets, dust and any other appropriate matters (such as notifying all affected landowners/occupiers of the commencement of construction works), shall be submitted to and approved by the Town;*
- (xi) *prior to the first occupation of the development, six (6) class one or two bicycle parking facilities, shall be provided at a location convenient to the entrance and within the development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to the installation of such facilities;*
- (xii) *doors, windows and adjacent floor areas of the showroom, offices and small bar components fronting Bulwer and Greenway Streets shall maintain an active and interactive relationship with these streets;*
- (xiii) *prior to the first occupation of the development, the car parking spaces provided for the commercial and residential component of the development shall be clearly marked and signposted;*
- (xiv) *prior to the first occupation of the development a minimum of 30 car parking spaces for the residential component of the development, shall be clearly marked and signposted for the exclusive use of the residents of the development;*
- (xv) *the maximum gross floor area for the office/non-residential component for the non-residential component shall be limited to as follows:*
 - (a) *Offices - 1260 square metres;*
 - (b) *showroom - 396 square metres; and*
 - (c) *small bar-limited to 50 persons and 84 square metres. Any increase in floor space or change of use for the subject land shall require Planning Approval to be applied to and obtained from the Town;*

- (xvi) *the car parking area shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;*
- (xvii) *the car park shall be used only by employees, tenants, residents and visitors directly associated with the development;*
- (xviii) *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. Details of how visitors shall access the commercial car parking bays shall be submitted and approved prior to the issue of a Building Licence;*
- (xix) *prior to the issue of a Building Licence, a management plan addressing how a vehicle will enter/exit a tandem parking bay when there is a vehicle already parked at the rear or front parking bay, to be submitted and approved by the Town;*
- (xx) *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;*
- (xxi) *any new street wall, fence and gate within the Bulwer and Greenway Streets setback area, including along the side boundaries within these street setback areas, shall comply with the Town's Policy provisions relating to Street Walls and Fences;*
- (xxii) *prior to the issue of a Building Licence, an acoustic report prepared in accordance with the Town's Policy relating to Sound Attenuation shall be submitted and approved by the Town. The recommended measures of the acoustic report shall be implemented and certification from an acoustic consultant that the measures have been undertaken, prior to the first occupation of the development, and the applicant/owners shall submit a further report from an acoustic consultant 6 months from first occupation of the development certifying that the development is continuing to comply with the measures of the subject acoustic report;*
- (xxiii) *prior to the first occupation of the development, each multiple dwelling shall be provided with a screened outdoor area for clothes drying or clothes tumbler dryer;*

Department of Planning Conditions:

- (xxiv) *the landowner agrees to remove the glass canopy at the time when the reserved land is required for the upgrading of Bulwer Street at their own expense;*
- (xxv) *the landowner agrees that the presence of the glass canopy shall not be taken into consideration in determining any compensation that may be payable by Council or the Western Australian Planning Commission when the reserved land is required for the upgrading of Bulwer Street;*
- (xxvi) *packaged liquor shall not be sold at the small bar;*
- (xxvii) *a detailed management plan that addresses the control of noise, anti-social behaviour, traffic, car parking, disposal of rubbish and its collection and litter associated with the small bar development and any other appropriate matters shall be submitted to and approved by the Town prior to the first occupation of the development, and thereafter implemented and maintained;*

(xxviii) *the hours of operation for the small bar shall be limited to 8.30 am to 10.30 pm on Monday to Thursday inclusive, 8.30 am to 12 midnight on Friday and Saturday inclusive, and 8.30 am to 10.00 pm on Sunday; and*

(xxix) *prior to the issue of a Building Licence, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the 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.

FURTHER REPORT:

The Council considered the application at its Ordinary Meeting held on 1 December 2009 and resolved as follows:

"That the item be DEFERRED at the request of the applicant, so as to investigate modifications to the design."

The changes proposed have been clouded on the attached plans and are as follows:

- basement car park has been redesigned to accommodate additional stores for the additional multiple dwellings and bin locations;
- "end of trip" bicycle facilities on the first floor;
- 10 additional multiple dwellings on the second floor, which were previously office space, increasing the number of multiple dwellings from 20 to 30;
- fourth floor has been setback between 3.025 to 3.11 metres, away from the Greenway Street;
- the ground floor tenancies to Bulwer Street to be classified as 'Showrooms'. Tenancy to Greenway Street to be 'Small Bar'; and
- the sun shade protrusions are not essential for BCA solar efficiency compliance. They provide a sun shading function, reducing energy consumption, and also an aesthetic function, as they will be lit at night (solar powered internal generation).

The applicant's Planning Consultant has submitted additional information (attached) in support of the revised plans dated 8 December 2009. An excerpt of the submission is as follows:

"Floor space ratio

Discussions with the Elected Members indicated a further increase in density could be considered favourably, in order to provide a 'residential/commercial floor space ratio' more in line with the 66/34 ratio recommended in the Town's Beaufort Precinct Policy. Put simply, the applicant suggested one of the floors of commercial floor space could be replaced with residential dwellings, and we were given to understand the Elected Members were willing 'in principle' to consider such a modification favourably.

Accordingly, the plans have been modified to replace the third storey commercial uses with 10 residential dwellings. That is, the development now comprises two (2) floors of commercial uses, and three (3) floors of residential dwellings. Specifically, the development proposes to accommodate a total of 30 dwellings (being 28 two-bedroom dwellings, and 2 single-bedroom dwellings).

The 'residential/commercial floor space ratio' is now 62/38, which we submit is a negligible variation from the Precinct Policy, and clearly achieves Council's objectives for a predominantly residential 'mixed use' development. We trust the 'residential/commercial floor space ratio' is to Council's satisfaction.

Clause 20(2) of TPS1 confers on Council the power to approve an increase in the permitted dwelling density where the development removes all existing vehicular access to and from the site from a major road. The proposal removes existing vehicular access to Bulwer Street, which is an 'Other Regional Road' under the Metropolitan Region Scheme.

The subject site is located within a discrete 'island', formed by Beaufort, Bulwer, Greenway and Stirling Streets, and comprising only 11 land parcels, all developed for commercial purposes.

Accordingly, it is submitted the provision of 30 dwellings on the subject site is an appropriate density, in the context of the site.

Greenway Street frontage

Originally, the proposed building presented to Greenway Street as a five (5) storey building, with a nil street setback. A number of Elected Members indicated it would be preferred if the elevation of the building to Greenway Street were modified to present with a reduced building height.

Accordingly, the plans have been modified to provide a minimum 3.025 metre setback to Greenway Street, for the fifth storey. The increased setback results in the fifth storey not being visible from ground level on Greenway Street in front of the building, and the development will essentially present as four storeys. This is comparable with the 'Greenway Foundry' grouped dwelling development, which is approximately equivalent to three storeys (half basement, two storeys plus lofts) to Greenway Street. In addition, provision of open balconies to the third and fourth floors results in substantial articulation of the upper section of the elevation, breaking up the building bulk, and mitigating the impact on the streetscape. We trust the modifications to the Greenway Street elevation are to Council's satisfaction.

Conclusion

In light of the above, we trust the modifications to the plans are consistent with the tenor of discussions with the Elected Members, and with the debate which occurred in the Council meeting held on 1 December 2009. We trust the modifications provide for a mutually satisfactory outcome, which will enable the regeneration of this area to commence.

We thank the Town's Officers and Elected Members for their time, consideration, advice and support throughout the course of this matter."

REVISED ASSESSMENT TABLE:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	R 80 - 11.23 multiple dwellings.	R 213- 30 multiple dwellings	Not supported - The increased density in this instance has resulted in unacceptable bulk and scale issues, as a result of the additional number of storeys proposed. <u>Supported - reasons as stated in the Chief Executive Officer and Director Development Services Comments below.</u>
Plot Ratio	1.0 or 1404 square metres.	1.68 or 2343 square metres.	<u>As above.</u>
Height of building	2 storeys.	5 storeys.	Not supported - The height and overall design of the proposal creates an unacceptable bulk and scale issue, and is considered to unduly affect the streetscape of the area, which is predominantly 2 storey buildings. <u>Supported - reasons as stated in the Chief Executive Officer and Director Development Services Comments below.</u>
Non-Residential adjacent to residential area	2 storeys.	5 storeys.	Not supported - as above. <u>Supported - reasons as stated in the Chief Executive Officer and Director Development Services Comments below.</u>
Residential/Commercial Zone	66/34 percent mix.	62.8/37.2 percent mix.	Not supported - The 66% residential and 34% commercial mix encourages further residential growth, and supports vibrant inner city areas. To allow an

			<p>increase in only the commercial use would set a negative precedent. Furthermore, the increase in the residential component is also directly related to the increase in the number of storeys proposed.</p> <p><u>Supported - the variation is considered minor, and unlikely to affect the overall benefits to the area, and community at large.</u></p>
Stores	1.5 metres dimension and 4 square metres in area.	A number of stores are 1.5 metres in dimension and less than 4 square metres in area.	<p>Not supported - As above, the provision of stores in a redevelopment should be compliant.</p> <p><u>A condition has been recommended to this effect.</u></p>
Privacy-balconies to eastern and western sides	7.5 metres.	4.2 to 4.885 metres.	<p>Not supported - In the event of an approval, the balconies would require screening in accordance with the R Codes.</p> <p><u>A condition has been recommended to this effect.</u></p>
Ground floor-south Greenway Street setback	Nil.	Nil to 1.925 metres.	<p>Supported- The variation would not have an undue impact on the streetscape.</p>
Walls on boundary to be 2/3 of length of lot boundary, maximum height of 6 metres	31.03 metres for east and west walls.	44.36 metres for both sides.	<p>Supported - Most buildings are on the boundary, including the boundary walls within the front setback on the Bulwer Street frontage. The variations will not unduly impact on the amenity of the area.</p>
First floor-east side	3.5 metres	Nil	<p>Supported - The variation would not result in an undue impact on the amenity of the area.</p>
First floor-west side	3.5 metres	Nil	<p>As above.</p>

Second floor-east wall 1	2 metres	Nil	As above.
Second floor-east wall 2	1.6 metres	Nil	As above.
Second floor-east wall 3	1.7 metres	Nil	As above.
Second floor-east wall 4	9.8 metres	Nil to 4.9 metres	As above.
Second floor-west wall 1	1.6 metres	Nil	As above.
Second floor-west wall 2	1.6 metres	Nil	As above.
Second floor-west wall 3	1.7 metres	Nil	As above.
Second floor-west wall 4	9.8 metres	Nil to 4.85 metres	As above.
Third floor-east wall 1	3.8 metres	Nil	Not supported - The proposal exceeds the height requirements. <u>Supported- as the adjoining lots are currently not developed. It is likely that when these lots are developed, this would also result in walls on the boundary being proposed, including variations to the side setbacks.</u>
Third floor-east wall 2	1.9 metres	Nil	<u>As above.</u>
Third floor-east wall 3	3.8 metres	Nil	<u>As above.</u>
Third floor-east wall 4	11.5 metres	Nil to 4.9 metres	<u>As above.</u>
Third floor-west wall 1	1.9 metres	Nil	<u>As above.</u>
Third floor-west wall 2	1.9 metres	Nil	<u>As above.</u>
Third floor-west wall 3	3.8 metres	Nil	<u>As above.</u>
Third floor-west wall 4	11.5 metres	Nil to 4.885 metres	<u>As above.</u>
Fourth floor-east wall 1	2.5 metres	Nil	<u>As above.</u>
Fourth floor-east wall 2	2.2 metres	Nil	<u>As above.</u>
Fourth floor-east wall 3	2.5 metres	Nil	<u>As above.</u>
Fourth floor-east wall 4	14.5 metres	Nil to 4.9 metres	<u>As above.</u>
Fourth floor-west wall 1	2.3 metres	Nil	<u>As above.</u>
Fourth floor-west wall 2	2.2 metres	Nil	<u>As above.</u>
Fourth floor-west wall 3	2.5 metres	Nil	<u>As above.</u>
Fourth floor-west wall 4	14.5 metres	Nil to 4.885 metres	<u>As above.</u>
Consultation Submissions			
Support	Nil		Noted.
Objection (5)	The proposed 5 storey building would look "out of place" in an area where the current residential complexes are 2-3 storeys in height, and is unrealistic. The height will allow residents to overlook into adjacent swimming pool area. A 2-3 storey building will also result in less possibility of intrusion of privacy		Supported - The variation will result in an undue impact on the existing streetscape, and also create a loss of privacy. <u>Not supported - as the upper fifth floor has been setback between 3.025 to 3.111 metres from the Greenway Street frontage. The height of the building will not impact on the streetscape and the</u>

		<p><u>amenity of the area, which is undergoing redevelopment, as demonstrated by the recent 3 to 6 storey development of the former "Civic Theatre" site at No. 378 Beaufort Street, and the current 10 storey hotel application being advertised for public comments at No 381 Beaufort Street. with the Town.</u> <u>A condition addressing the privacy requirements has been recommended.</u></p>
	<p>Greenway Street has parking on one side of the street, and is generally overcrowded by car and truck on normal days. There should be sufficient car parking for residents and office staff on site for this purpose.</p>	<p>Supported - Given the proposal is for total redevelopment, there is opportunity to provide for the shortfall in car parking on-site, with a reduced scale development. See "Comments" section. <u>The car parking provided for the development is compliant with the Town's requirements.</u></p>
	<p>Privacy impact from non-complying balconies.</p>	<p>Supported - In the event the proposal were to be approved, all privacy requirements of the R Codes are to be complied with. <u>Supported - and a condition requiring privacy requirements of the R codes has been recommended.</u></p>
	<p>Will reduce the ambience in the area.</p>	<p>Noted.</p>
<p>Other Implications</p>		
<p>Legal/Policy</p>		<p>TPS 1 associated Policies and R Codes.</p>
<p>Strategic Implications</p>		<p>Nil</p>
<p>Sustainability Implications</p>		<p>Nil</p>
<p>Financial/Budget Implications</p>		<p>The proposal will be required to satisfy the energy efficiency requirements of the Building Code of Australia at the Building Licence stage.</p>

Car Parking

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 per dwelling where on-site parking required for other users is available outside normal business hours. A total of 30 car bays have been provided for the multiple dwellings. The balance of car bays available for the commercial component in this instance is 33 car bays.

Revised Car Parking- Commercial Component	
Car parking requirement (nearest whole number) <ul style="list-style-type: none"> • Office: 1 car bay per 50 square metres gross office floor area (proposed 1260 square metres) = 25.2 car bays. • Showroom: 3 spaces for first 200 square metres of gross floor area and thereafter 1 space per 100 square metres of gross floor area or part thereof (proposed 396 square metres) =4.96 car bays • Unlisted use (small bar): 1 space per 4.5 persons of maximum number of persons approved on site (proposed 50 persons maximum) = 11.11 car bay. • Total=41.27 car bays 	41 car bays
Apply the adjustment factors. <ul style="list-style-type: none"> • 0.85 (within 400 metres of a bus stop) • 0.80 (within 50 metres of public car park with 50 car bays) • 0.90 End of trip bicycle facilities 	(0.612) 25.09 car bays
Minus the car parking provided on-site	33 car bays
Minus the most recently approved on-site car parking shortfall	Not applicable as proposal is to redevelop the site.
Resultant surplus	7.91 car bays
Bicycle Parking Facilities	
Office <ul style="list-style-type: none"> • 1 per 200 (proposed 1260) square metres public area for employees (class 1 or 2) - 6.3 spaces. • 1 space per 750 square metres over 1000 square metres for visitors (class 3) - 0.34 • End of trip bicycle facilities. 	Some bicycle facilities are shown in the basement, including end of trip facilities.

Technical Services

An assessment of the proposed bin store locations as outlined on the basement floor plan has revealed that it will be difficult to move all of the bins to the road reserve on collection day, due to the location of the proposed bin stores relative to both Greenway Street and Bulwer Street. In addition, it is considered that the distance between where the bin stores are proposed and the access/egress points to both Greenway and Bulwer Street is too great and convoluted.

Any bins proposed to be located on Greenway Street on collection day will need to be located on within the lot due to a "nil" building setback on Greenway Street and lack of verge space.

It is recommended that careful consideration is given by the applicant to the proposed bin store locations; prior to the issuing of a Building License, the applicant must prepare and submit a management plan to the satisfaction of the Director Technical Services demonstrating how the bins will be moved, and by whom, and indicate where the bins will be located for collection. Furthermore, there is no footpath or road verge along Greenway Street. As such, the proposed awning is not supported along Greenway Street, as it will be over the road pavement.

That wheel stops for all car bays facing the exit walkway and stores are to be provided.

Building Services

The non-compliances with the Building Code of Australia requirements can be addressed at the Building Licence stage. The proposed encroachments within the road reserve along Bulwer Street/Greenway Street are not supported in accordance with the Town Policy No. 3.4.9 relating to Encroachments over Crown land.

Local Planning Strategy

The subject property is within 800 metres radius of the Claisebrook Station and Members Equity Stadium Precinct. The following excerpts from the Local Planning Strategy provide the following direction in respect of land and built form within those Precincts as follows:

“Members Equity Stadium Precinct

...

Stadium masterplanning places a great deal of importance on the fundamental role of excellence in the design of buildings and spaces and that high quality design can enable higher densities to function as the basis of a sustainable environment, particularly in areas of high public transport accessibility.

...

- *Promote the key principles of Transport Orientated Development (TOD);*
- *Activates a currently underutilised area by enhancing the amenity of current and future residents;*
- *Enable the stadium to co-exist harmoniously with a range of new landuses, including a broad range of recreational, cultural and entertainment uses to attract local residents and visitors;*
- *Maintains and enhances public recreational open space;*
- *Creates an area with high quality pedestrian amenity including infrastructure and trees;*
- *Improve connectivity between the Stadium and surrounding transport nodes and networks, including McIver Station by establishing and maintaining a high level of amenity, safety and legibility in the urban form;*
- *Preserve the presence of the Stadium itself whilst successfully integrating it with existing adjacent landuses, including residential and commercial in order to create a seamless transition between the two;*
- *Create strong linkages between the Stadium and the proposed designation of Beaufort Street as an Activity Corridor and the Mount Lawley/Highgate Town Centre; and*
- *Create a pedestrian focused environment whilst accommodating easy circulation for cars, public transport and cyclists.”*

“Claisebrook Station

...

The built form within an 800 metre radius of Claisebrook Station is indicative of the development patterns experienced in East Perth from the 1890s to the present day. Much of the original housing stock is still intact comprising single and semi-detached dwellings constructed in the Georgian and Federation style. The purpose built commercial properties comprise contemporary flush walled single and two storey office blocks and workshops/warehouses, and earlier simple industrial brick warehouses with concealed or gabled roof forms.

Transit Oriented Development (TOD) Recommendations

- *Scale of development to range from one (1) to four (4) storey buildings. Five (5) storeys may be considered on strategic corner sites.*
- *New development is to represent and respond to the traditional character of the inner city housing styles and original fine grain industrial forms prevalent in the area, through the use of appropriate building materials, bulk, form and massing.*

- *Encourage new larger scale projects on corner strategic sites to be designed as clusters with smaller urban forms to break down the perceived scale and to reinforce the relatively intimate inner city character of the area.*
- *New development to provide articulation to activate street frontages and provide visual interest at pedestrian level.”*

~~Accordingly, the Town's Officers are of the view that whilst the proposal is consistent with the principles of transit oriented development espoused in the Local Planning Strategy with respect to a generous provision of residential within the proposal, the scale and bulk of the proposed building is not appropriate in this context.~~

Absolute Majority

Given the proposed density bonus, as per Clause (40)(3)(b) of the Town's Town Planning Scheme No. 1, the Council, in the event of approving the application, would be required to do by an absolute majority decision.

Chief Executive Officer and Director Development Services Comments:

The Chief Executive Officer and Director Development Services have changed the Officer Recommendation for the following reasons:

Locality

Bulwer Street is a particularly diverse environment by virtue of the variety of uses and building types along this street, and its close proximity to public transport and the Central Business District.

Proposed Development

The planning application is considered to generally improve the streetscape and surrounding area through the redevelopment of an under-utilised site, which will provide a catalyst for other sites to be developed. The proposed development is of high quality and contemporaneous in nature, and encourages maximum interaction at street level. The fifth storey has been setback from Greenway Street and will not impact on the streetscape and the amenity of the area.

Proposed Bulk and Scale

The proposal is also consistent with the approach by the Council to consider development of greater scale, height and intensity in the general surrounds, particularly with respect to the recent mixed used development at No. 378 Beaufort Street and the current 10 storey hotel development being advertised at No. 381 Beaufort Street. The subject site is located within close proximity of the proposed Members Equity Stadium Precinct and within close proximity to public transport routes.

It is considered that the area is currently underdeveloped and presents an opportunity for intensification and regeneration, and this opportunity should not be missed. Strategically, the immediate and surrounding areas have significant potential as regeneration areas alongside the proposed Members Equity Stadium Precinct.

Proposed Vision for this Locality

In the event that the Council approves this development, it will provide further confidence for the continuing interest in the regeneration of the area. There will also be economic benefits to the Town as result of the proposed development.

Precedent

Approval of a specific development cannot be used as a precedent. Every application is considered and determined upon their merit.

Consideration of Objections

Five objections were received and the concerns have been commented upon by the Town's Officers (as detailed in the report).

Applicant's Submission

The Applicant's Planning Consultants (Planning Solutions) have provided a comprehensive submission to address the various concerns which have been raised. The submission as attached and also "*Laid on the Table*" is supported and for that reason have not been repeated in this report.

Conclusion

The Chief Executive Officer and Director Development Services are cognisance of the Officers comments and recommendation. Notwithstanding, they are of the opinion that the Applicant has satisfactorily addressed the concerned raised at the Ordinary Meeting of Council held on 1 December 2009.

Accordingly, the Chief Executive Officer and Director Development Services are of the view that the planning application is supportable for the reasons outlined above and recommend that it be approved subject to standard and appropriate conditions.

The following is a verbatim copy of Minutes of the Item placed before the Council at its Ordinary Meeting held on 1 December 2009.

"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, APPROVES the application submitted by Oldfield Knott Architects on behalf of the owner Bulwer PDS Pty Ltd for proposed Demolition of Existing Buildings at No. 87 (Lot 101) Bulwer Street, dual frontage to Greenway Street, Perth and as shown on plans stamp-dated 24 August 2009, subject to the following conditions:*

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

(b) *an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*

(c) *a development proposal for the redevelopment of the subject property shall be submitted to and approved by the Town prior to the issue of a Demolition Licence;*

- (d) *demolition of the existing building may make the property ineligible for any development bonuses under the provisions of the Town of Vincent Town Planning Scheme No. 1 and associated Policies for the retention of existing buildings valued by the community;*
 - (e) *support of the demolition application shall not be construed as support of the Planning Approval/Building Licence application for the redevelopment proposal for the subject property; and*
 - (f) *any redevelopment on the site shall be sympathetic to the scale and rhythm of the streetscape in line with the provisions of the Town of Vincent Planning Scheme No. 1 and associated Policies; and*
- (ii) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by Oldfield Knott Architects on behalf of the owner Bulwer PDS Pty Ltd for proposed Demolition of Existing Buildings and Construction of Five-Storey Mixed Use Development Comprising Offices, Showrooms, Unlisted Use (Small Bar), Twenty (20) Multiple Dwellings and Associated Basement Car Parking, at No. 87 (Lot 101) Bulwer Street, dual frontage to Greenway Street, Perth and as shown on plans stamped 24 August 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;*
 - (b) *the non-compliance with building height, residential/commercial mix of 66 and 34 per cent respectively, car parking, and building setbacks and privacy requirements of the Residential Design Codes;*
 - (c) *the development creates an undesirable precedent for developments of a similar scale and nature on other potential developments sites within the Beaufort Precinct, that are zoned Residential/Commercial; and*
 - (d) *consideration of the objections received.*

<i>Landowner:</i>	<i>Bulwer PDS Pty Ltd</i>
<i>Applicant:</i>	<i>Oldfield Knott Architects</i>
<i>Zoning:</i>	<i>Metropolitan Region Scheme: Urban and "Other Regional Road Reservation". Town Planning Scheme No. 1 (TPS 1): Residential/Commercial R80 and "Other Regional Road Reservation".</i>
<i>Existing Land Use:</i>	<i>Office, showroom(car) and warehouse</i>
<i>Use Class:</i>	<i>Office Building, showroom, unlisted use (small bar) and multiple dwellings</i>
<i>Use Classification:</i>	<i>"AA", "SA", "SA" and "P"</i>
<i>Lot Area:</i>	<i>1404 square metres</i>
<i>Access to Right of Way</i>	<i>Not applicable</i>

BACKGROUND:

12 February 1973 *Planning Approval Serial No. 10/2800 issued for a car yard use at the above site.*

13 July 1976 *Planning Approval Serial No. 10/2800, issued for office, showroom and warehouse use at the above site.*

- 18 December 2008 *The Council at its Ordinary Meeting, resolved as follows:*
- "That the item be DEFERRED at the request of the applicant."
The application Serial No. 5.2008.385 was subsequently withdrawn
by the applicant on 25 August 2009.*
- 27 August 2009 *New planning application Serial No. 5.2009.325 was subsequently
lodged on 27 August 2009.*

DETAILS:

The proposal involves the demolition of the existing buildings and the construction of a five (5) storey mixed use development, consisting of offices, showroom, unlisted use (small bar), multiple dwellings and associated basement car parking. Vehicular access to the site is via Greenway Street.

The landowner's planning consultant has submitted a comprehensive response (attached) in relation to the concerns raised in the advertising submissions, and a summary of this response is as follows:

"To summarise the above, the proposed development warrants support and approval for the following reasons:

- 1. It is common practice for land fronting major regional roads to be designated for commercial uses, to provide a 'buffer' to more sensitive residential uses. The proposal incorporates twenty multiple dwellings, suitably located to mitigate potential ground-level amenity impacts;*
- 2. The subject site is located within a discrete 'island', formed by Beaufort, Bulwer, Greenway and Stirling Streets, and comprising only 11 land parcels, all developed for commercial purposes. The site is separated from the interior core of the precinct, which is more suited to residential-intensive mixed-use development. Development of the lots within the 'island' for more intensive commercial purposes will create an effective buffer to the existing residential uses on the southern side of Greenway Street, and makes best use of available land;*
- 3. The subject site is in an area experiencing considerable demand for office space. Optimising the use of the site for mixed-use commercial and residential purposes will assist in creating employment, and integrating land use and transport;*
- 4. By proposing a development which is itself visually striking and impressive, the subject application will effectively 'raise the bar' for the locality, ensuring any development of the surrounding lots is of a very high quality. Restricting building height to only two or three storeys will inevitably result in mediocre and uninspiring development, reflecting poorly on the surrounding locality. In contrast, a striking, grand building will befit such a landmark site, forming the gateway to the Beaufort Street precinct;*
- 5. The Town has recently approved several developments of greater height and scale to that proposed, including within the Beaufort Precinct, and in close proximity to the subject site. The proposed development will be similar in bulk and scale to the likely future development of the surrounding land;*
- 6. The parking provision is compliant with the statutory requirements, and is the environmentally responsible option. The proposed development will encourage the use of alternative modes of transport, consistent with the TravelSmart program actively promoted by the Town. The parking provision is not anticipated to result in traffic or parking problems in the locality, as the peak demand associated with surrounding traffic generators will not coincide with the peak demand of the office use;*

7. *Overshadowing is fully compliant with the requirements of the R-Codes, were they applicable to the non-residential development. The existing street wall of the 'Greenway Foundry Studios' grouped dwelling development already overshadows the internal areas of the development, and any additional overshadowing resulting from the proposal will be minimal. With regard to visual privacy, the separation provided by Greenway Street means the overlooking to the south is fully compliant with the requirements of the R Codes. In addition, the outdoor living areas within the 'Greenway Foundry Studios' are already overlooked by other dwellings within the development, and there can be no expectation of privacy. The 'cone of vision' to the east and west does not encroach on any existing residential uses, and future development is likely to reflect the 'inner city' amenity, with future residents less sensitive to such matters; and*

8. *The development will be an exporter of green electrical power. Accordingly, the proposed development is appropriate and justified, and will provide a considerable benefit to the local community and the Town. In light of the matters raised above, we request the Town's Officers and Elected Members support and approve the proposed development as submitted. We respectfully request the opportunity to address any meeting of Council at which the matter is considered, prior to determination."*

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

ASSESSMENT:

<i>Non-Compliant Requirements</i>			
<i>Requirements</i>	<i>Required</i>	<i>Proposed *</i>	<i>Officer Comments Pursuant to Clause 38(5) of TPS 1</i>
<i>Density</i>	<i>R 80 - 11.23 multiple dwellings.</i>	<i>R 142 - 20 multiple dwellings</i>	<i>Not supported - The increased density in this instance has resulted in unacceptable bulk and scale issues, as a result of the additional number of storeys proposed.</i>
<i>Plot Ratio</i>	<i>1.0 or 1404 square metres.</i>	<i>2.85 or 4004 square metres.</i>	<i>As above.</i>
<i>Height of building</i>	<i>2 storeys.</i>	<i>5 storeys.</i>	<i>Not supported - The height and overall design of the proposal creates an unacceptable bulk and scale issue, and is considered to unduly affect the streetscape of the area, which is predominantly 2 storey buildings.</i>
<i>Non-Residential adjacent to residential area</i>	<i>2 storeys.</i>	<i>5 storeys.</i>	<i>Not supported - as above.</i>

<i>Residential/Commercial Zone</i>	<i>66/34 percent mix.</i>	<i>39/61 percent mix.</i>	<i>Not supported - The 66% residential and 34% commercial mix encourages further residential growth, and supports vibrant inner city areas. To allow an increase in only the commercial use would set a negative precedent.</i>
<i>Car Parking - Comment</i>	<i>46.24 car bays</i>	<i>43 car bays</i>	<i>Not supported - Given the proposal is for total redevelopment, there is opportunity to provide for the shortfall in car parking on-site, with a reduced scale development. Further comments in the "Comments" section.</i>
<i>Stores</i>	<i>1.5 metres dimension and 4 square metres in area.</i>	<i>A number of stores are 1.5 metres in dimension and less than 4 square metres in area.</i>	<i>Not supported - As above, the provision of stores in a redevelopment should be compliant.</i>
<i>Bicycle parking facilities</i>	<i>End of Trip facilities.</i>	<i>Not shown.</i>	<i>Not supported - As Bicycle facilities are required to be provided.</i>
<i>Privacy-balconies to eastern and western sides</i>	<i>7.5 metres.</i>	<i>4.2 to 4.9 metres.</i>	<i>Not supported - In the event of approval, the balconies would require screening in accordance with the R Codes.</i>
<i>Ground floor-south Greenway Street setback</i>	<i>Nil.</i>	<i>Nil to 1.925 metres.</i>	<i>Supported- The variation would not have an undue impact on the streetscape.</i>
<i>Walls on boundary to be 2/3 of length of lot boundary, maximum height of 6 metres</i>	<i>31.03 metres for east and west walls.</i>	<i>44.36 metres for both sides.</i>	<i>Supported - Most buildings are on the boundary, including the boundary walls within the front setback on the Bulwer Street frontage. The variations will not unduly impact on the amenity of the area.</i>

<i>First floor-east side</i>	<i>3.5 metres</i>	<i>Nil</i>	<i>Supported - The variation would not result in an undue impact on the amenity of the area.</i>
<i>First floor-west side</i>	<i>3.5 metres</i>	<i>Nil</i>	<i>As above.</i>
<i>Second floor-east side</i>	<i>5.2 metres</i>	<i>Nil</i>	<i>As above.</i>
<i>Second floor-west side</i>	<i>5.2 metres</i>	<i>Nil</i>	<i>As above.</i>
<i>Third floor-east wall 1</i>	<i>3.8 metres</i>	<i>Nil</i>	<i>Not supported - The proposal exceeds the height requirements.</i>
<i>Third floor-east wall 2</i>	<i>1.9 metres</i>	<i>Nil</i>	<i>As above.</i>
<i>Third floor-east wall 3</i>	<i>3.8 metres</i>	<i>Nil</i>	<i>As above.</i>
<i>Third floor-east wall 4</i>	<i>11.5 metres</i>	<i>4.2 to 4.9 metres</i>	<i>As above.</i>
<i>Third floor-west wall 1</i>	<i>1.9 metres</i>	<i>Nil</i>	<i>As above.</i>
<i>Third floor-west wall 2</i>	<i>1.9 metres</i>	<i>Nil</i>	<i>As above.</i>
<i>Third floor-west wall 3</i>	<i>3.8 metres</i>	<i>Nil</i>	<i>As above.</i>
<i>Third floor-west wall 4</i>	<i>11.5 metres</i>	<i>4.9 metres</i>	<i>As above.</i>
<i>Fourth floor-east wall 1</i>	<i>2.5 metres</i>	<i>Nil</i>	<i>As above.</i>
<i>Fourth floor-east wall 2</i>	<i>2.2 metres</i>	<i>Nil</i>	<i>As above.</i>
<i>Fourth floor-east wall 3</i>	<i>2.5 metres</i>	<i>Nil</i>	<i>As above.</i>
<i>Fourth floor-east wall 4</i>	<i>14.5 metres</i>	<i>4.2 to 4.9 metres</i>	<i>As above.</i>
<i>Fourth floor-west wall 1</i>	<i>2.2 metres</i>	<i>Nil</i>	<i>As above.</i>
<i>Fourth floor-west wall 2</i>	<i>2.2 metres</i>	<i>Nil</i>	<i>As above.</i>
<i>Fourth floor-west wall 3</i>	<i>2.5 metres</i>	<i>Nil</i>	<i>As above.</i>
<i>Fourth floor-west wall 4</i>	<i>14.5 metres</i>	<i>4.9 metres</i>	<i>As above.</i>
<i>Consultation Submissions</i>			
<i>Support</i>	<i>Nil</i>		<i>Noted.</i>
<i>Objection (5)</i>	<i>The proposed 5 storey building would look "out of place" in an area where the current residential complexes are 2-3 storeys in height, and is unrealistic. The height will allow residents to overlook into adjacent swimming pool area. A 2-3 storey building will also result in less possibility of intrusion of privacy</i>		<i>Supported- The variation will result in an undue impact on the existing streetscape, and also create a loss of privacy.</i>
	<i>Greenway Street has parking on one side of the street, and is generally overcrowded by car and truck on normal days. There should be sufficient car parking for residents and office staff on site for this purpose.</i>		<i>Supported - Given the proposal is for total redevelopment, there is opportunity to provide for the shortfall in car parking on-site, with a reduced scale development. See "Comments" section.</i>
	<i>Privacy impact from non-complying balconies.</i>		<i>Supported - In the event the proposal were to be approved, all privacy requirements of the R Codes are to be complied with.</i>
	<i>Will reduce the ambience in the area.</i>		<i>Noted.</i>

<i>Other Implications</i>	
<i>Legal/Policy</i>	<i>TPS 1 associated Policies and R Codes.</i>
<i>Strategic Implications</i>	<i>Nil</i>
<i>Sustainability Implications</i>	<i>Nil</i>
<i>Financial/Budget Implications</i>	<i>The proposal will be required to satisfy the energy efficiency requirements of the Building Code of Australia at the Building Licence stage.</i>

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

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

COMMENTS:

Car Parking

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 per dwelling where on-site parking required for other users is available outside normal business hours. A total of 20 car bays have been provided for the multiple dwellings. The balance of car bays available for the commercial component in this instance is 43 car bays.

<i>Car Parking- Commercial Component</i>	
<i>Car parking requirement (nearest whole number)</i>	<i>68 car bays</i>
<ul style="list-style-type: none"> • <i>Office: 1 car bay per 50 square metres gross office floor area (proposed 2630 square metres) = 52.6 car bays.</i> • <i>Showroom: 3 spaces for first 200 square metres of gross floor area and thereafter 1 space per 100 square metres of gross floor area or part thereof (proposed 286 square metres) = 3.86</i> • <i>Unlisted use (small bar): 1 space per 4.5 persons of maximum number of persons approved on site (proposed 50 persons maximum) = 11.11</i> 	
<i>Apply the adjustment factors.</i>	<i>(0.68)</i>
<ul style="list-style-type: none"> • <i>0.85 (within 400 metres of a bus stop)</i> • <i>0.80 (within 50 metres of public car park with 50 car bays)</i> 	<i>46.24 car bays</i>
<i>Minus the car parking provided on-site</i>	<i>43 car bays</i>
<i>Minus the most recently approved on-site car parking shortfall</i>	<i>Not applicable as proposal is to redevelop the site.</i>
<i>Resultant shortfall</i>	<i>3.24 car bays</i>
<i>Bicycle Parking Facilities</i>	
<i>Office</i>	
<ul style="list-style-type: none"> • <i>1 per 200 (proposed 2630) square metres public area for employees (class 1 or 2) - 13.15 spaces.</i> • <i>1 space per 750 square metres over 1000 square metres for visitors (class 3) - 2.17</i> • <i>End of trip bicycle facilities.</i> 	<i>Some bicycle facilities are shown in the basement, but no end of trip facilities is shown.</i>

The proposed shortfall is likely to result in staff from this development seeking alternative on-street car parking in the vicinity. On the above basis, the shortfall in car parking is not supported, as the shortfall can be provided on-site with a reduced scale development.

Demolition

The subject place at No. 87 Bulwer Street, Perth comprises a brick and iron motorcar showroom and warehouse built in the Late Twentieth Century Retail style. It was built circa 1973, and replaced an earlier residence that was built on the site circa 1926, which operated as a mixed business. The Metropolitan Sewerage Plan Survey dated July 1953, indicates the original brick building constructed in 1926 was still extant at that time, and featured asbestos additions at the front, and at the rear, with a larger industrial style building, built with brick galvanized iron roof, located to the east of the subject lot.

The current building is rectangular with a simple façade, and shop windows are featured along the front. A workshop and a carport are located to the rear of the commercial building, with bitumen car bays located to the east, and an additional access to Greenway Street to the south.

In 1973, a Development Application was submitted by Goerke & Co. to erect a Car Sales premises at the subject lot. Paul Goerke applied for a Building Licence in 1976 to change the subject place into an office and warehouse. In 1982, Autohause Porsche Pty. Ltd. proposed to construct additions to the existing showroom and workshop.

A preliminary heritage check undertaken on 16 September 2008, indicates that the subject place has little aesthetic, historic, scientific or social heritage significance. In accordance with the Town's Policy relating to Heritage Management – Assessment, the place does not meet the threshold for entry on the Town's Municipal Heritage Inventory.

In light of the above, it is considered that approval should be granted for demolition subject to standard conditions.

Department of Planning (DOP) Comments

The DOP in its response letter dated 19 November 2009, have advised that there is a 2 metres road widening along Bulwer Street, across part of the subject site.

The DOP advised the proposed glass canopy can be supported on a temporary basis on the following conditions:

- *“the landowner agrees to remove the glass canopy at the time when the reserved land is required for the upgrading of Bulwer Street at their own expense; and*
- *The landowner agrees that the presence of the glass canopy shall not be taken into consideration in determining any compensation that may be payable by Council or the Western Australian Planning Commission when the reserved land is required for the upgrading of Bulwer Street.”*

Further advice was to the effect that there was to be no access off the regional road (Bulwer Street), unless special circumstances apply. The Town is to ensure that the number of required car bays comply with the Town's requirements.

Technical Services

The Town's Technical Services have advised of the following:

- *The footings must not encroach past the property boundary.*
- *The awning on Greenway Street will not be permitted as the building will be built to the boundary and on that side, there is no footpath.*

- *The aluminium and solar powered lighting panels, and protruding brickwork, are not supported.*
- *Wheel stops for all car bays facing the exit walkway and stores are to be provided.*
- *The bin area will be required to be mechanical ventilated, and details as to how the bins are to be collected. A waste management plan is to be submitted to be assessed, as to whether the Town can offer multi-collection days.*

The applicant has advised that the awning may be removed, and all footings to be contained on-site, could be appropriately conditioned. All protruding elements (except awnings) will be contained on-site. These matters could be appropriately conditioned.

Building Services Comments

- *Non-compliant Building Code of Australia requirements relating to fire related issues, and access for persons with a disability.*

The applicant has advised that a Fire Engineering Consultant is to be engaged, with all BCA related matters, addressed at Building Licence stage.

In general, the proposal in its current form is not supportable, as it is considered to have an undue impact on the amenity and streetscape of the area and the stated non-compliances in the Assessment Table."

9.1.17 No. 52 (Lot 3 STR 28487) Forrest Street, Mount Lawley - Proposed Home Occupation (Hairdresser) - Application for Retrospective Approval

Ward:	South	Date:	7 December 2009
Precinct:	Norfolk Precinct; P10	File Ref:	PRO4788; 5.2009.273.1
Attachments:	001		
Reporting Officer:	S Kendall, Heritage/Planning Officer		
Responsible Officer:	R Boardman, Director Development Services		

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 owners J & L Muia for proposed Home Occupation (Hairdresser) Application for Retrospective Approval at No. 52 (Lot 3 STR 28487) Forrest Street, Mount Lawley, and as shown on plans stamp-dated 20 October 2009, for the following reasons:*
- (a) *the development will unduly adversely affect the orderly and proper planning and the preservation of the amenities of the locality;*
 - (b) *does not comply with the Town's home occupation requirements as outlined in the Town's Policy No. 3.5.1 relating to Minor Nature Development, specifically:*
 - (1) *the hairdressing salon will attract customers on a regular and frequent basis to the dwelling;*
 - (2) *the hairdressing salon will result in the requirement for a greater number of parking facilities than normally reserved for a single dwelling; and*
 - (3) *the hairdressing salon will occupy an area greater than 20 square metres;*
 - (c) *approval of the proposed development would create an undesirable precedent for other similar developments encroaching into established residential areas; and*
 - (d) *consideration of the objections received; and*
- (ii) *ADVISES the applicant that;*
- (a) *the bathroom, laundry and salon shall be removed and the carport reinstated as per the City of Perth Planning Approval dated 26 April 1994. These works shall be completed within twenty-eight (28) days of the issue date of the refusal notification; OR*

- (b) *within twenty eight (28) days of the issue date of the refusal notification, a Building Approval Certificate Application, structural details certified by a Practising Structural Engineer, including plans and specifications of the subject unauthorised works (enclosure of the carport), 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. The plans are to document the provision of two car parking bays, which are complaint with AS289.1; and*
- (iii) *AUTHORISES the Chief Executive Officer to proceed with legal proceedings should the above options not be compiled with within this twenty-eight (28) day period.*

COUNCIL DECISION ITEM 9.1.17

Moved Cr Lake, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED (5-3)

For: Cr Buckels, Cr Harvey, Cr Lake, Cr Maier, Cr Topelberg

Against: Mayor Catania, Cr Burns, Cr McGrath

(Cr Farrell was absent from the Chamber and did not vote.)

Landowner:	J & L Muia
Applicant:	L Muia
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1(TPS 1): Residential R40
Existing Land Use:	Grouped Dwelling
Use Class:	Home Occupation
Use Classification:	"P"
Lot Area:	1012 square metres
Access to Right of Way:	N/A

BACKGROUND:

26 April 1994 The City of Perth granted approval for the construction of two grouped dwellings to the rear of the subject existing dwelling.

8 September 2009 The Council at its Ordinary Meeting resolved to refuse an application for proposed Home Occupation (Hairdresser) (Application for Retrospective Approval) for the following reasons:

- (a) *the development will unduly adversely affect the orderly and proper planning and the preservation of the amenities of the locality;*

- (b) *does not comply with the Town's home occupation requirements as outlined in the Town's Policy No. 3.5.1 relating to Minor Nature Development, specifically:*
- (1) *the hairdressing salon will attract customers on a regular and frequent basis to the dwelling;*
 - (2) *the hairdressing salon will result in the requirement for a greater number of parking facilities than normally reserved for a single dwelling; and*
 - (3) *the hairdressing salon will occupy an area greater than 20 square metres;*
- (c) *approval of the proposed development would create an undesirable precedent for other similar developments encroaching into established residential areas; and*
- (d) *consideration of the objections received.'*

DETAILS:

The proposal is for reconsideration of the Council decision made at its Ordinary Meeting held on 8 September 2009, for proposed Home Occupation (Hairdresser) (Application for Retrospective Approval).

Following the Ordinary Meeting of Council held on 8 September 2009, the applicant contacted the Town to request a meeting to discuss the Council's decision. On 6 October 2009, the Town's Officers met with the applicant to discuss the matter where the owner advised:

- The Officer Report was erroneous and did not reflect the situation, which is far less intense.
- The car parking should not have been a major determining factor in the Town's decision.
- They will put an injunction against the Town for the lack of procedural justice and will submit an application to the State Administrative Tribunal if they cannot achieve an amicable result with the Town.

The applicant provided a submission at this meeting, which is "*Laid on the Table*". The submission provides a detailed response to the previous objections to the proposal.

In response to the comments made by the applicant at this meeting, the Town's Officers advised as follows:

- Since the adoption of the Economic Development Strategy 2005-2010 at the Ordinary Meeting of Council held on 9 August 2005, the Town has taken a consistent line against any encroachment of commercial uses into residential areas.
- The proposal sought significant variations to the Home Occupation requirements.
- The alleged 'errors' in the report relate to the submissions received as part of the period of community consultation. The submissions are to be presented 'unaltered' to the Council, just as the applicant's submission is.
- Should the applicant wish to appeal the decision they should proceed directly to the State Administrative Tribunal.

The applicant has submitted a new application for consideration by the Council. The proposed Home Occupation involves the utilisation of the former carport for hairdressing and involves:

- Hours of operation - Wednesday to Saturday 10am - 4pm;
- No employees;
- One client per hour; and
- Two workstations and one wash basin (the applicant has subsequently advised, if required by the Council, the second wash basin can be physically removed).

In an email dated 20 November 2009, in response to the objections received during the recent period of Community Consultation, the applicant has advised:

- *"There are no clients leaving after 5.30pm any cars coming in and out of my home after that time are family and friends.*
- *Clients are limited to one per hour and sometimes may slightly overlap if there are some unforeseen circumstances. Saturdays are no different.*
- *The application is for a home occupancy business not commercial business. Most areas have provision for this type of business.*
- *The number of people that come to us is so minimal we cannot see how this will cause a traffic or parking problem.*
- *There was never any intention to be fraudulent and we are trying our best to comply with any licence issued in regards to the application.*
- *The verge has been paved for two reasons. Firstly to minimise water usage and for the purpose of keeping our front area clean. There are many such verges in the area that have been paved.*
- *We have been living in this house for over 10 years. The number of cars in front of our house has not changed dramatically enough to cause any concern to anyone using the children's playground. In all these years we have never had anyone come to us with concerns in this regard."*

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Minor Nature Development Policy No. 3.5.1	Does not occupy an area greater than 20 square metres	27 square metres	Not Supported - Whilst the variation is relatively minor, the intent of the policy is for Home Occupations to be accommodated within the floor area of an existing home. In this instance, the applicant has increased the floor area of the home, by enclosing the carport to accommodate the Home Occupation.
	Does not attract customers or regular and frequent deliveries of goods or equipment to the site	Proposed Hours of Operation: Wednesday to Saturday; 10am - 4pm	Not Supported - The proposal would attract customers on an hourly basis during the proposed hours of operation.

	Does not entail the retail sale, display or hire of goods of any nature	The provision of services (Hairdressing).	Not Supported - The Town's Town Planning Scheme No. 1 defines 'retail' as the sale or hire of products, goods and services to the public generally. The provision of hairdressing services is not considered appropriate for this residential area.
	Will not result in the requirement for a greater number of parking facilities.	2 car bays provided on-site.	Not Supported - The site accommodates two-non-complaint car parking bays. Clients would be required to utilise on-street car parking, which would restrict visitor car parking for the other two dwellings that are located behind the subject place on Strata Plan: 28487.
Building Setback	Eastern Boundary Wall (retrospective)	Car port bricked in at eastern boundary	Supported - No objection received from adjacent affected neighbour.
Consultation Submissions			
Support (2)	No comment provided.		Noted.
Objection (4)	<p>The applicant is already operating in excess of the proposed hours of operation. With customers leaving after 5.30 pm.</p> <p>There are regularly 3 clients at one time, particularly on Saturdays.</p> <p>The number of work stations does not support the claim of one client per hour.</p> <p>The business should be located in appropriately zoned commercial areas.</p>		<p>Noted - In the event that the use is approved, should the Town receive a complaint, that the applicant is not complying with the conditions of planning approval, the Town can take legal action under the Planning and Development Act 2005.</p> <p>Noted - As above.</p> <p>Noted - The applicant has advised that they would be willing to remove one wash basin. The scale of the operation however, including separate wash and toilet facilities, is a concern.</p> <p>Supported - The Town's Economic Development Strategy 2005-2010 discourages commercial type uses in Residential areas.</p>

	<p>The lack of parking causes problems.</p> <p>The fraudulent nature of this application demonstrates they would be unlikely to actually comply with any licence issued.</p> <p>The applicants cars take up the on-site car parking and they have bricked up the verge to cater for clients.</p> <p>The clientele cars will cut visibility to opposite children's playground creating a hazardous situation.</p>	<p>Noted.</p> <p>Noted - In the event that the use is approved, should the Town receive a complaint, that the applicant is not complying with the conditions of planning approval, the Town can take legal action under the Planning and Development Act 2005.</p> <p>Noted - The issue of the bricked up verge is being reviewed by Technical Services as a separate matter.</p> <p>Noted - The Reserve is located on a corner and there are limitations on the distance a car can be parked near an intersection.</p>
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:

Retrospective Works

The applicants have enclosed the former garage to create an area for a hairdressing salon, which includes a bathroom, a laundry, work stations and two hair wash basins. A search of the City of Perth and Town of Vincent Building Licence archives was undertaken which subsequently revealed that no Planning Approval or Building Licence, has been issued for the works, to enclose the carport, or for the internal salon fit out. The enclosure of the carport to create the Salon has resulted in there being no car parking bays on-site, which comply with AS2890.1.

Furthermore, Building Services have identified that in the event of approval, a Form 8 retrospective Building Approval would be required to ensure that the works were undertaken in accordance with the Building Code of Australia.

Home Occupation

The intent of Home Occupations is to seek a balance between supporting a quiet, safe and aesthetic residential environment while supporting home-based uses of a small nature. However, when the scale and intensity of the business activity expands to such a level that the business no longer achieves such a balance, a commercial site is appropriate. As can be seen in the above Assessment Table, the subject development involves significant variation to the Town's Home Occupation requirements as outlined in the Town's Policy No. 3.5.1 relating to Minor Nature Development. The regular attendance of clients to the site, and the associated car parking requirements for the proposed Home Occupation (Hairdresser), is not considered appropriate for this residential area. Accordingly, there is concern regarding the scale and extent of the proposal, albeit the applicant has reduced the scale of the use by one wash basin, and one work station.

In light of the above, it is recommended that the application be refused, as per the Officer recommendation. It is further recommended that the Council authorise the Chief Executive Officer to initiate legal proceedings in the event that removal of the bathroom, laundry and salon and reinstatement of the carport, as per the previous approval, is not completed within 28 days of the refusal notification; or if a Form 8 (Retrospective Building Licence) is not received for the works.

9.1.11 Nos. 388 - 396 (Lots 64 and 65 D/P: 613) William Street, corner Monger Street, Perth - Proposed Change of Use from Car Yard to Private Car Park

Ward:	South	Date:	7 December 2009
Precinct:	Beaufort; P13	File Ref:	PRO4340; 5.2009.362.1
Attachments:	001		
Reporting Officer:	S Kendall, Heritage/Planning Officer		
Responsible Officer:	R Boardman, Director Development Services		

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 S Shen on behalf of the owner S Chen for proposed Change of Use from Car Yard to Private Car Park, at Nos. 388 - 396 (Lots 64 and 65 D/P: 613) William Street, corner Monger Street, Perth, and as shown on plans stamp-dated 4 December 2009, subject to the following conditions:

- (i) detail of any proposed 'boom gate' or gate to the car park to restrict public access, shall be submitted to and approval by the Town's Technical Services, prior to the installation of such a facility;*
- (ii) a Building Licence is required for the proposal, prior to the commencement of any works on-site, as it is considered a 7a Car Park as per the Building Code of Australia. Prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the following:*
 - (a) kerb stops being provided along the southern end of car parking bays 9-18;*
 - (b) the crossover being relocated, a minimum of 1 metre to the west of the water meter, via modifications to car bays 1 to 8; and*
 - (c) landscaping being provided in the area to the north of car parking bay 29.*

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

- (iii) prior to the first occupation of the development or commencement of the private car park use on-site, the owner(s) shall enter into a legal agreement with the Town and lodge an appropriate assurance bond/bank guarantee of \$5000, that addresses the following undertaking to the satisfaction of the Town that the car park use shall cease within five (5) years of first occupation or commencement use on-site The legal agreement shall be secured by a caveat on the Certificate(s) of Title of the subject land. The legal documentation shall be prepared by the Town's solicitors or other solicitors agreed upon by the Town. All costs associated with this condition, including the cost of the Town's solicitors checking the documentation if prepared by the other solicitors, shall be borne by the applicant/owners(s);*

- (iv) *any new street wall, fence and gate within the William Street and Monger Street setback areas, including along the side boundaries within these street setback areas, shall comply with the Town's Policy provisions relating to Street Walls and Fences;*
- (v) *all new crossover/s to allotments are subject to a separate approval by the Town's Technical Services and shall be constructed in accordance with the Town's Standard Crossover Specification/s which, in particular, specify that the portion of the existing footpath traversing the proposed crossover, subject to the existing footpath being in a good condition as determined by the Town's Technical Services, must be retained such that it forms a part of the proposed crossover and the proposed crossover levels shall match the level/s of the existing footpath. Crossovers may be constructed by a private contractor provided they are constructed in accordance with the above specifications and a security bond of \$275 is paid prior to crossover approval. Application for the refund of the bond must be submitted in writing;*
- (vi) *all stormwater produced on the subject land shall be retained on-site to the satisfaction of the Town's Technical Services. No further consideration will be given to the disposal of stormwater without the submission of a geotechnical report from a qualified consultant. Plans detailing stormwater disposal shall be lodged prior to the issue of a Building Licence;*
- (vii) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services, at the applicant's/owner(s)' full expense;*
- (viii) *the applicant is to engage a qualified lighting consultant to ensure that car park lighting meets Australian Standard 1158.3.1 'Lighting categories for outdoor car parks' sub-category P11a, based upon an assessment of likely high night time pedestrian and vehicle activity, occupancy rates and risk of crime;*
- (ix) *the illuminance from any lighting within the subject property shall be confined to the limits of the property boundaries and away from adjoining properties;*
- (x) *a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation shall be submitted and approved prior to first occupation of the development. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (xi) *the car park shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (xii) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s); and*
- (xiii) *should one of the lots be sold, prior to the conclusion of the five year period of approval, a grant of easement shall be entered into to enable the continued unimpeded operation of the facility in its current form. Should the owner not grant the easement, the use shall terminate.*

Moved Cr Maier, Seconded Cr Burns

That the recommendation be adopted.

Debate ensued.

AMENDMENT NO 1

Moved Cr Maier, Seconded Cr Lake

1. *That a new clause (ii)(d) be inserted, as follows:*

“(ii)(d) the provision of one shade tree per four car parking bays, excluding the car parking bays fronting Monger Street, flanked by London Plane street verge trees. London Plane trees are not considered appropriate shade trees as the Council encourages landscaping of native species.”; and

2. *That a new clause (xiv) be inserted, as follows:*

“(xiv) the car park shall only be used via Lease Agreements with local business owners and employees, and shall not be open to the general public.”

Debate ensued.

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

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

Debate ensued.

AMENDMENT NO 1 CLAUSE (ii)(d) PUT AND LOST (3-5)

For: Cr Lake, Cr McGrath, Cr Maier

Against: Mayor Catania, Cr Buckels, Cr Burns, Cr Harvey, Cr Topelberg

(Cr Farrell was absent from the Chamber and did not vote.)

AMENDMENT NO 1 CLAUSE (xiv) PUT AND CARRIED (6-2)

For: Cr Buckels, Cr Harvey, Cr Lake, Cr McGrath, Cr Maier, Cr Topelberg

Against: Mayor Catania, Cr Burns

(Cr Farrell was absent from the Chamber and did not vote.)

AMENDMENT NO 2

Moved Cr Lake, Seconded Cr Maier

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

“(ii)(c) landscaping being provided in the area to the north of car parking bay 29; ~~and~~ along the western, William Street boundary to a minimum width of 0.5 metre;”

Debate ensued.

AMENDMENT NO 2 PUT AND CARRIED (6-2)

For: Cr Buckels, Cr Harvey, Cr Lake, Cr McGrath, Cr Maier, Cr Topelberg

Against: Mayor Catania, Cr Burns

(Cr Farrell was absent from the Chamber and did not vote.)

AMENDMENT NO 3

Moved Cr Maier, Seconded Cr McGrath

That a new clause (ii)(d) be inserted, as follows:

“(ii)(d) the provision of one shade tree per six car parking bays, excluding the car parking bays fronting Monger Street, flanked by London Plane street verge trees. London Plane trees are not considered appropriate shade trees as the Council encourages landscaping of native species.”; and

**AMENDMENT NO 3 PUT AND LOST ON THE
CASTING VOTE OF THE PRESIDING MEMBER (4-5)**

For: Cr Buckels, Cr Lake, Cr McGrath, Cr Maier

Against: Presiding Member, Mayor Nick Catania (two votes – deliberative and casting vote), Cr Burns, Cr Harvey, Cr Topelberg

(Cr Farrell was absent from the Chamber and did not vote.)

MOTION AS AMENDED PUT AND CARRIED (8-0)

(Cr Farrell was absent from the Chamber and did not vote.)

COUNCIL DECISION ITEM 9.1.11

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 S Shen on behalf of the owner S Chen for proposed Change of Use from Car Yard to Private Car Park, at Nos. 388 - 396 (Lots 64 and 65 D/P: 613) William Street, corner Monger Street, Perth, and as shown on plans stamp-dated 4 December 2009, subject to the following conditions:

- (i) detail of any proposed 'boom gate' or gate to the car park to restrict public access, shall be submitted to and approval by the Town's Technical Services, prior to the installation of such a facility;*
- (ii) a Building Licence is required for the proposal, prior to the commencement of any works on-site, as it is considered a 7a Car Park as per the Building Code of Australia. Prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the following:*
 - (a) kerb stops being provided along the southern end of car parking bays 9-18;*
 - (b) the crossover being relocated, a minimum of 1 metre to the west of the water meter, via modifications to car bays 1 to 8; and*
 - (c) landscaping being provided in the area to the north of car parking bay 29 and along the western, William Street boundary to a minimum width of 0.5 metre.*

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

- (iii) *prior to the first occupation of the development or commencement of the private car park use on-site, the owner(s) shall enter into a legal agreement with the Town and lodge an appropriate assurance bond/bank guarantee of \$5000, that addresses the following undertaking to the satisfaction of the Town that the car park use shall cease within five (5) years of first occupation or commencement use on-site. The legal agreement shall be secured by a caveat on the Certificate(s) of Title of the subject land. The legal documentation shall be prepared by the Town's solicitors or other solicitors agreed upon by the Town. All costs associated with this condition, including the cost of the Town's solicitors checking the documentation if prepared by the other solicitors, shall be borne by the applicant/owners(s);*
- (iv) *any new street wall, fence and gate within the William Street and Monger Street setback areas, including along the side boundaries within these street setback areas, shall comply with the Town's Policy provisions relating to Street Walls and Fences;*
- (v) *all new crossover/s to allotments are subject to a separate approval by the Town's Technical Services and shall be constructed in accordance with the Town's Standard Crossover Specification/s which, in particular, specify that the portion of the existing footpath traversing the proposed crossover, subject to the existing footpath being in a good condition as determined by the Town's Technical Services, must be retained such that it forms a part of the proposed crossover and the proposed crossover levels shall match the level/s of the existing footpath. Crossovers may be constructed by a private contractor provided they are constructed in accordance with the above specifications and a security bond of \$275 is paid prior to crossover approval. Application for the refund of the bond must be submitted in writing;*
- (vi) *all stormwater produced on the subject land shall be retained on-site to the satisfaction of the Town's Technical Services. No further consideration will be given to the disposal of stormwater without the submission of a geotechnical report from a qualified consultant. Plans detailing stormwater disposal shall be lodged prior to the issue of a Building Licence;*
- (vii) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services, at the applicant's/owner(s)' full expense;*
- (viii) *the applicant is to engage a qualified lighting consultant to ensure that car park lighting meets Australian Standard 1158.3.1 'Lighting categories for outdoor car parks' sub-category P11a, based upon an assessment of likely high night time pedestrian and vehicle activity, occupancy rates and risk of crime;*
- (ix) *the illuminance from any lighting within the subject property shall be confined to the limits of the property boundaries and away from adjoining properties;*
- (x) *a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation shall be submitted and approved prior to first occupation of the development. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (xi) *the car park shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*

- (xii) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
- (xiii) *should one of the lots be sold, prior to the conclusion of the five year period of approval, a grant of easement shall be entered into to enable the continued unimpeded operation of the facility in its current form. Should the owner not grant the easement, the use shall terminate; and*
- (xiv) *the car park shall only be used via Lease Agreements with local business owners and employees, and shall not be open to the general public.*

Landowner:	S Chen
Applicant:	S Shen
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Commercial
Existing Land Use:	Vacant Land
Use Class:	Car park
Use Classification:	"AA"
Lot Area:	986 square metres
Access to Right of Way:	N/A

BACKGROUND:

- 16 June 2008 An inspection of the property carried out by the Town's Development Compliance Officer confirmed that the property was being used as an unauthorised car park.
- 17 June 2008 The Town wrote to the owner of the subject place after being made aware that the subject property was being used as a car park, and requested the owner to immediately cease the car park use, and remove the associated signage at the abovementioned property.
- 24 June 2008 A site inspection confirmed the unauthorised car park had ceased, and all associated signage had been removed.
- 2 April 2009 Health Services declared the premises unfit for human habitation in accordance with Section 135 - '*Dwellings Unfit for Habitation*'. In addition, the premises was considered to be in such a state of disrepair that Section 137 - '*Condemned Building to be Amended or Removed*' and Section 138 - '*Land to be Cleaned up After Removal of House or Building Therefrom*', of the Health Act 1911 (as amended), was invoked.
- 19 June 2009 A Demolition Licence for the buildings on-site was issued by the Town.

DETAILS:

The proposal involves proposed change of use from car yard to private car park.

The applicant's has advised the following in relation to the proposal:

- *"The private car park will be managed via a monthly lease concept. The private car park will however, only be available for lease to local business owners and employees.*
- *The aim of the car park is to ease the demand for parking on William Street, to the benefit of the community and local business owners.*
- *Signage will be present in the form of a notice of the purpose of the car park at the entrance, i.e. "Private Parking".*
- *The car park will not be permanent; it will only act as a temporary solution. The owner of the land has the view to develop the site in the future."*

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Beaufort Precinct Policy No. 13	Activities other than shops, restaurants and other interactive uses are not to have a frontage to William Street at street or pedestrian level.	Car park	Supported - The applicant has stated that the ' <i>car park will not be permanent; it will only act as a temporary solution.</i> ' It is considered the temporary use of the site is beneficial as opposed to leaving the site vacant and unused, until such time as the owner is in a position to redevelop. The legal agreement to restrict the operation of the site will enable compliance with this provision.
	Car parks should not visually detract from the public environment or character of the area and, preferably, should not be visible from streets and public spaces.	Visible from streets and public spaces.	Supported - These requirements are more appropriate to individual commercial developments which need to plan their associated parking sensitively. They are not requirements that can, as a whole, sensibly fit with a fee paying/private car park. The proposed development would improve the present situation by way of resurfacing work, improved fencing and landscaping.
Car Parking and Access Policy No. 3.7.1	All non-residential parking areas should contain shade trees (species to be approved by the Town of Vincent) generally at a rate of one tree per four spaces.	Two London Plane Trees along southern boundary.	Supported - Given the temporary nature of the use, it is not considered necessary to require extensive plantings to the site. The mature London Plane trees that line and encroach into the northern boundary of the site are considered to soften the impact of the car park.

	The perimeter of all parking areas should be landscaped by a planting strip of at least 1.5 metres in width	No plantings.	Supported in part - The applicant is providing a fence around the perimeter to improve the aesthetics of the site. However, landscaping has been requested in the area to the north of car parking bay 29.
Consultation Submissions			
Support (2)	<ul style="list-style-type: none"> The proposal will be a welcome change and provide desperately needed car parking, thus taking pressure off local streets. The lack of landscaping is not reason to refuse the application; there is plenty of greenery with the large Plane trees in Monger Street. 		<p>Noted.</p> <p>Noted.</p>
Objection (1)	<ul style="list-style-type: none"> The private car park will not solve parking problems in the area. The problem is traffic congestion at peak times, which will be compounded with traffic entering and leaving the proposed car park. The creation of a car park will only encourage more traffic into the area if they assume that parking is readily available, exacerbating the problem. 		<p>Supported - It is not considered a car park will solve the car parking problems. However, it will provide for more parking availability to assist local businesses.</p> <p>Noted - It is acknowledged that there <i>"is traffic congestion at peak times"</i>; however, Rangers Services do not consider that approval for this application will compound that congestion.</p> <p>Not Supported - The private operation of the site, managed by a 'lease concept' will prevent the general public from utilising the site.</p>
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:

A 'car park' is an 'AA' use within a Commercial zone, requiring the discretion of the Council to approve the use. The proposal fails to comply with the intention of the Beaufort Centre Precinct as set out in the Town's Planning Policy No. 3.1.13, in terms provision of buildings facing the street and to promote an active and permeable interface. However, the site currently presents as vacant, overgrown with weeds, and strewn with rubbish. The proposed development would improve the present situation by way of resurfacing work, improved fencing and landscaping, until such time as the owner is in a position to redevelop the site.

To ensure that the use is functional and contributes to the overall objective of the Beaufort Precinct, and the Design Guidelines for William Street, it is recommended that the car park use be limited for an initial period of 5 years.

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

9.1.1 Further Report - No. 51 (Lot 412, D/P 67433) Franklin Street, Leederville- Proposed Change of Use to Outdoor Market (Unlisted Use) (Application for Retrospective Approval)

Ward:	North	Date:	7 December 2009
Precinct:	Leederville; P03	File Ref:	PRO0065; 5.2009.331.1
Attachments:	001		
Reporting Officer:	S Kendall, Heritage/Planning Officer		
Responsible Officer:	R Boardman, Director Development Services		

FURTHER 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 K Thomson on behalf of the owner Roman Catholic Archbishop of Perth, for proposed Change of Use to Outdoor Market (Unlisted Use) (Application for Retrospective Approval), at No. 51 (Lot 412, D/P 67433) Franklin Street, Leederville, and as shown on plans stamp dated 25 August 2009 and 19 November 2009, subject to the following conditions:

- (i) the market shall not promote smoking, alcohol, any use of illicit substances and/or adult “R” rated entertainment;*
- (ii) this approval for the Fields of Green Fresh Fare Market, is valid until 1 February 2010 and should the applicant wish to continue the use after that period, it shall be necessary to reapply to and obtain approval from the Town prior to continuation of the use;*
- (iii) a maximum of 35 stalls shall be in operation at any one time. Any increase in the number of stalls shall require further consent from the Town (further Planning Approval is not required);*
- (iv) a Special Events Permit is required for all temporary food stalls/food vans. Application forms together with the relevant fees shall be submitted one month prior, or a minimum of 14 days prior to the commencement of trade. Full compliance with the provisions of Food Act 2008 and Food Regulations 2009, and compliance with the FSANZ Food Safety Standards is required for all temporary food stalls/food vans. No food must be sold to the public unless approved by the Town’s Health Services;*
- (v) compliance with all Technical Services, Building and Environmental Health specific requirements;*
- (vi) a separate approval must be obtained from the Town’s Health Services should there be any live music or any other activities that may impact the neighbouring properties;*
- (vii) the organiser is responsible for the collection, removal and disposal of all rubbish generated at the event, and from streets and other public areas around the venue. Rubbish may need to be collected several times during the event, and shall be completed within an hour of the event conclusion. The collection of refuse must not be undertaken prior to 7.00am Monday – Saturday, 9.00am Sundays and Public Holidays, and not after 7.00pm, in accordance with the Environmental Protection (Noise) Regulations 1997. Additional Town refuse and recycling bins may be obtained for an event, by contacting the Town’s Waste Management Section; and*
- (viii) the hours of operation for the outdoor market shall be limited to 8am to 12 noon on Sundays only. This excludes the setting up and packing up time.*

Moved Cr Topelberg, Seconded Cr Lake

That the recommendation be adopted.

Debate ensued.

PROPOSED AMENDMENT

Moved Cr Topelberg, Seconded Cr

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

“(ii) this approval for the Fields of Green Fresh Fare Market, is valid for a period a period of 12 months from 15 December 2009 until 1 February 2010 and should the applicant wish to continue the use after that period, it shall be necessary to reapply to and obtain approval from the Town prior to continuation of the use;”

The Presiding Member, Mayor Catania advised that he would not accept the amendment as the Town has been informed by the College (landowners) that their approval ends on 1 February 2010 and the amendment should be on the basis that if the approval is 1 February 2010, the Council coincide with that however, if it is for another 12 months the Council will coincide with that as well. Advised that the Council cannot interfere with the private negotiation between the Applicant and Landowner.

Cr Farrell entered the Chamber at 8.14pm.

Debate ensued.

AMENDMENT

Moved Cr Topelberg, Seconded Cr Maier

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

“(ii) this approval for the Fields of Green Fresh Fare Market, is valid for a period as agreed by the Applicant with the owner of the land or for a maximum period of 12 months from 15 December 2009 (whichever is the sooner) until 1 February 2010 and should the Applicant wish to continue the use after that period, it shall be necessary to reapply to and obtain approval from the Town prior to continuation of the use;”

AMENDMENT PUT AND CARRIED (9-0)

MOTION AS AMENDED PUT AND CARRIED (9-0)

COUNCIL DECISION ITEM 9.1.1

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 K Thomson on behalf of the owner Roman Catholic Archbishop of Perth, for proposed Change of Use to Outdoor Market (Unlisted Use) (Application for Retrospective Approval), at No. 51 (Lot 412, D/P 67433) Franklin Street, Leederville, and as shown on plans stamp dated 25 August 2009 and 19 November 2009, subject to the following conditions:

- (i) the market shall not promote smoking, alcohol, any use of illicit substances and/or adult “R” rated entertainment;*

- (ii) *this approval for the Fields of Green Fresh Fare Market, is valid for a period as agreed by the Applicant with the owner of the land or for a maximum period of 12 months from 15 December 2009 (whichever is the sooner) and should the Applicant wish to continue the use after that period, it shall be necessary to reapply to and obtain approval from the Town prior to continuation of the use;*
- (iii) *a maximum of 35 stalls shall be in operation at any one time. Any increase in the number of stalls shall require further consent from the Town (further Planning Approval is not required);*
- (iv) *a Special Events Permit is required for all temporary food stalls/food vans. Application forms together with the relevant fees shall be submitted one month prior, or a minimum of 14 days prior to the commencement of trade. Full compliance with the provisions of Food Act 2008 and Food Regulations 2009, and compliance with the FSANZ Food Safety Standards is required for all temporary food stalls/food vans. No food must be sold to the public unless approved by the Town's Health Services;*
- (v) *compliance with all Technical Services, Building and Environmental Health specific requirements;*
- (vi) *a separate approval must be obtained from the Town's Health Services should there be any live music or any other activities that may impact the neighbouring properties;*
- (vii) *the organiser is responsible for the collection, removal and disposal of all rubbish generated at the event, and from streets and other public areas around the venue. Rubbish may need to be collected several times during the event, and shall be completed within an hour of the event conclusion. The collection of refuse must not be undertaken prior to 7.00am Monday – Saturday, 9.00am Sundays and Public Holidays, and not after 7.00pm, in accordance with the Environmental Protection (Noise) Regulations 1997. Additional Town refuse and recycling bins may be obtained for an event, by contacting the Town's Waste Management Section; and*
- (viii) *the hours of operation for the outdoor market shall be limited to 8am to 12 noon on Sundays only. This excludes the setting up and packing up time.*

FURTHER REPORT:

The Council at its Ordinary Meeting held on 1 December 2009 resolved to 'defer' Item No. 9.1.3 for further investigations to be undertaken.

The Town's Officers have listened to the audio recording of the Ordinary Meeting of Council held on 1 December 2009 and have noted and addressed the Council Members debate on the item:

"That the item be DEFERRED to clarify whether the Principal of Aranmore Catholic College will support the change of use and use of the Oval on a Sunday."

- Clarification was requested on whether the owner of the land, the Roman Catholic Archbishop, was aware of the application and whether consent had been provided.

<p><u>Officer Comment:</u></p>

<p>The Principal of Aranmore College provided the Town with a letter, dated 19 November 2009, which states that Ray Mason, who signed the MRS Form 1 'is Bursar of Aranmore Catholic College and has the Authority to sign documents on behalf of the College'.</p>

- Clarification was sought on whether the Principal of Aranmore Catholic College was supportive of the markets.

Officer Comment:

Further to discussions with the Principal of Aranmore College, it is understood that support has been given for the use of the school grounds for the markets. However, it is understood that this arrangement for the use of the grounds **concludes on 1 February 2010**. The Officer Recommendation has been amended to reflect this timeframe.

Further representation was received from the Chair of St Mary's Catholic Church as follows:

"This objection is based on the use of parking by market stallholders that have been used by the parish for many years for church attendance. In fact the church was guaranteed use of the school car park by the City of Perth when Franklin Street was closed. Since lodging our objection, the Parish Priest, Father Ossie Lewis and I have met with the operators of the market who promised to stop stallholders parking in the school. Over the past two weekends they have flagrantly ignored this promise. We as a parish do not believe the operators of this market have any interest in community benefit; this is a simple commercial enterprise."

- Clarification was sought on the nature of the 'agreement' between the College and St Mary's Catholic Church, for the use of the school's car parking by the Church for parishioners on Sunday.

Officer Comment:

There is no information in the Town's records pertaining to the City of Perth Agreement. It is noted that any formal agreement to use parking on another property (reciprocal parking), to have legal effect would need to have been registered on the Certificate of Title of the affected property, as an encumbrance. It would appear that this is not the case in this instance.

Further to discussions with the Principal of Aranmore College, it is understood that the arrangement was more of a 'gentleman's agreement' and that there is no formal arrangement in place. Therefore, the Town has limited effect in this matter.

An archive search with City of Perth has been instituted and the Town is still awaiting any documentation from City of Perth.

In light of the above, the previous Officer Recommendation has been amended to reflect the cessation of the markets on 1 February 2010.

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 1 December 2009.

"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 K Thomson on behalf of the owner Roman Catholic Archbishop of Perth for proposed Change of Use to Outdoor Market (Unlisted Use) (Application for Retrospective Approval), at No. 51 (Lot 412, D/P 67433) Franklin Street, Leederville, and as shown on plans stamp dated 25 August 2009 and 19 November 2009, subject to the following conditions:

- the market shall not promote smoking, alcohol, any use of illicit substances and/or adult "R" rated entertainment;*

- (ii) *this approval for the Fields of Green Fresh Fare Market, is for a period of 12 months only and should the applicant wish to continue the use after that period, it shall be necessary to reapply to and obtain approval from the Town prior to continuation of the use;*
- (iii) *a maximum of 35 stalls shall be in operation at any one time. Any increase in the number of stalls shall require further consent from the Town (further Planning Approval is not required);*
- (iv) *a Special Events Permit is required for all temporary food stalls/food vans. Application forms together with the relevant fees shall be submitted one month prior, or a minimum of 14 days prior to the commencement of trade. Full compliance with the provisions of Food Act 2008 and Food Regulations 2009, and compliance with the FSANZ Food Safety Standards is required for all temporary food stalls/food vans. No food must be sold to the public unless approved by the Town's Health Services;*
- (v) *compliance with all Technical Services, Building and Environmental Health specific requirements;*
- (vi) *a separate approval must be obtained from the Town's Health Services should there be any live music or any other activities that may impact the neighbouring properties;*
- (vii) *the organiser is responsible for the collection, removal and disposal of all rubbish generated at the event, and from streets and other public areas around the venue. Rubbish may need to be collected several times during the event, and shall be completed within an hour of the event conclusion. The collection of refuse must not be undertaken prior to 7.00am Monday – Saturday, 9.00am Sundays and Public Holidays, and not after 7.00pm, in accordance with the Environmental Protection (Noise) Regulations 1997. Additional Town refuse and recycling bins may be obtained for an event, by contacting the Town's Waste Management Section; and*
- (viii) *the hours of operation for the outdoor market shall be limited to 8am to 12 noon on Sundays only. This excludes the setting up and packing up time.*

COUNCIL DECISION ITEM 9.1.3

Moved Cr Lake, Seconded Cr McGrath

That the recommendation be adopted.

Debate ensued.

Cr Topelberg departed the Chamber at 8.13pm.

Debate ensued.

Cr Topelberg returned to the Chamber at 8.15pm.

Debate ensued.

PROCEDURAL MOTION

Moved Cr McGrath, Seconded Cr Farrell

That the item be DEFERRED to clarify whether the Principal of Aranmore Catholic College will support the change of use and use of the Oval on a Sunday.

PROCEDURAL MOTION PUT AND CARRIED (8-1)

For: Mayor Catania, Cr Buckels, Cr Burns, Cr Farrell, Cr Harvey, Cr McGrath, Cr Maier, Cr Topelberg

Against: Cr Lake

Landowner:	Roman Catholic Archbishop of Perth
Applicant:	K Thomson
	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R30
Existing Land Use:	Educational Establishment
Use Class:	Unlisted Use
Use Classification:	"SA"
Lot Area:	3650 square metres
Access to Right of Way	N/A

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves utilising the central oval of Aranmore College for a produce market, held every Sunday for an indefinite period, between the hours of 8am and 12 noon. The proposal is run by the same organisers as the Oxford Street Reserve Markets, which promotes independent fashion designers, jewellery designers, photographers, painters and other creative arts.

The markets, called 'Fields of Green Fresh Fare Markets', commenced on 2 August 2009 without planning approval, as the applicant was not aware that such approval had to be obtained.

ASSESSMENT:

<i>Consultation Submissions</i>		
<i>Support (4)</i>	<i>No Comment.</i>	<i>Noted.</i>
<i>Objection (1)</i>	<ul style="list-style-type: none"> • <i>The stall holders are parking in the church car park, which may deter people from attending church.</i> • <i>Concern that dogs are invited to the fresh produce market.</i> 	<p><i>Noted - Refer to comments below.</i></p> <p><i>Noted - Health Services have advised that each food stall must meet minimum standards, which involves the stall being set up so that the likelihood of contamination is minimised. On a recent inspection to the markets, adequate barriers were observed and no problems were identified.</i></p>

<i>General Comment</i>	<i>Parking from the church and markets on the verge creates issues. The Market will only exacerbate the issue.</i>	<i>Noted - This concern has been forwarded to Ranger Services for investigation.</i>
<i>Other Implications</i>		
<i>Legal/Policy</i>		<i>TPS 1 and associated Policies, and Residential Design Codes (R Codes).</i>
<i>Strategic Implications</i>		<i>Nil</i>
<i>Sustainability Implications</i>		<i>Nil</i>
<i>Financial/Budget Implications</i>		<i>Nil</i>
<i>Car Parking</i>		
<i>Car parking requirement (nearest whole number)</i> <i>- Market - 3 spaces per stall provided (Maximum 35 stalls proposed).</i>		<i>105 car bays</i>
<i>Apply the adjustment factors.</i> <i>- 0.85 (within 400 metres of a bus stop)</i> <i>- 0.95 (the proposed development is within 400 metres of one or more public car parks in excess of a total of 25 car parking spaces).</i>		<i>(0.8075)</i> <i>84.78 car bays</i>
<i>Minus the car parking provided on-site.</i>		<i>49</i>
<i>Minus the most recently approved on-site car parking shortfall.</i>		<i>Nil</i>
<i>Resultant shortfall</i>		<i>36 car bays</i>

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

COMMENTS:

As per the Town's Policy No. 3.8.3 relating to Concerts and Events, adequate parking is to be made available, to minimise the inconvenience to neighbouring properties for the duration of the event. As outlined in the Assessment Table, if the requirements of the Town's Policy No. 3.7.1 relating to Parking and Access were to be applied, there would be a car parking shortfall of 36 car bays, which would attract a total cash in lieu requirement of \$98,000.

Consistent with the Town's approach to temporary and occasional events, the requirements of the Town's Policy No. 3.7.1 relating to Parking and Access are not applied, rather consideration is given to ensuring adequate transport and car parking spaces are provided, and applicants are required to seek the direction of the Town's Rangers and Community Safety Services in this respect. The Town's Rangers and Community Safety Services have advised that there are opportunities for kerb-side parking in the immediate vicinity. Recent inspections by Health Services have noted car parking bays within the site being available for the duration of the morning markets.

An objection to the proposal raised concern that the stall holders are utilising the St Mary's Catholic Church car park, which may impede the parishioners' access to car parking bays. The applicant was requested to liaise directly with the Church, and develop a strategy for managing the car parking for the markets. In a letter dated 17 November 2009, the applicant advised:

"Discussions have been undertaken with the Priest of St Mary's Catholic Church regarding car parking on Sundays.

It has been agreed that the stall holders will not use the schools parking lot which is opposite the Church due to an agreement made many years ago with the church use of this car park as their own on Sundays."

In light of the above, and as the proposal is of an occasional nature, it is recommended that the proposal be approved without a cash- in-lieu car parking requirement, for a one year period to allow opportunities for the car parking situation to be reassessed, should problems arise."

9.1.8 No. 408 (Shop 1, Lot 1, STR 14218) Fitzgerald Street, corner of Forrest Street, North Perth - Proposed Change of Use from Shop to Eating House (Café) and Associated Signage

Ward:	South	Date:	7 December 2009
Precinct:	North Perth Centre; P09	File Ref:	PRO4892; 5.2009.430.1
Attachments:	001		
Reporting Officer:	T Cappellucci, Statutory Planning Officer		
Responsible Officer:	R Boardman, Director Development Services		

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 Dynamic Planning and Developments on behalf of the owner N M Ferguson for proposed Change of from Shop to Eating House (Café) and Associated Signage, at No. 408 (Lot 1, STR 14218) Fitzgerald Street, corner of Forrest Street, North Perth, and as shown on plans stamped-dated 13 October 2009, subject to the following conditions:

- (i) the total public floor area of the café shall be limited to 50 square metres;*
- (ii) the signage shall not have flashing or intermittent lighting;*
- (iii) all signage shall be subject to a separate Sign Licence application being submitted and approved prior to the erection of the signage;*
- (iv) 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;*
- (v) the canvas awning sign “Tobys Estate” shall have a minimum clearance of 2.75 metres from the finished ground level to the lowest part of the sign;*
- (vi) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (vii) bin compounds are required under the Town’s Health Local Laws 2004, as follows for commercial properties:*

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

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

- (a) pay a cash-in-lieu contribution of ~~\$20,104~~ \$10,200 for the equivalent value of ~~7.18~~ 3.65 car parking spaces, based on the cost of \$2,800 per bay as set out in the Town’s 2009/2010 Budget; OR*

(b) *lodge an appropriate assurance bond/bank guarantee of a value of ~~\$20,104~~ \$10,200 to the satisfaction of the Town. This assurance bond/bank guarantee will only be released in the following circumstances:*

- (1) *to the Town at the date of issue of the Building Licence for the development, or first occupation of the development, whichever occurs first; or*
- (2) *to the owner(s)/applicant following receipt by the Town of a Statutory Declaration of the prescribed form endorsed by the owner(s)/applicant and stating that they will not proceed with the subject 'Approval to Commence Development'; or*
- (3) *to the owner(s)/applicant where the subject 'Approval to Commence Development' did not commence and subsequently expired.*

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

The Chief Executive Officer advised that the original Order of Business will be resumed as Cr Farrell had returned to the Chamber.

Cr McGrath departed the Chamber at 8.16pm.

***COUNCIL DECISION ITEM 9.1.8**

Moved Cr Maier, Seconded Cr Farrell

That the recommendation be adopted.

Debate ensued.

It was requested that the floor plans for the application be circulated, as these indicate the number of car bays.

PROCEDURAL MOTION

Moved Cr Burns, Seconded Cr Farrell

That the item be DEFERRED until later in the Meeting, when a floor plan is circulated.

PROCEDURAL MOTION PUT AND CARRIED (8-0)

(Cr McGrath was absent from the Chamber and did not vote.)

***Note: This Item was recommitted later in the meeting, as the Council required a copy of the floor plan. Refer to page 149.**

9.1.2 Further Report - Proposed Amendment No. 25 to the Town's Town Planning Scheme No. 1 - Clause 20 (4) Relating to No Multiple Dwellings

Ward:	Both Wards	Date:	7 December 2009
Precinct:	Cleaver P5; Smith's Lake P6; Hyde Park P12; Banks P15; Norfolk P10	File Ref:	PLA 0192
Attachments:	-		
Reporting Officer:	T Woodhouse, Co-ordinator Strategic Planning		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the further report relating to Proposed Amendment No. 25 to the Town's Town Planning Scheme No. 1 - Clause 20 (4) Relating to No Multiple Dwellings;*
- (ii) *AUTHORISES the Chief Executive Officer to prepare an Information Sheet relating to Policy No. 3.4.8 relating to Multiple Dwellings and the proposed Town Planning Scheme Amendment No. 25 with an accompanying letter of invitation to a Community Information Presentation to be held in the New Year, to be distributed to all of the Town's Precinct Groups, by no later than 29 January 2010; and*
- (iii) *ADVISES the Department of Planning that the Council SUPPORTS IN PRINCIPLE the progression of Town Planning Scheme Amendment No. 25 and the proposed recommendation by the Department of Planning that Clauses 20 (4) (a) (i), 20 (4) (b), 20 (4) (e) (i), 20 (4) (g) (i), and 20(4) (d) (i) are removed from the Town's Town Planning Scheme No. 1, altogether.*

Moved Cr Farrell, Seconded Cr Lake

That the recommendation be adopted.

Debate ensued.

Cr McGrath return to the Chamber at 8.21pm.

Debate ensued.

AMENDMENT NO 1

Moved Cr Topelberg, Seconded Cr Farrell

That clause (iii) be amended, and a new clause (iv) be inserted as follows:

- “(iii) ADVISES the Department of Planning that the Council SUPPORTS IN PRINCIPLE the progression of Town Planning Scheme Amendment No. 25 and the proposed recommendation by the Department of Planning that Clauses ~~20(4) (a) (i), 20 (4) (b), 20(4) (e) (i), 20 (4) (g) (i), and 20(4) (d) (i)~~ are removed from the Town's Town Planning Scheme No.1, altogether; and*

- (iv) WILL ADVISE the Department of Planning in relation to clauses 20(4)(a)(i) and 20(4)(e)(i) of the Town's Town Planning Scheme No. 1 before 31 March 2010 and accepts the desire of the community in these Precincts to be further consulted in relation to this Policy and intends to do so in early 2010 given the particular concern of the protection of the character of the Hyde Park and Cleaver Precincts against unintended consequences as a result of removing the prohibition, due to the current R80 coding within these two Precincts."

Debate ensued.

Meeting Adjournment

At 8.45pm the Presiding Member, Mayor Nick Catania called an Adjournment of the meeting for approximately 5 minutes in order that Amendment No 1 be clearly reworded, so as to avoid any confusion.

Meeting Resumption

The Meeting resumed at 9.07pm with all Council members, Officers and approximately 40 members of the public present. The reworded amendment was circulated as follows:

AMENDMENT NO 1

Moved Cr Topelberg, Seconded Cr Farrell

That clause (iii) be amended, and a new clause (iv) be added as follows:

“(iii) ADVISES the Department of Planning that the Council SUPPORTS IN PRINCIPLE the progression of Town Planning Scheme Amendment No. 25 and the proposed recommendation by the Department of Planning that Clauses ~~20(4)(a)(i)~~, 20(4)(b), ~~20(4)(e)(i)~~, 20(4)(g)(i), and 20(4)(d)(i) are removed from the Town's Town Planning Scheme No.1, altogether; and

(iv) WILL ADVISE the Department of Planning in relation to clauses 20(4)(a)(i) and 20(4)(e)(i) that:

(a) at this time the Town is considering reinstating the clause that “Multiple dwellings are not permitted in this Precinct” in the Town's Town Planning Scheme No. 1 or altering its decision of 27 May 2008 in relation to clauses 20(4)(a)(i) – Cleaver Precinct P5 and 20(4)(e)(i) – Hyde Park Precinct P12;

(b) this advice will be given before 31 March 2010 following further consultation with the community;

(c) the Council accepts the strong desire of the community in these Precincts to be further consulted in relation to this Policy and intends to do so in early 2010; and

(d) this is in response to the particular concern of the Hyde Park and Cleaver Precincts against unintended consequences as a result of removing the prohibition, due to the current R80 coding within these two Precincts.”

(The Mover, Cr Topelberg and the Seconder, Cr Farrell agreed with the reworded amendment. The Presiding Member, Mayor Catania read out the reworded Amendment.)

AMENDMENT NO 1 PUT AND CARRIED (9-0)

Debate ensued.

AMENDMENT NO 2

Moved Cr Maier, Seconded Cr McGrath

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

“(ii) AUTHORISES the Chief Executive Officer to prepare an Information Sheet relating to Policy No.3.4.8 relating to Multiple Dwellings and the proposed Town Planning Scheme Amendment No. 25 with an accompanying letter of invitation to a Community Information Presentation to be held in the New Year, to be distributed to all of the Town's Precinct Groups and residents and owners of properties within the Hyde Park and Cleaver Precincts, by no later than 29 January 2010;”

AMENDMENT NO 2 PUT AND CARRIED (9-0)

AMENDMENT NO 3

Moved Cr McGrath, Seconded Cr Maier

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

“(iv) READVERTISE Proposed Amendment No. 25 to the Town's Town Planning Scheme No. 1 relating to Clauses 20(4)(a)(i) and 20(4)(e)(i) of the Scheme to allow for further consultation with the Hyde Park and Cleaver Precinct residents and ratepayers to address community concerns with the proposed amendment. The further consultation shall include a letter to all property owners, which consists of a summary of the proposed amendment, a statement of Frequently Asked Questions, examples of development scenarios, and an invitation to comment. This is to be followed up with a general response to all those who provided comment in the re-advertising period, which will be endorsed by the Council prior to distribution.”

Debate ensued.

Cr Lake suggested the last sentence of the amendment be deleted.

The Mover, Cr McGrath agreed however, the Seconder, Cr Maier disagreed and suggested the letter be approved under delegated authority.

Debate ensued.

AMENDMENT NO 3 PUT AND LOST (2-7)

For: Cr McGrath, Cr Maier

Against: Mayor Catania, Cr Buckels, Cr Burns, Cr Farrell, Cr Harvey, Cr Lake, Cr Topelberg

Debate ensued.

MOTION AS AMENDED PUT AND CARRIED (9-0)

COUNCIL DECISION ITEM 9.1.2

That the Council;

- (i) *RECEIVES the further report relating to Proposed Amendment No. 25 to the Town's Town Planning Scheme No. 1 - Clause 20 (4) Relating to No Multiple Dwellings;*
- (ii) *AUTHORISES the Chief Executive Officer to prepare an Information Sheet relating to Policy No. 3.4.8 relating to Multiple Dwellings and the proposed Town Planning Scheme Amendment No. 25 with an accompanying letter of invitation to a Community Information Presentation to be held in the New Year, to be distributed to all of the Town's Precinct Groups and residents and owners of properties within the Hyde Park and Cleaver Precincts, by no later than 29 January 2010;*
- (iii) *ADVISES the Department of Planning that the Council SUPPORTS IN PRINCIPLE the progression of Town Planning Scheme Amendment No. 25 and the proposed recommendation by the Department of Planning that Clauses 20(4)(b), 20(4)(g)(i) and 20(4)(d)(i) are removed from the Town's Town Planning Scheme No.1, altogether; and*
- (iv) *WILL ADVISE the Department of Planning in relation to clauses 20(4)(a)(i) and 20(4)(e)(i) that:*
 - (a) *at this time the Town is considering reinstating the clause that "Multiple dwellings are not permitted in this Precinct" in the Town's Town Planning Scheme No. 1 or altering its decision of 27 May 2008 in relation to clauses 20(4)(a)(i) – Cleaver Precinct P5 and 20(4)(e)(i) – Hyde Park Precinct P12;*
 - (b) *this advice will be given before 31 March 2010 following further consultation with the community;*
 - (c) *the Council accepts the strong desire of the community in these Precincts to be further consulted in relation to this Policy and intends to do so in early 2010; and*
 - (d) *this is in response to the particular concern of the Hyde Park and Cleaver Precincts against unintended consequences as a result of removing the prohibition, due to the current R80 coding within these two Precincts.*

FURTHER REPORT:

The Council at its Special Meeting held on 13 October 2009, considered the above item relating to the proposed Amendment No. 25 to the Town's Town Planning Scheme No. 1 - Clause 20 (4) Relating to No Multiple Dwellings and resolved as follows:

"That the item be DEFERRED for further consideration and a request to the WA Planning Commission to defer consideration of the matter"

The Town's Officers have reviewed the Minutes of the Special Meeting of Council held on 13 October 2009 and attended the New Residents Group Meeting for the Perth/Hyde Park area on 12 November 2009, to gain a greater insight into the issues raised by the community regarding this matter. A list of the key concerns arising from the Meetings is detailed below with Officer Comment:

In addition, to this, in a letter dated 21 October 2009, the Town advised the Western Australian Planning Commission to defer the consideration of the matter. Since receiving this letter, the Western Australian Planning Commission have advised the Town verbally that the deferral of the proposed Amendment No. 25 is supported, and that the Commission will resume consideration of the matter once it has received further written advice from the Town.

1. Confusion between Policy No. 3.4.8 relating to Multiple Dwellings and the proposed Scheme Amendment No. 25 to the Town's Town Planning Scheme No. 1

Officer Comment

Policy No. 3.4.8 relating to Multiple Dwellings is a local planning policy adopted pursuant to clause 47 of the Town's Town Planning Scheme No. 1 (TPS No. 1). A local planning policy is advertised for 4 weeks as outlined in clause 47 of TPS No. 1, and is determined by the Council, not the Western Australian Planning Commission. Clause 38 (5) (b) of the Town's Town Planning Scheme No. 1 stipulates that in considering an application, the Council is to have regard for any planning policy.

A local planning policy does not have the statutory power to amend the Town Planning Scheme. Therefore, it is reiterated that the adoption of Policy No. 3.6.8 relating to Multiple Dwellings, by the Council at its Ordinary Meeting held on 11 August 2009 has not had the affect to allow the construction of multiple dwellings in areas within the Town that they are currently not permitted, by clause 20 (4) (a) to (h) of the Town's Town Planning Scheme No. 1.

A Scheme Amendment is an amendment to the Town Planning Scheme. The process of a Scheme Amendment is undertaken in accordance with the Planning and Development Act 2005 and the Town Planning Regulations 1967. For any Scheme Amendment to take effect, final authorisation is required by the Minister for Planning.

2. Concern over the approach of advertising and consultation of Policy No. 3.6.8 relating to Multiple Dwellings and the Scheme Amendment No. 25 to the Town's Town Planning Scheme No. 1.

Officer Comment

Advertising of the Multiple Dwelling Policy:

The advertising of Policy No. 3.6.8 relating to Multiple Dwellings was undertaken in accordance with Clause 47 of the Town's Town Planning Scheme No. 1 and the Town's Policy No. 4.1.5 relating to Community Consultation. It is worth noting that the provisions required to advertise a local planning policy within the Town's Town Planning Scheme No. 1 are beyond what is required in the Model Scheme Text, which is Appendix B to the Town Planning Regulations 1967, and acts as the template in preparing a Town Planning Scheme. The Model Scheme Text stipulates that in preparing a local planning policy, the local government is to advertise the Policy for 2 weeks in a local newspaper circulated in the Scheme area.

The Town clearly met this requirement and its own requirements of the TPS No. 1 by advertising the Policy for 4 weeks in the local newspaper and making it available for viewing at the Town's Administration and Civic Centre, Library, Beatty Park Leisure Centre and the Town's website. Letters were also sent to all Precinct Groups and relevant government agencies.

Advertising of the Scheme Amendment No. 25

The advertising of proposed Scheme Amendment No. 25 to the Town's Town Planning Scheme No. 1 was undertaken in accordance with the Town Planning Regulations 1967. It is considered that the Town has met the requirements of regulation 25 (j), by '*advertising the proposed amendment once in a newspaper circulated in the district where the land the subject of the Amendment is situated, and displaying a copy of the amendment in a prominent place*'. In addition to these requirements the Town also consulted with all Precinct Groups and other relevant government stakeholders through written notification and placed the Amendment on the Town's website and made hard copies available at the Town's Administration and Civic Centre, the Town's Library and Local History Centre and Beatty Park Leisure Centre.

3. Concern over loss of character and amenity in the area

Officer Comment

Policy No. 3.6.8 relating to Multiple Dwellings provides direction with respect to the design and development of multiple dwellings, to ensure that they are of a high calibre and befitting of the land's urban context and character. Three of the five key objectives of Policy No. 3.4.8 relating to Multiple Dwellings relate to ensuring that all multiple dwelling development in the Town is of a high standard and does not detract from the character and amenity of the area. The three objectives are as follows:

- "1) *To facilitate good quality and well-designed multiple dwelling developments*
- 2) *To ensure that multiple dwelling developments positively contribute and respond creatively to their existing context within the Town of Vincent*
- 3) *To ensure that multiple dwelling developments are well articulated and of a contemporary character which are respectful to their historic and/or streetscape context."*

To address these key objectives, various provisions have been included in the Policy to ensure that the objectives are met. These include;

- *developments comprising of three or more multiple dwellings require the submission of a 'Neighbourhood Context Report';*
- *the height of new developments is to respond to the existing urban context and where appropriate, heritage and streetscape considerations;*
- *all multiple dwellings within Residential zoned areas not located along a major road are to be a maximum height of 2 storeys in accordance with the Town's existing policies relating to residential development, and*
- *all development is to be guided by the table in section 9 of the Policy and is to be cognisant of the impact on surrounding existing development.*

In addition to this, the large majority of properties listed on the Town's Municipal Heritage Inventory are concentrated in the southern portion of the Town, where the proposed Scheme Amendment, to lift the prohibition of the construction of multiple dwellings applies. All places on the Town's Municipal Heritage Inventory are protected under the Town's Town Planning Scheme No. 1 as the 'Heritage List', preventing demolition of these places, which contribute to the character and amenity of the area.

4. The proposed Scheme Amendment No. 25 to lift the prohibition of multiple dwellings in certain areas of the Town will result in inappropriate development, and target investment development and promote demolition.

Officer Comment

Since the gazettal of Town Planning Scheme No. 1 on 4 December 1998, the Town's Officers have periodically been questioned over the Town Planning Scheme No. 1 provision relating to 'no multiple dwellings' in the Precincts of Cleaver, Smith's Lake, Norfolk, Hyde Park, Forrest and Banks. In particular, questions have been raised as to the appropriateness of this provision in relation to higher density codings along major roads, such as Loftus, Newcastle, Charles, and Vincent Streets in the Cleaver Precinct; Charles Street, between Emmerson and Albert Streets, in the Smith's Lake Precinct; Fitzgerald, William, Bulwer, Charles and Vincent Streets in the Hyde Park Precinct; and East Parade, Guildford Road and Lord Street, in the Banks Precinct.

Within this context, and to address this statement, it is important to discuss the two remaining of the five objectives of the Multiple Dwelling Policy, which are as follows:

- "4) To maximise the opportunities afforded by the Town of Vincent proximity to the central business district, major public transport routes, and road networks to provide a range of housing types consistent with the principles of 'Network City'.
- 5) To encourage the provision to affordable housing within the Town of Vincent including a wide variety of dwelling types for a range of household types."

It is worthy to note that multiple dwellings are a popular housing choice within inner-urban areas, they are commonly located along major roads where greater housing densities are generally accepted, and are the preferred dwelling type for *Network City's* promoted 'transit - oriented developments', and more recently, in accordance with *Directions 2031 - a Spatial Framework for Perth and Peel*. In addition, the proposed amendment to the State Planning Policy No. 3.1 - Residential Design (Variation 1) to include a new Multi Unit Housing Code that is currently being advertised by the Department of Planning, also further highlights the State Government's agenda to promote the development of well designed multiple dwelling development within appropriately zoned areas.

This notion was also supported in the *Town's Affordable Housing Strategy* that was endorsed by the Council at its Ordinary Meeting held on 24 February 2009. The Strategy notes that, *'This restriction [TPS No. 1 clause 20 (4) (a) to (h)] covers a significant portion of the Town and excludes the development of multiple units which is often the most appropriate form of affordable dwellings particularly in inner city locations. New innovations in multiple unit developments such as in East Perth and Subiaco have seen design that would really 'fit' within the character of Vincent. This provision within these precincts should be deleted'*.

It is also important to highlight the key amendment to the Residential Design Codes of WA in 2008, which resulted in the definition of a multiple dwelling, to be read as follows:

"A dwelling in a group of more than one dwelling on a lot where any part of a dwelling is vertically above part of any other but:

- *does not include a group dwelling*
- *includes any dwellings above the ground floor in a mixed use development."*

The key change to the definition is the second dot point above, which essentially equates that any commercial use on a ground floor with residential above, is considered to be a multiple dwelling. This amendment to the R Codes has strong ramifications for development options along major roads, and commercial zoned areas within the Town currently governed by the requirements of clause 20 (4) (a) to (h) of the Town's Town Planning Scheme No. 1. Furthermore, this has a large impact on the key objectives of the Local Planning Strategy that was endorsed by the Council at its Ordinary Meeting held on 14 April 2009, which strongly promotes mixed-use development in appropriate areas espoused by the State Government.

Accordingly, given the Town's proximity to the Central Business District, and its excellent access to public and private transport networks, retention of the prohibition of 'multiple dwellings' is considered to be contrary to contemporary planning direction in Western Australia and it is not considered will result in inappropriate development, when managed and guided by the Town's Policy No. 3.4.8 relating to Multiple Dwellings.

It is considered that the above statements and accompanying Officer comments, address the issues that were raised at the Special Meeting of Council held on 13 October 2009, and the subsequent community meeting held on 12 November 2009. It is therefore recommended that the Council receives the report, and authorises the progression of Scheme Amendment No. 25, in accordance with the Officer Recommendation.

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Special Meeting held on 13 October 2009.

"OFFICER RECOMMENDATION:

That the Council;

- (i) RECEIVES the progress report relating to Proposed Amendment No. 25 to the Town's Town Planning Scheme No. 1 - Clause 20 (4) Relating to No Multiple Dwellings;*
- (ii) ADVISES the Department of Planning that the Council SUPPORTS IN PRINCIPLE the proposed recommendation by the Department of Planning that Clauses 20 (4) (a) (i), 20 (4) (b), 20 (4) (e) (i), 20 (4) (g) (i), and 20(4) (d) (i) are removed from the Scheme altogether; and*
- (iii) ADVISES the Department of Planning that the Town of Vincent has followed due process in advertising the proposed amendment in accordance with the Town Planning Regulations 1967, and that no further advertising should be required.*

COUNCIL DECISION ITEM 7.3

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

PROPOSED AMENDMENT

Moved Cr Doran-Wu, Seconded Cr

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

- "(ii) ADVISES the Department of Planning that the Council DOES NOT SUPPORTS IN PRINCIPLE the proposed recommendation by the Department of Planning that Clauses 20 (4) (a) (i), 20 (4) (b), 20 (4) (e) (i), 20 (4) (g) (i), and 20(4) (d) (i) are removed from the Scheme altogether; and"*

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

“(iv) ADVISES the Department of Planning for the reasons for not supporting the proposed recommendation to remove Clause 20 from the Scheme, as put forward during discussion of this Item.”

The Presiding Member, Mayor Nick Catania stated he would not accept the amendment, as it a direct negative to the Officer Recommendation.

Debate ensued.

PROCEDURAL MOTION

Moved Cr Ker, Seconded Cr Farrell

That the item be DEFERRED for further consideration and a request to the WA Planning Commission to defer consideration of the matter.

MOTION PUT AND CARRIED (7-1)

For: Mayor Catania, Cr Burns, Cr Farrell, Cr Ker, Cr Lake, Cr Maier, Cr Messina
Against: Cr Doran-Wu

PURPOSE OF REPORT:

The purpose of this report is to provide an update on the progression of the proposed amendment No. 25 to the Town's Town Planning Scheme No. 1 - Clause 20 (4) relating to No Multiple Dwellings.

BACKGROUND:

27 May 2008

At its Ordinary Meeting, the Council resolved to initiate Scheme Amendment No. 25 as follows:

"That the Council;

(i) pursuant to Section 75 of the Planning and Development Act 2005, RESOLVES TO INITIATE AN AMENDMENT to the Town of Vincent Town Planning Scheme No. 1 by modifying the Scheme Text as follows:

(a) Replace clause 20 (4) (a) (i) –

“(a) Cleaver Precinct P5,

(i) Multiple dwellings are not permitted in this Precinct;”

with new clause 20 (4) (a) (i) –

“(a) Cleaver Precinct P5,

(i) Multiple dwellings will only be permitted in this precinct–where the Council is satisfied that the development is consistent with the Town of Vincent Policy relating to Multiple Dwellings;”;

(b) *Replace clause 20 (4) (b) –*

“(b) Smith’s Lake Precinct P6,

*In the area along Charles Street, between
Emmerson and Albert Streets, coded R60,
multiple dwellings are not permitted.”*

with new clause 20 (4) (b) –

“(b) Smith’s Lake Precinct P6,

*In the area along Charles Street, between
Emmerson and Albert Streets, coded R60,
multiple dwellings will only be permitted in
this precinct where the Council is satisfied
that the development is consistent with the
Town of Vincent Policy relating to Multiple
Dwellings.”;*

(c) *Replace clause 20 (4) (e) (i) –*

“(e) Hyde Park Precinct P12,

*(i) Multiple dwellings are not permitted
in this precinct;”*

with new clause 20 (4) (e) (i) -

“(e) Hyde Park Precinct P12,

*(i) Multiple dwellings will only be
permitted in this precinct where the
Council is satisfied that the
development is consistent with the
Town of Vincent Policy relating to
Multiple Dwellings;”;*

(d) *Replace clause 20 (4) (g) (i) –*

“(g) Banks Precinct P15,

*(i) Multiple dwellings are not permitted
in this precinct ;”*

with new clause 20 (4) (g) (i) -

“(g) Banks Precinct P15,

*(i) Multiple dwellings will only be
permitted in this precinct where the
Council is satisfied that the
development is consistent with the
Town of Vincent Policy relating to
Multiple Dwellings;”;*

- (e) *Replace clause 20 (4) (d) (i) –*
- “(d) *Norfolk Precinct P10,*
- (i) *Multiple dwellings are not permitted in areas coded R40;”*
- with new clause 20 (4) (d) (i) -*
- “(d) *Norfolk Precinct P10,*
- (i) *Multiple dwellings will only be permitted in areas coded R40 where the Council is satisfied that the development is consistent with the Town of Vincent Policy relating to Multiple Dwellings;”*

16 June 2008 *The Western Australian Planning Commission (WAPC) and the Environmental Protection Authority (EPA) were advised of the resolution to initiate Scheme Amendment No. 25.*

25 June 2008 *The WAPC advised the Town that consent to advertise has been granted.*

9 July 2008 *Servicing authorities, affected Government authorities, local authorities and Precinct Groups were sent a notice of the Amendment.*

14 July 2008 *Correspondence received from the EPA stating that the proposed amendment does not require an environmental assessment.*

15 July 2008 *Amendment advertised in the 'The Guardian' newspaper.*

26 August 2008 *Advertising period completed. Eight (8) submissions received by the Town.*

28 October 2008 *At its Ordinary Meeting, the Council resolved as follows:*

“That the Council;

- (i) **RESOLVES:**
- (a) *pursuant to Town Planning Regulation Section 17 (1) to RECEIVE and consider the 8 submissions and Schedule of Submissions as attached at Appendix 7.5; and*
- (b) *pursuant to Town Planning Regulation 17 (2), that Amendment No. 25 to the Town of Vincent Town Planning Scheme No. 1 BE ADOPTED FOR FINAL APPROVAL, without modification;*

- (ii) *AUTHORISES the Mayor and Chief Executive Officer to execute and affix the Town of Vincent Common Seal to Amendment No. 25 to the Town of Vincent Town Planning Scheme No. 1 documents reflecting the Council's endorsement of final approval;*
- (iii) *FORWARDS the relevant executed documents to and REQUESTS the Honourable Minister for Planning and Western Australian Planning Commission to adopt for final approval and gazettal, without modification, Amendment No. 25 to the Town of Vincent Town Planning Scheme No. 1;*
- (iv) *ADVISES the Environmental Protection Authority and those who made submissions of clauses (i), (ii), (iii) and (iv) above; and*
- (v) *REQUESTS the Minister for Planning and the Western Australian Planning Commission to deal with Amendment No. 25 as a matter of urgency."*

22 September 2009

An email was received from the Department of Planning (DOP) advising that following the assessment of the Amendment, the DOP have questioned the Town's proposal to link the permissibly of the use to built form outcomes by stating, 'multiple dwellings will only be permitted where Council is satisfied that the development is consistent with the Town of Vincent Policy relating to Multiple Dwellings'. As such, the DOP have requested the Town provide comment as to whether it would object to a modification to the Amendment which would remove Clauses 20 (4) (a) (i), 20 (4) (b), 20 (4) (e) (i), 20 (4) (g) (i), and 20(4) (d) (i) from the Town's Town Planning Scheme altogether.

30 September 2009

The Town's Officers were provided verbal advice from the DOP that apart from clarification of the above, the progression to determine the proposed Scheme Amendment is almost complete, and is likely to be presented to the Minister for Planning on 27 October 2009, with a recommendation to support the Scheme Amendment with the above modification.

DETAILS:

Since the initiation of the Scheme Amendment in May 2008, the Town's Officers have been in regular contact with the Department of Planning regarding the progress of the matter, and at no stage, up until the email dated 22 September 2009, has there been mention of the proposed modification to the Amendment detailed above.

The DOP's rationale for the modification to the Amendment was outlined as follows; 'the requirement for consistency with the Multiple Dwellings Policy seems superfluous as Clause 38 (5) of the Town's Town Planning Scheme No. 1 states that Council in considering a development application is to have regard to, amongst others, any relevant planning policy'.

In the email correspondence dated 22 September 2009 outlined above, the DOP requested the Town to forward comments regarding the proposed modifications to the DOP prior to a recommendation being made to the Minister for Planning.

Verbal advice from the DOP on 29 September 2009 indicated to the Town's Officers that if the Town were inclined to support the proposed modifications to the Amendment, then a case could be forwarded to the Minister for Planning that the proposed modification to the Amendment would not require a further initiation of the Scheme Amendment, or further advertising.

It is considered that the Town's Multiple Dwellings Policy No. 3.4.8, adopted pursuant to Clause 47 of the Town's Town Planning Scheme No. 1 on 11 August 2009, is a robust planning tool that will serve to both facilitate the development of medium-high density multiple dwellings within identified Town Centres and along Major Roads, whilst also controlling the design and location of proposed multiple dwellings, so as not to unduly impact on existing residential amenity.

In light of the above, it is considered that the existing Clause 38 (5) (b) of the Town's Town Planning Scheme No. 1, is suffice in linking the Scheme to the Town's Multiple Dwellings Policy No. 3.4.8, and that the proposed modification to the Amendment, recommended by the DOP, to remove Clauses 20 (4) (a) (i), 20 (4) (b), 20 (4) (e) (i), 20 (4) (g) (i), and 20(4) (d) (i) from the Scheme altogether, is supported.

CONSULTATION/ADVERTISING:

The proposed Scheme Amendment was advertised in the local newspaper (The Guardian), in accordance with the Town Planning Scheme Regulations 1967. A summary of the submissions received were presented to the Special Meeting of Council held on 28 October 2008, and were forwarded to the Western Australian Planning Commission on 19 November 2008.

LEGAL/POLICY:

*Town Planning Scheme No. 1;
Planning and Development Act 2005; and
Town Planning Regulations 1967.*

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

SUSTAINABILITY IMPLICATIONS:

The principles of Scheme Amendment No. 25 are in line with those outlined in the State Government's Network City strategy and Directions 2031 - Draft Spatial Framework for Perth and Peel, which promote a sustainable future for Perth and Peel.

COMMENTS:

As detailed in the report, the proposed Scheme Amendment No. 25 has progressed slowly since it was first initiated on 27 May 2008. Given the considerable delays that have already occurred in reaching a determination on this matter, and the expectation from the Town, Council Members, community and stakeholders, it is considered paramount that the Western Australian Planning Commission considers the proposed Scheme Amendment No. 25 as a matter of urgency.

In light of the above, it is recommended that the Council supports the Officer Recommendation to advise the DOP of its support to the proposed modification to the amendment to remove Clauses 20(4)(a)(i), 20(4)(b), 20(4)(e)(i), 20(4)(g)(i), and 20(4)(d)(i) from the Scheme altogether, and to note that the Town has followed due process in terms of appropriate advertising of the proposed amendment in accordance with the Town Planning Regulations 1967."

The Chief Executive Officer advised that the floor plan for Item 9.1.8 had now been circulated and the Item was able to be considered again.

Cr McGrath departed the Chamber at 9.25pm as he had declared an interest affecting Impartiality in Item 9.1.8. He did not speak or vote on this matter.

9.1.8 No. 408 (Shop 1, Lot 1, STR 14218) Fitzgerald Street, corner of Forrest Street, North Perth - Proposed Change of Use from Shop to Eating House (Café) and Associated Signage

Ward:	South	Date:	7 December 2009
Precinct:	North Perth Centre; P09	File Ref:	PRO4892; 5.2009.430.1
Attachments:	001		
Reporting Officer:	T Cappellucci, Statutory Planning Officer		
Responsible Officer:	R Boardman, Director Development Services		

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 Dynamic Planning and Developments on behalf of the owner N M Ferguson for proposed Change of Use from Shop to Eating House (Café) and Associated Signage, at No. 408 (Lot 1, STR 14218) Fitzgerald Street, corner of Forrest Street, North Perth, and as shown on plans stamped-dated 13 October 2009, subject to the following conditions:

- (i) the total public floor area of the café shall be limited to 50 square metres;*
- (ii) the signage shall not have flashing or intermittent lighting;*
- (iii) all signage shall be subject to a separate Sign Licence application being submitted and approved prior to the erection of the signage;*
- (iv) 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;*
- (v) the canvas awning sign "Tobys Estate" shall have a minimum clearance of 2.75 metres from the finished ground level to the lowest part of the sign;*
- (vi) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (vii) bin compounds are required under the Town's Health Local Laws 2004, as follows for commercial properties:*

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

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

(a) *pay a cash-in-lieu contribution of ~~\$20,104~~ \$10,200 for the equivalent value of ~~7.18~~ 3.65 car parking spaces, based on the cost of \$2,800 per bay as set out in the Town's 2009/2010 Budget; OR*

(b) *lodge an appropriate assurance bond/bank guarantee of a value of ~~\$20,104~~ \$10,200 to the satisfaction of the Town. This assurance bond/bank guarantee will only be released in the following circumstances:*

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

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

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

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

COUNCIL DECISION ITEM 9.1.8

Moved Cr Maier, Seconded Cr Farrell

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Burns, Seconded Cr Lake

That a new clause (ix) be inserted to read as follows:

"(ix) the one allocated car parking bay shall be sign posted for use by and used exclusively for eating house (café) customers;"

Debate ensued.

AMENDMENT PUT AND CARRIED (6-2)

For: Cr Buckels, Cr Burns, Cr Harvey, Cr Lake, Cr Maier, Cr Topelberg

Against: Mayor Catania, Cr Farrell

(Cr McGrath was absent from the Chamber and did not vote.)

Debate ensued.

**MOTION PUT AND LOST ON THE
CASTING VOTE OF THE PRESIDING MEMBER (4-5)**

For: Cr Buckels, Cr Lake, Cr Maier, Cr Topelberg

Against: Presiding Member, Mayor Nick Catania (two votes – deliberative and casting vote), Cr Burns, Cr Farrell, Cr Harvey

(Cr McGrath was absent from the Chamber and did not vote.)

Reasons:

1. **Lack of car parking in the area.**
2. **The business is located on a very busy corner.**
3. **The development would impact on other businesses in the area.**

Cr McGrath returned to the Chamber at 9.48pm and the Presiding Member, Mayor Catania advised him that the item was lost.

Landowner:	N M Ferguson
Applicant:	Dynamic Planning and Developments
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): District Centre
Existing Land Use:	Shop
Use Class:	Eating House
Use Classification:	"P"
Lot Area:	490 square metres
Access to Right of Way:	N/A

BACKGROUND:

2 April 1984: Under the provisions of the Metropolitan Region Scheme (MRS), an application for the demolition of an adjoining residence at the rear of an existing pharmacy, in order to establish a doctor's surgery on-site with a consulting room, theatre, staff room and reception area, was referred to The Metropolitan Region Planning Authority for determination. The application was granted Approval subject to nil conditions.

DETAILS:

The proposal involves the change of use of the existing shop (formerly *Finishing Touches*) to an eating house (café).

Nos. 408-410 Fitzgerald Street currently has three premises on-site (*Finishing Touches*, *Ilika Design* and *Violin Sports*). However, the site has been strata titled into two, with the proposed eating house (café) along with the existing *Ilika Design* shop being on one title, and the existing *Violin Sports* being on the other title.

The Town has no record of any Approval for the current uses on-site. The existing use of the *Ilika Design* shop therefore, along with the proposed eating house (café), will be included in determining how many car parking bays are required for the proposed eating house, as both are on the same strata lot.

In addition, a letter signed by the owners of the three properties at Nos. 408-410 Fitzgerald Street, has confirmed the car parking situation on-site, as there is no strata plan detailing the car parking allocation on-site for the two lots.

The applicant's submission and justification along with a copy of the strata title of Nos. 408-410 Fitzgerald Street, and a letter signed by the three landowners of Nos. 408-410 Fitzgerald Street, detailing the car parking allocation on-site, is "Laid on the Table".

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
Signage: Created Roof Sign	Not to be within 500 millimetres of either end of the fascia, roof or parapet of the building to which it is attached.	Both created roof signs are within 500 millimetres of the roof and verandah fascia.	Supported - Proposed roof sign does not extend from the wall and does not exceed 10 per cent of the total area of the building wall. Therefore, the created roof sign '33° South' is not considered to have an impact on the patrons of the café.
Awning/Verandah Sign	A sign attached to the underside of an awning or verandah is to have a minimum clearance of 2.75 metres from the finished ground level to the lowest part of the sign.	Clearance between 2.56 metres to 2.8 metres to the finished ground level.	Not Supported - The clearance is non-compliant with the Town's Signs and Advertising Policy. Condition applied for the canvas awning 'Toby's Estate' to have a minimum clearance of 2.75 metres from the finished ground level.
Parking	9.18 <u>5.65</u> car bays	2 car bays	Supported - Refer to Parking Assessment Table.

Car Parking

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

Requirements as per Parking and Access Policy	Required
Car parking requirement (nearest whole number)	
Proposed Eating House (1 space per 4.5 square metres of public floor area)	
Public Floor Area = 50 square metres Parking Required = 11.11 car bays	

Existing Retail Premises (Lilika Design) – Shop (1 space per 15 square metres of gross floor area) Area of Shop = 56 square metres Parking Required = 3.73 car bays Total Parking required = 14.84 car bays	15 car bays (nearest whole number)
Apply the adjustment factors. <ul style="list-style-type: none"> • 0.85 (within 400 metres of a bus stop) • 0.80 (within 50 metres of one or more existing public car parking place(s) with in excess of 50 car parking spaces) • 0.90 (The proposed development is within a District Centre zone) 	(0.612) 9.18 car bays
Car parking provided on-site <ul style="list-style-type: none"> • The proposed eating house/café (one car bay provided) • The existing Ilika Design Shop (one car bay provided) 	2 car bays
Minus the most recently approved on-site car parking shortfall.	Nil <u>3.65</u> car bays
Resultant shortfall	7.18 <u>3.65</u> car bays
Bicycle Parking	
<ul style="list-style-type: none"> • Class 1 or 2 (Restaurant) - 1 space per 100 square metres of public area (Class 1 or 2) = 0.5 spaces • Class 3 (Restaurant) - 2 spaces plus 1 space per 100 square metres of public area (Class 3) = 2.5 spaces 	12 Bike Spaces provided by proposed bike rack.

The above parking requirements are compared with the last known approved uses on-site for the subject lot at No. 408-410 Fitzgerald Street, as approved by Metropolitan Region Planning Authority on the 2 April 1984, using the Town of Vincent's current Parking and Access Policy 3.7.1, as follows:

Requirements	Existing	Proposed
Car Parking	<p>Car parking requirement (nearest whole number)</p> <p>Pharmacy — Shop (1 space per 15 square metres of gross floor area) Area of Shop = 80 square metres Parking Required = 5.33 car bays</p> <p>Shop (1 space per 15 square metres of gross floor area) Area of Shop = 56 square metres Parking Required = 3.71 car bays</p> <p>Total Parking required = 9.04 car bays</p> <p>Apply the adjustment factors.</p> <ul style="list-style-type: none"> • 0.85 (within 400 metres of a bus stop) • 0.80 (within 50 metres of one or more existing public car parking place(s) with in excess of 50 car parking spaces) • 0.90 (The proposed development is within a District Centre zone) <p>9.04 x 0.612 = 5.53 car bays</p>	

	<p>The car parking provided on site by the proposed Eating House and the existing Hika Design Shop = 2 car bays</p> <p>Minus the most recently approved on-site car parking shortfall = Nil</p> <p>Existing shortfall = 3.53 car bays</p>	<p>As per above parking calculations resultant parking shortfall = 7.18 car bays</p>
Consultation Submissions		
Support (12)	The North Perth shopping precinct will greatly benefit from the cafe' business proposed.	Noted – As located in the North Perth Centre Precinct, shops, restaurants and similar uses are to be permitted to front Fitzgerald Street.
	Car parking requirement is excessive given that customers will walk and ride a bike to the café and the café will not be full at most times.	Supported – The Wasley Street Car Park (42 bays) and the View Street Car Park (41 bays) along with the public car park of the North Perth Plaza, on the opposite side of Fitzgerald Street of the proposed eating house, provide sufficient car parking to meet the shortfall of the café.
	Never seen either Council car park full.	Noted.
	In regards to the roof sign, believe it is attractive, modern and suitable for area despite being within 500mm of the roof and verandah fascia.	Supported – Variation for created roof sign considered minor and it is not a concern to pedestrians walking below as sign does not extend from the wall.
	Look forward to more interesting North Perth as it will benefit area having new café/restaurant.	Supported – Proposed eating house (café) will provide a interactive use in this part of North Perth, which is in keeping with creating a consolidated node of shopping, commercial and community facilities for residents and workers in this and surrounding precincts within the Town of Vincent.
	Will enhance the vibrancy of the traditional shopping strip and add to the streetscape of the North Perth Centre Precinct.	Supported - The North Perth Centre Precinct is to be consolidated as a node of shopping, commercial and community facilities for residents and workers in this and surrounding Precincts; thus the proposed eating house (café) adds another alternative interactive use in the area.

	Cafe development will provide an alternative venue for shoppers to take a break after shopping.	Supported – Provides opportunity for patrons to perform multiple purpose trips so they can go to the bank, go convenience shopping, go to the post office and the café in one trip.
	Contemporary and an attractive promotion for business.	Noted.
	Improve amenity of Town of Vincent which is lacking diversity for residents.	Noted.
	Other eateries will not be an impediment to its approval.	Supported – There are numerous cafes/eating houses in the vicinity of this proposal that, in some instances, do not even have access to public car parking as significant as that available to the subject site and function without detrimental impacts.
Objection (7)	No on-site parking provided to facilitate the occupants and proprietors of the development.	Not Supported – Currently, the proposed café, on the same strata lot as the existing <i>Ilika Design Shop</i> , will provide one (1) car parking bay for the occupants, as seen on the letter detailing the car parking situation on-site “Laid on the Table”.
	The development application illustrates the provision of 6 bays on site for the subject café. This is incorrect.	Noted - As Council received a copy of the strata plan of the site after consultation commenced, the allocation of 6 car bays advertised was incorrect. The subject proposed change of use to an eating house (café) has been allocated only one (1) car bay, while the other uses at Nos. 408-410 Fitzgerald Street, the <i>Ilika Design Shop</i> and <i>Violin Sports</i> , have been allocated one (1) and four (4) car bays respectively. Refer to letter “Laid on the Table”.
	The two (2) bays which are illustrated as being parallel to each other and the building are less than 2 metres wide which would not allow for egress and exit from the vehicle or site.	Noted - As the car bays referred to in this objection currently exist, and are allocated to <i>Violin Sport</i> , not the subject café, they are not deemed as part of this application.

	Shortfall is too excessive.	Not Supported – As mentioned previously above, the shortfall will not exacerbate the car parking shortfall for this site and will not have an undue impact on the amenity of the nearby area and businesses in North Perth. The location of the café has access, within close proximity, to public transport, pedestrian and cyclist infrastructure. Therefore, the dependence on a motor vehicle to access the café is significantly reduced.
	Concern about bin storage and waste as there are considerable issues experienced from the proprietors of No. 400 Fitzgerald Street.	Supported in Part – Applicant required to provide the required bins on-site. Refer to conditions.
Department of Planning	The Department has no objection to the development.	Noted.
Other Implications		
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications		Nil
Financial/Budget Implications		Nil
Sustainability 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:

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

The subject application has a total shortfall of ~~7.18~~ 3.65 car bays. The Town's Policy relating to Parking and Access suggests that the Council may determine to accept a cash-in-lieu payment where the shortfall is greater than 0.5 car bay to provide and/or upgrade parking in other car parking areas.

The property is located in the North Perth Precinct. This area is to be consolidated as a node of shopping, commercial and community facilities for residents and workers in this and surrounding Precincts within the Town of Vincent. The shortfall in parking for this particular site is supported given the access to public transport, pedestrian and cyclist infrastructure, as well as the close proximity to the North Perth Plaza public car park and Wasley and View Street car parks.

It is considered that the café will provide a valuable interactive use to persons in the general area, and provide an opportunity for persons to stay in the Town of Vincent longer, that is, perform multiple tasks in one trip, rather than just going to the bank, convenient shop or post office, and then returning home.

Given the above, the shortfall of parking is supported. In this instance, the resultant car parking shortfall of ~~7.18~~ 3.65 car bays would equate to a payment of ~~\$20,104~~ \$10,200.

The North Perth Precinct Policy 3.1.9 states “*with the exception of restaurants, and possibly small scale showrooms and taverns, only shops and other interactive uses are to be permitted for properties having frontage to Fitzgerald Street at street or pedestrian level.*”

In light of the above, it is considered that the proposed use is consistent with the intended direction and use for properties fronting Fitzgerald Street in the District Centre of the North Perth Precinct and accordingly, it is recommended that the Council approve the application, subject to standard and appropriate conditions to address the above matters.

9.1.6 No. 243 (Lot 65, D/P 3660) Walcott Street, North Perth - Proposed Demolition of Existing Single House and Construction of a Three-Storey Building comprising Eighteen (18) Single Bedroom Multiple Dwellings and Associated Basement Car Parking

Ward:	South	Date:	7 December 2009
Precinct:	Norfolk; P10	File Ref:	PRO3856; 5.2009.344.1
Attachments:	001		
Reporting Officers:	R Narro, Senior Planning Officer (Statutory) H Au, Heritage Officer		
Responsible Officer:	R Boardman, Director Development Services		

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 BY AN ABSOLUTE MAJORITY the application submitted by Cuborosso Design and Development on behalf of the owner Michele Grieco ATF MCG Family Trust & Artecasa Pty Ltd for proposed Demolition of Existing Single House and Construction of a Three Storey Building comprising of Eighteen (18) Single Bedroom Multiple Dwellings and Associated Basement Car Parking, at No. 243 (Lot 65, D/P 3660) Walcott Street, North Perth, and as shown on plans stamp-dated 4 December 2009, subject to the following conditions:

- (i) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Walcott Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. The landscaping of the verge shall include details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months. The Council encourages landscaping methods which do not rely on reticulation. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (iii) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on-site;*
- (iv) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) (1) *the balconies on the first and second floors (apartments 7 to 18) on the southern elevations; and*
 - (2) *the balconies on the first and second floors (apartments 8, 10, 14 and 16) on the eastern elevations;*

being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the respective finished floor level. A permanent obscure material does not include a self-adhesive material that is easily removed; OR prior to the issue of a

Building Licence revised plans shall be submitted demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject wall, so that they are not considered to be a major opening as defined in the Residential Design Codes; OR prior to the issue of a Building Licence, revised plans shall be submitted demonstrating the above major openings being provided with permanent vertical screening or equivalent, preventing direct line of sight within the cone of vision to ground level of the adjoining properties in accordance with the Residential Design Codes. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of No. 241 Walcott Street stating no objection to the respective proposed privacy encroachment; and

- (b) *the bin compound being redesigned to accommodate the following bins:*

One (1) bedroom dwellings

General Waste: Half (0.5) mobile garbage bin or equal to 120 litres per unit (collected weekly);

Recycle Waste: Half (0.5) mobile recycle bin or equal to 120 litres per unit (collected fortnightly).

A waste management plan is to be submitted and further consultation with the Town's Waste Management team will be required to organise the collection of 36 bins from the proposed development.

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

- (v) *prior to the issue of a Building Licence for the proposed development, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property of the following:*

(a) *the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the units. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development;*

(b) *a maximum of one (1) bedroom and two (2) occupants are permitted in the single bedroom dwellings at any one time; and*

(c) *the floor plan layout of the single bedroom dwellings shall be maintained in accordance with the Planning Approval plans.*

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

- (vi) *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;*

- (vii) *any new street wall, fence and gate within the Walcott Street setback area, including along the side boundaries within this street setback area, shall comply with the Town's Policy provisions relating to Street Walls and Fences;*
- (viii) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
- (ix) *no development shall be permitted within the Walcott Street Other Regional Road-Road Widening Reservation;*
- (x) *a Road and Verge security bond or bank guarantee of \$5000 shall be lodged, by the builder, with the Town prior to the issue of a Building Licence and be held until all building/development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired/reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing. This bond is non-transferable; and*
- (xi) *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.*

COUNCIL DECISION ITEM 9.1.6

Moved Cr Farrell, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED
BY AN ABSOLUTE MAJORITY (6-3)

For: Mayor Catania, Cr Buckels, Cr Burns, Cr Farrell, Cr Harvey, Cr Topelberg

Against: Cr Lake, Cr McGrath, Cr Maier

Landowner:	Michele Grieco ATF MCG Family Trust & Artecasa Pty Ltd
Applicant:	Cuborosso Design and Development
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1: Residential R60, Other Regional Road
Existing Land Use:	"Single House"
Use Class:	"Multiple Dwellings"
Use Classification:	"P"
Lot Area:	958 square meters
Access to Right of Way:	Not Applicable

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves the demolition of the existing single house and construction of a three storey building comprising eighteen single bedroom multiple dwellings and associated basement car parking.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	R60- 8 single bedroom multiple dwellings	R125- 18 single bedroom multiple dwellings Density bonus= 108 per cent= 1034 square metres	Supported- Refer to comments below.
Plot Ratio	0.7	1.075	Supported- Refer to comments below.
Building Setbacks:			
Ground Floor			
Front- East	8 metres	4.4 to 7.23 metres	Supported- Refer to comments below.
North	1.5 metres	1 metre to 1.765 metres	Supported- No undue impact on the amenity of the adjoining property.
First Floor			
Front-East	10 metres- building 9 metres –balcony	4.4 metres to 7.2 metres 6 metres to 6.7 metres	Supported- Refer to comments below.
North	3.3 metres	1 metre to 2.394 metres	Supported- No undue impact on the adjoining northern property.
West	Building= 4 metres Balcony = 3 metres	3 metres to 5.82 metres 1.484 metres to 2.2 metres	Supported- No undue impact on the streetscape of Little Walcott Street.
Second Floor			
Front-East	10 metres- building 9 metres –balcony	4.4 metres to 7.2 metres 6 metres to 6.7 metres	Supported- Refer to comments below.

North	4.8 metres	1 metre to 2.394 metres	Supported- No undue impact on the adjoining northern property.
West	Building= 4 metres Balcony = 3 metres	3 metres 1.484 metres	Supported- No undue impact on the streetscape of Little Walcott Street.
Communal Open Space	288 square metres	66 square metres	Supported- Each dwelling is provided with a balcony, in addition to an area of communal open space. Moreover, the proposal complies with the overall open space requirement. It is not considered there will be an undue impact on the future residents of the development in addition to the adjoining neighbours as a result of this non-compliance.
Number of Storeys	Two storeys	Three storeys	Supported- Refer to comments below.
Height	7 metres	10.9 metres	Supported- Refer to comments below.
Store	Minimum internal area= 4 square metres	2 x 3.6 square metres 16 x 4 square metres	Supported- Most of the stores comply with the required 4 square metres. Only two stores do not comply due to the design layout to accommodate a workable car parking area. In this instance, the variation is supported.
Privacy	Balcony= 7.5 metres	First and Second Floors- 6.1 metres to 6.74 metres to the eastern boundary	Not supported-Undue impact on the neighbouring property, and balconies should be screened if the proposal is supported.
Consultation Submissions			
Support (1)	Nil		Nil
Objections (14)	Scale and Character of Neighbourhood The neighbourhood is characterised by single and double storey residences comprising less than 8 units. <i>“There is a 3 storey unit complex at 2 Russell Avenue which backs onto Little Walcott Street. However, this is built on land that falls away in a steeper gradient from Little Walcott Street such that the upper levels, from a visual perspective from Little Walcott Street, appear to conform reasonably to current neighbourhood building heights. It also has a spaciousness to it by reason of large parking and garden areas.”</i>		Not Supported- Refer to “Comments” below. With regard to the “green” aspect, if this application is supported, the applicant will be required to submit a landscaping plan for the subject site prior to the Building License being issued.

	<p>This proposal does not have a “green” aspect, which is a visual characteristic of the neighbourhood and environs.</p> <p>The proposal would significantly reduce the amenity of the neighbourhood and will be totally out of character from the neighbourhood.</p> <p>Major Road Provision</p> <p>The Multiple Dwelling Policy gives Council discretion to authorise a three storey building on a major road. Walcott Street is designated as a major road. However, given that the proposal is out of character from the surrounding area and its traffic impact, Council discretion should not be applied in this instance.</p> <p>Moreover, given that all traffic and residents will access the building from Little Walcott Street; therefore, Clause 9 of Town’s Multiple Dwellings Policy along “major roads” should not be exercised in this instance.</p> <p>Parking and Traffic</p> <p>During the construction phase there will be heavy vehicles enter and leave the site which will have an impact on Little Walcott Street.</p> <p>The parking provided, including visitors parking, for this development are grossly inadequate. The proposal could potentially add 18 to 36 vehicles to the already high usage of Little Walcott Street and Russell Avenue.</p> <p><i>“Given the limited parking and driving space on such a small section of road (Little Walcott) and the number of driveways for existing premises, the additional road usage would be likely to create a greater risk of road hazard and accidents (e.g. drivers views obscured by parked vehicles adjacent to driveways combined with increased traffic flow). Further, this problem could be exacerbated by illegal parking on the No Stopping side of the street.</i></p>	<p>Not supported- Refer to “Comments” below.</p> <p>Not supported- The frontage of the building is along Walcott Street.</p> <p>Not supported- The applicant will be required to submit a construction management plan prior to the Building Licence being issued.</p> <p>Not supported- The proposal complies with the parking requirements.</p> <p>Not supported- The applicant submitted a Transport Statement to Department of Planning, which was supported. Moreover, the proposal complies with the parking requirements.</p>
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	<p>Garbage Bin</p> <p>Are garbage bins to be kept in the stores in the basement? This development has the potential to have 18 bins and more (including recycling bins) to be placed on the pavement which would obstruct the use of the pavement.</p> <p>Damages to adjoining properties</p> <p>The traffic flow during construction and vibrations from machines may cause damage to adjoining properties.</p> <p>Lack of Consultation</p> <p>The developer did not contact the adjoining neighbours prior to the design being submitted to the Town.</p> <p>Lack of Design Consideration</p> <p>The applicant did not submit any Neighbourhood Context report with this development.</p> <p>Noise</p> <p>This proposed development will inevitably include a significant number of young people who are notoriously noisy demographic, particularly late at night.</p> <p>Overlooking</p> <p>The will be overlooking of the adjoining properties.</p> <p>Overshadowing</p> <p>Overshadowing of the adjoining properties.</p>	<p>Not supported- The garbage bins will be located on the ground floor level. The Town may propose alternate days for collection of bins, which will reduce the number of bins on the pavement. Obstruction of the use of the pavement is not an issue, as all bins in the Town are placed on the pavement for collection.</p> <p>Not supported- It is a civil matter.</p> <p>Not supported- The applicant is not required to consult adjoining neighbours prior to submitting a development application.</p> <p>Supported- Applicant did not submit a Neighbourhood Context with this application. However, after the advertising closed, the applicant submitted a report which is "Laid on the Table."</p> <p>Not supported- The residents will have to comply with the noise regulations.</p> <p>Supported- Balconies should be screened if the proposal is supported.</p> <p>Not supported- The development complies with the overshadowing requirements.</p>
<p>Department of Planning</p>	<p>The Department has no objection to the proposal on regional transport planning grounds.</p>	<p>Noted.</p>

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.

Demolition

The subject brick and tile dwelling was constructed circa 1926 in the Interwar Bungalow style of architecture with characteristics of a California Bungalow. Based on the plans dated 31 August 2009, and the information provided with the Development Application, it is considered that the place has little aesthetic, historic, scientific or social heritage significance. In accordance with the Town's Policy relating to Heritage Management – Assessment, the place does not meet the threshold for entry on the Town's Municipal Heritage Inventory.

In light of the above, it is considered that approval should be granted for demolition subject to standard conditions.

Street Setback

There is no consistent streetscape along Walcott Street and moreover, once the Other Regional Road reservation boundary for Walcott Street is implemented, this will inevitably further alter the streetscape. The front setback of this development varies from 4.4 metres to 7.3 metres, which it is considered will not adversely impact on the streetscape

Given the above and that the proposed development is contemporaneous in nature, the variation to the street setback is supported.

Density, Plot Ratio and Height

Density, plot ratio and building height contribute to the bulk and scale of a development. As per the Town's Policy No. 3.4.8 relating to Multiple Dwellings, Walcott Street is classified as a "Major Road". Therefore, a three storey development along Walcott Street can be considered. The proposed development is setback from the adjoining properties and does not have any boundary (parapet) walls, and complies with overshadowing. All of the balconies will be screened which will prevent any overlooking of the adjoining properties. The surrounding area is characterised by three to four storey buildings along Walcott Street which accommodate one and two bedroom dwellings. This proposal will contribute to updating the diverse range of housing types in the Town, consistent with the Town's Affordable Housing Strategy.

Absolute Majority

Given the proposed density bonus, as per Clause (40)(3)(b) of the Town's Town Planning Scheme No. 1, the Council, in the event of approving the application, would be required to do so by an absolute majority decision.

The proposed development will contribute to providing a range of housing choice in the Town. In light of the above, it is recommended that the Council approve the subject application, subject to standard and appropriate conditions.

9.1.14 Nos. 442-446 (Lot 751, D/P: 92894) Beaufort Street, Highgate -- Proposed Alterations and Additions to Outdoor Amphitheatre of Existing Tavern (Luxe Bar) and Reconsideration of Condition

Ward:	South	Date:	7 December 2009
Precinct:	Forrest; P14	File Ref:	PRO0775; 5.2009.419.1
Attachments:	001		
Reporting Officer:	S Kendall, Heritage/Planning Officer		
Responsible Officer:	R Boardman, Director Development Services		

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 A Freeman on behalf of the owner Mirauo Nominees Pty Ltd for proposed Alterations and Additions to Outdoor Amphitheatre of Existing Tavern (Luxe Bar) and Reconsideration of Condition, at Nos. 442-446 (Lot 751 D/P: 92894) Beaufort Street, Highgate, and as shown on plans stamp-dated 8 October 2009, subject to the following conditions:

- (i) the premises shall be used for the approved use as an 'amphitheatre' where the primary purpose is where the public may view a theatrical production. The venue shall not operate independently of a performance;*
- (ii) no amplification or emission of sound, including the use of a public address system shall occur within, or from, the amphitheatre, unless compliance with the 'assigned levels' of the Environmental Protection (Noise) Regulations 1997 is achieved;*
- (iii) the maximum number of persons to occupy the outdoor amphitheatre at any one time shall be 150 persons;*
- (iv) the amphitheatre shall cease all live performances prior to 10pm each evening;*
- (v) the applicant shall 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;*
- (vi) a detailed Management Plan for the outdoor 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 (iv) 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 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;*
- (vii) *all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (viii) *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*
- (iv) *the surface of the boundary (parapet) wall facing the car park shall be finished and maintained in a good and clean condition.*

Moved Cr Lake, Seconded Cr Farrell

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Maier, Seconded Cr Lake

That clause (iv) be amended as follows:

“(iv) the amphitheatre shall cease all ~~live~~ performances prior to 10pm each evening;”

AMENDMENT PUT AND CARRIED (5-4)

For: Cr Buckels, Cr Harvey, Cr Lake, Cr McGrath, Cr Maier

Against: Mayor Catania, Cr Burns, Cr Farrell, Cr Topelberg

MOTION AS AMENDED PUT AND CARRIED (7-2)

For: Mayor Catania, Cr Burns, Cr Farrell, Cr Harvey, Cr Lake, Cr Maier, Cr Topelberg

Against: Cr Buckels, Cr McGrath

COUNCIL DECISION ITEM 9.1.14

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 A Freeman on behalf of the owner Mirauo Nominees Pty Ltd for proposed Alterations and Additions to Outdoor Amphitheatre of Existing Tavern (Luxe Bar) and Reconsideration of Condition, at Nos. 442-446 (Lot 751 D/P: 92894) Beaufort Street, Highgate, and as shown on plans stamp-dated 8 October 2009, subject to the following conditions:

- (i) the premises shall be used for the approved use as an 'amphitheatre' where the primary purpose is where the public may view a theatrical production. The venue shall not operate independently of a performance;*
- (ii) no amplification or emission of sound, including the use of a public address system shall occur within, or from, the amphitheatre, unless compliance with the 'assigned levels' of the Environmental Protection (Noise) Regulations 1997 is achieved;*
- (iii) the maximum number of persons to occupy the outdoor amphitheatre at any one time shall be 150 persons;*
- (iv) the amphitheatre shall cease all performances prior to 10pm each evening;*
- (v) the applicant shall 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;*
- (vi) a detailed Management Plan for the outdoor 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 (iv) 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 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;*

- (vii) *all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (viii) *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*
- (iv) *the surface of the boundary (parapet) wall facing the car park shall be finished and maintained in a good and clean condition.*

Landowner:	Miraudo Nominees Pty Ltd
Applicant:	A Freeman
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 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 a planning application seeking an increase in the maximum number of patrons for the amphitheatre from 60 persons to 220 persons.
- 14 July 2009 The Council considered the planning application seeking an increase in the maximum number of patrons at its Ordinary Meeting and resolved as follows:
- “That the item be DEFERRED at the request of the applicant.”*
- 28 July 2009 The Council considered a Further Report on the planning application seeking an increase in the maximum number of patrons at its Ordinary Meeting and resolved to approve the application such to conditions including the following:
- (iii) *the maximum number of persons to occupy the outdoor amphitheatre at any one time shall be 150 persons;*
 - (iv) *the amphitheatre shall cease all performances prior to 10pm with all activities ceasing at, or before 11pm each evening;*

DETAILS:

The proposal involves the construction of a sound wall, and the reconsideration of the following condition:

- (iv) *the amphitheatre shall cease all performances prior to 10pm with all activities ceasing at, or before 11pm each evening;*'

The applicant has advised that the Department of Racing, Gaming and Liquor will not allow the amphitheatre to be open once the performances have concluded, in line with the Special Facility - Theatre or Cinema Liquor Licence requirements. Therefore, they must close the premise at 10pm, as per the Town's approval, and are not allowed to stay open until 11pm. This application seeks to amend the condition as follows:

- (iv) *the amphitheatre shall cease all performances prior to 11pm each evening;*'

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	N/A	N/A	Noted.
Plot Ratio	N/A	N/A	Noted.
Consultation Submissions			
Support (2)	No comment.		Noted.
Objection (8)	It is very likely that the amplified music will exceed the Noise Regulations.		Supported - Refer to 'Comments' section below.
	The premises is already way above acceptable noise levels.		Noted.
	Units are becoming difficult to rent surrounding the Theatre. Discussions with the Real Estate Agents has identified one of the issues appears to be noise concerns from potential tenants.		Noted.
	This part of Beaufort Street is dense residential, when this venue first opened it was a restaurant that held some outdoor productions that did not impact on residents. However, since becoming the Luxe Bar and Bamboo, problems have arisen.		Noted.
	The amphitheatre is an outdoor area that provides for no noise insulation. The proposed increase in height is welcomed, but will not solve the noise problems.		Supported - Refer to 'Comments' section below.
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

Health Services

Regulation 7 of the Environmental Protection (Noise) Regulations 1997 specifies the maximum permitted sound levels for various times of the day. The regulations categorise sound limits for three timeframe categories for mixed use areas. These categories include 7am - 7pm, 7pm - 10pm and 10pm - 7am. The permitted sound levels which may be emitted from a premises, are lowest between the hours 10pm – 7am. The permitted ‘assigned levels’ for emissions from the Luxe Bar after 10pm is approximately 43 decibels. Whilst the proposed noise wall will assist in reducing sound escaping from the amphitheatre area, it is unlikely to ensure that strict compliance with the ‘assigned levels’ of the regulations will be achieved. Should the application be approved, the Town’s right to take action in accordance with the noise regulations will not be compromised in the event of noise complaints being received from neighbouring properties.

However, obtaining admissible evidence in a setting influenced by major traffic arteries can be problematic, and as a result establishing compliance with the noise regulations may prove to be a lengthy process, should the need arise.

Planning Services

The Department of Racing Gaming and Liquor (DRGL) controls the hours of operation of licensed premises, based on licence type. However, the condition relating to hours of operation does have a planning purpose, because the amphitheatre is surrounded by predominantly residential areas and it arguably, has the potential to impact on the amenity of surrounding adjacent residences.

As evidenced by the objections raised, there are issues with noise being emitted from the amphitheatre; however, it is also noted that the applicant is proactively trying to address these issues. The applicant has submitted a Noise Impact Assessment, prepared by Lloyd George Acoustics, dated January 2009. A summary of the Conclusion is provided below:

- The noise measurements demonstrate that live band performances at Bamboo do not have a strong influence on noise levels measured near the St Alban's Rectory;
- Live performances at Bamboo do however, significantly influence noise levels measured near the Beaufort Street Apartment complex; and
- The following recommendations are initiatives to focus on reducing noise levels to the Beaufort Street Apartment complex:
 - Extend the perimeter wall to Bamboo on the southern eastern side with a solid barrier to eliminate line of sight from the third floor apartment buildings; and
 - Maintain a strict curfew of 10pm for live music performances.

In light of the above recommendations, it is recommended that the request for the extension to the hours of operation not be endorsed. However, approval is recommended for the extension of the southern eastern perimeter wall in line with the Noise Impact Assessment, prepared by Lloyd George Acoustics, as per the Officer Recommendation.

9.1.20 Draft Car Parking Strategy and Precinct Parking Management Plans – Final Adoption

Ward:	Both Wards	Date:	8 December 2009
Precinct:	All Precincts	File Ref:	PLA 0084
Attachments:	001 002 003 004 005 006		
Reporting Officer:	T Woodhouse, Co-ordinator Strategic Planning		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

- (i) **RECEIVES** the report relating to the review of the Town's Car Parking Strategy and preparation of associated Precinct Parking Management Plans (PPMP's);
- (ii) **CONSIDERS** the nine (9) written submissions in relation to the Draft Car Parking Strategy forwarded to the Town during the Community Consultation Period, as shown in Appendix 9.1.20A;
- (iii) **ENDORSES** the Draft Car Parking Strategy and associated Precinct Parking Management Plans and their respective recommendations as 'Laid on the Table' as key guiding documents in the approach to parking management in the Town; and
- (iv) **AUTHORISES** the Chief Executive Officer to prepare an Implementation Plan encompassing the full range of recommendations in Appendix C of the Precinct Parking Management Plans in relation to 'Recommended locations for new ticket machines', as shown in Appendix 9.1.20B, as a matter of priority; and **REQUESTS** a further report comprehensively outlining the practical and financial implications of implementing all the recommendations within the Town in the 2009 - 2010 financial year and this be reported to the Council at an Ordinary Meeting to be held in February 2009;
- (v) **RECEIVES:**
 - (a) the High Density Residential Parking Survey as 'Laid on the Table';
 - (b) **RECEIVES** the Draft Parking Survey Report as shown as 'Laid on the Table' as a working document to be amended on a regular basis; and
 - (c) **RECEIVES** the report submitted by Luxmoore Parking Consultants on the replacement program for all existing ticket machines and the identification of the most suitable machines for installation as shown as 'Laid on the Table.'

COUNCIL DECISION ITEM 9.1.20

PROCEDURAL MOTION

Moved Cr Maier, Seconded Cr McGrath

That the item be DEFERRED for further consideration at a Forum in early 2010.

PROCEDURAL MOTION PUT AND CARRIED (9-0)

PURPOSE OF REPORT:

The purpose of this report is to provide the Council with an overview of the Community Consultation in relation to the Draft Car Parking Strategy. Additionally, this report seeks the Council's approval to endorse the Draft Car Parking Strategy and associated Precinct Parking Management Plans and their respective recommendations, as guiding documents for the management of parking at the Town in the short, medium and long term. All hard copy versions of the documents listed above have been circulated to the Council Members.

BACKGROUND:

12 February 2002 The Council at its Ordinary Meeting adopted the Town of Vincent Car Parking Strategy 2002.

26 February 2008 The Council at its Ordinary Meeting considered and approved of an additional 16 Key Performance Indicators for the Chief Executive Officer. In particular, the Key Performance Indicator:

“6 (n) 2.1.4 (b)

Review and update the Town’s Car Parking Strategy, (January 2002) including a timeframe to implement recommendations.”

11 March 2008 The Council at its Ordinary Meeting resolved the following:

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

22 April 2008 The Council at its Ordinary Meeting resolved as follows:

“That the Council;

- (i) RECEIVES the Report relating to Appointment of a Consultant to Review and Update the Town of Vincent Car Parking Strategy;*
- (ii) APPROVES the quotation submitted by Luxmoore Parking Consultants Pty Ltd to Review and Update the Town of Vincent Car Parking Strategy, for the sum of \$48,928; and*
- (iii) REQUESTS the Chief Executive Officer to identify a source of additional funds of \$18,928 in the 2007/2008 Budget to cover the shortfall of funds for the Review and Update of the Car Parking Strategy.”*

17 June 2008 The Consultants, Luxmoore Parking Consultants Pty Ltd presented their Findings and Recommendations to a Council Members Forum.

24 June 2008 The Council at its Ordinary Meeting resolved as follows:

“(i) RECEIVES the Town of Vincent Car Parking Strategy Review (Draft Version) dated 16 June 2008, as "Laid on the Table" and circulated separately to Council Members; and

- (ii) *NOTES that;*
- (a) *the Town of Vincent Car Parking Strategy Review (Draft version) document will be presented for further consideration and discussion at a Forum scheduled for 15 July 2008;*
 - (b) *the Town's Administration will be providing further information and comment about the report and its Recommendations; and*
 - (c) *a further report on the timeline, financial/budget implications and implementation of the Recommendations is to be submitted to a Council Meeting in September 2008."*

15 July 2008 The Town of Vincent Draft Car Parking Strategy Review was further considered and discussed at a Council Members Forum.

29 August 2008 The Consultant provided the Town with a draft version of the Strategy Review Report.

15 September 2008 The Consultant provided the Town with a subsequent version of the Strategy Review Report following changes requested by the Town's Officers.

23 September 2008 The Council at its Ordinary Meeting resolved the following in relation to parking in streets in the vicinity Forrest Park, Mount Lawley:

"That the Council;

- (i) *RECEIVES the report regarding parking in the vicinity of Forrest Park, Mount Lawley as identified by the local community, and considered by the Council at its Ordinary Meeting held on 22 July 2008;*
- (ii) *NOTES the following parking related information concerning the Streets in the vicinity of Forrest Park;*
 - (a) *to determine the parking availability for both residents and others, an assessment was carried out in the following streets (the study area);*
 - *Roy Street*
 - *Gerald Street*
 - *Barlee Street*
 - *Clarence Street*
 - *Harold Street – Beaufort Street to Lord Street*
 - *Smith Street – Harold Street to Broome Street*
 - *Wright Street – Harold Street to Broome Street*
 - (b) *eighty four (84%) percent of properties in the study area have 'off road' parking and the total number of 'on road' parking bays, restricted and unrestricted comprise 414 and therefore these residents would be ineligible for the issue of Residential Parking Permits;*

- (c) *the Town's Rangers carry out regular patrols (both weekday and weekends) and will continue to maintain a presence at Forrest Park on training nights and match days to ensure compliance with the relevant parking restrictions and parking laws.*
 - (d) *line marking of resident driveways was carried out in May 2008 in Roy, Barlee, Gerald, Clarence and Harold Streets and that since regular patrols commenced in May 2008, very little parking contravention has been observed;*
 - (e) *parking restrictions are considered appropriate in certain streets such as in the vicinity of paid public parking facilities, however they would not be appropriate in other streets until the provision of additional paid public parking was further investigated as it is considered that the need of residents and others needed to be balanced with the demands on parking in what are "public streets" that service a residential, commercial and recreational area;*
- (iii) *DOES NOT SUPPORT the introduction of a Residential Parking Zone in the area bounded by Beaufort Street, Harold Street, Lord Street and Walcott Street, Mount Lawley for the following reasons;*
- (a) *the streets would remain predominantly empty, as the majority of residents are able to park "off road";*
 - (b) *with the study area's proximity to the Beaufort Street "entertainment strip", residential only parking would result in businesses being unable to sustain their customer base, as customers would be unable to park within relative closeness to Beaufort Street;*
 - (c) *the restriction would reduce the number of "on-street" bays and cause an unreasonable imposition on users of Forrest Park and other surrounding streets;*
 - (d) *there is anecdotal evidence that vehicles parked 'on road' provide traffic calming, whereas empty streets facilitate higher vehicle speeds and possible rat running.*
- (iv) *DOES NOT SUPPORT the extension of the current Members Equity Stadium exclusion zone, to include Clarence Street, Barlee Street, Roy Street and Gerald Street, Mount Lawley for the following reasons;*
- (a) *the results of surveys indicate that an overall average of only 38% of 'on road' parking spaces were utilised during the assessment period;*

- (b) *the results of surveys indicated that an overall average of only 45% of the 'on road' parking spaces were utilised when a Perth Glory game was being played during the assessment period;*
- (c) *the results of surveys indicate that there is a 4% decrease in the 'on road' parking usage when Perth Glory was playing at Members Equity Stadium still leaving 55% of 'on road' parking available;*
- (v) *FURTHER investigates the possible availability of Central TAFE (Mount Lawley campus) land for parking outside of TAFE hours;*
- (vi) *MAKES no changes in the 'study area' until the recommendations of the car parking Strategy have been adopted; and*
- (vii) *RECEIVES a further report in relation to the streets in the vicinity of Forrest Park once the Car parking Strategy implementation plan has been adopted and/or when additional information is available."*

14 October 2008

The Council at its Ordinary Meeting resolved the following in relation to the review and update of the Town of Vincent Car Parking Strategy.

- "(i) RECEIVES the Draft Town of Vincent Car Parking Strategy Review Report dated 15 September 2008, prepared by Luxmoore Parking Consultants as shown at Appendix 7.1 and as 'Laid on the Table";*
- (ii) ADVERTISES the Draft Town of Vincent Car Parking Strategy Review Report for public comment for a period of twenty eight (28) days inviting written submissions from the public and for the Council to consider any submissions at the conclusion of this period; and*
- (iii) APPROVES BY AN ABSOLUTE MAJORITY for Luxmoore Parking Consultants to:*
 - (a) prepare a Precinct Parking Management Plan, including the examination of demand, volumes, duration of stay, peak usage and compliance with restrictions for the areas that have undergone significant change since 2002 and within 500 metres of each of the high activity centres being;*
 - Mount Hawthorn, (area generally bounded by:
The Boulevard,
Scarborough Beach Road,
Matlock Street,
Woodstock Street,
Fairfield Street,
Oxford Street, and
Anzac Road – as shown in Map 1);*

- *Leederville, (area generally bounded by: Richmond Street, Loftus Street, Mitchell Freeway, and Oxford Street – as shown in Map 2);*
 - *North Perth, (area generally bounded by: Woodville Street, Menzies Street, Fitzgerald Street, Alma Road, Leake Street, and View Street – as shown in Map 3); and*
 - *Perth, (area generally bounded by: Newcastle Street, Lake Street, Bulwer Street, and Beaufort Street – as shown in Map 4); and”*
- (b) *prepare a Precinct Parking Management Plan, including the re-examination of demand, volumes, duration of stay, peak usage and compliance with restrictions and general impacts of parking for the Mount Lawley/Highgate commercial area and surrounds, in particular, Forrest Park, the Members Equity Stadium “exclusion area” and affected residential areas generally bounded by Walcott, Lord, Newcastle, Beaufort, Bulwer, William, Vincent and Beaufort Streets as shown in Map 5; and*
- (iv) *REQUESTS the Chief Executive Officer to identify \$25,000 (excluding GST), at the next 2008/2009 Budget Review for the above consultancy; and*
- (v) *NOTES that:*
- (a) *a process to monitor progress towards implementation of the Consultants Recommendations approved by the Council, will be prepared and submitted to the Council after the Council has considered the submissions received from the community consultation;*
 - (b) *a review of the West Perth Regeneration Masterplan Study are will be further considered after the Council has progressed and advertised the Draft West Perth Regeneration Masterplan; and*
 - (c) *the financial and budget implications of the Consultants report will be further considered when the Council adopted the specific recommendations outlined in the Consultant’s Report;*
- (vi) *NOTES that Luxmoore Parking Consultants will complete their Precinct Parking Management Plans by early December 2008 and the information will be submitted to the Council in December 2008; and*

(viii) UNDERTAKES a survey/analysis of high density housing occupants' car ownership as part of the Precinct Parking Management Plan as proposed in clause (iii)."

- 24 November 2008 Completion of four (4) week advertising period of Draft Car Parking Strategy. Nine (9) submissions received and forwarded to Luxmoore Parking Consultants for consideration in preparation of Precinct Parking Management Plans.
- 28 November 2008 Surveys of identified Activity Centres undertaken by Luxmoore Parking Consultants for identified High Activity Centres in line with clause (iii) (a) and (b) of the above resolution of 14 October 2008. Draft Parking Survey Report dated 28 November 2008 submitted to the Town on 4 December 2008.
- 17 December 2008 Final proposal and quotation submitted by Luxmoore Parking Consultants to prepare Precinct Parking Management Plans in accordance with recommendation 5.4.2 of the Town's Draft Car Parking Strategy 2008 and in addition to the Precinct Parking Management Plans [Surveys] outlined in clause (iii) (a) and (b) of the above resolution of 14 October 2008.
- 22 December 2008 Consultant from Luxmoore Parking Consultants presents an overview of Car Parking Strategy to Council Member Forum.
- 27 February 2009 Survey of High Density Housing completed by Consultants in accordance with clause (viii) of the above resolution of 14 October 2008.
- 9 February 2009 Letter written to Luxmoore Parking Consultants requesting that the Precinct Management Plans include in their scope, recommended locations of new ticketing machines, together with justification for locations and a replacement program for all ticketing machines and identification of the most suitable machines for installation.
- 16 February 2009 Initial draft of Precinct Parking Management Plan for Mount Hawthorn submitted to Town by Luxmoore Parking Consultants.
- 18 February 2009 Meeting held with Consultants and the Town's then Acting Senior Planning Officer (Strategic), Manager Ranger and Community Safety Services and then Acting Manager Planning, Building and Heritage Services, to provide initial feedback on the content and layout of the Precinct Parking Management Plan.
- 3 March 2009 Letter received from Luxmoore Parking Consultants advising that as requested in letter dated 9 February 2009, the Precinct Parking Management Plans could include in their scope recommended locations of new ticketing machines, together with justification for locations; however, that a replacement program for all ticketing machines and the identification of the most suitable machines for installation was outside the scope of the Precinct Management Plans and would require a separate report, quoted at \$2,970.00.
- 13 March 2009 Further Draft Precinct Parking Management Plan submitted for Mount Hawthorn.

- 17 March 2009 Final copy of the High Density Residential Parking Survey submitted to the Town by Luxmoore Parking Consultants in accordance with clause (viii) of the above resolution of 14 October 2008.
- 30 March 2009 Draft Precinct Parking Management Plan submitted for Leederville.
- 1 May 2009 Meeting held with Luxmoore Parking Consultants and the Town's then Acting Senior Planning Officer (Strategic) and Manager Ranger and Community Safety Services to discuss progression of Draft Precinct Parking Management Plans. At this meeting, the contact details of owner of Planet Video on the corner of Beaufort and Walcott Streets, was provided to the Consultants to arrange a meeting to discuss the compilation of the Precinct Parking Management Plan for Mount Lawley/Highgate.
- 4 May 2009 Petition from business owners adjacent to the Raglan Road Car Park dated 24 April 2009 forwarded to the Consultants to inform the compilation of the Precinct Parking Management Plan for Mount Lawley/Highgate.
- 7 May 2009 Minutes of the Ordinary Meeting of Council held on 28 April 2009 relating to Item 13.2 - Urgent Business - Car Parking Strategy, was forwarded to Luxmoore Parking Consultants for consideration in the preparation of the Precinct Parking Management Plans, with a summary of salient points made by Councillors relating to the Item.
- 8 May 2009 Request by Councillor Maier to add two (2) new Rangers to the Draft Budget at the Special Meeting of Council held on 5 May 2009 was forwarded to Luxmoore Parking Consultants for consideration in the preparation of the Precinct Parking Management Plans.
- 13 May 2009 Minutes of the Ordinary Meeting of Council held on 28 April 2009 relating to Item 9.1.16, concerning a public meeting to discuss the parking and anti-social behaviour in the Mount Lawley Precinct and renewal of extended trading permit for the Flying Scotsman, forwarded to Luxmoore Planning Consultants for consideration of the Parking Precinct Management Plan for Mount Lawley.
- 18 May 2009 Authorisation provided to Luxmoore Parking Consultants to prepare a separate report relating to the replacement program for all existing machines (particularly the 8 MAX100 machines) and the identification of the most suitable machines for installation.
- 27 May 2009 Further Draft Precinct Parking Management Plan for Leederville submitted by Luxmoore Parking Consultants.
- 28 May 2009 Further Draft Precinct Parking Management Plan for Mount Hawthorn submitted by Luxmoore Parking Consultants.
- 17 June 2009 Further Draft Precinct Parking Management Plans submitted for Mount Hawthorn and Leederville and first draft submitted for Mount Lawley/Highgate by Luxmoore Parking Consultants.

- 23 June 2009 Contact details of property owner in Clarence Street forwarded to Luxmoore Parking Consultants to discuss the proposed recommendations within the Precinct Parking Management Plans concerning Mount Lawley/Highgate.
- 24 June 2009 Further Draft Precinct Parking Management Plan for Mount Lawley/Highgate submitted to the Town by Luxmoore Parking Consultants.
- 30 June 2009 First drafts of Precinct Parking Management Plans for Perth and North Perth submitted to the Town by Luxmoore Parking Consultants.
- 22 July 2009 Consolidated Precinct Parking Management Plans for all 5 identified Activity Centres submitted to the Town by Luxmoore Parking Consultants.
- 7 September 2009 Revised Consolidated Precinct Parking Management Plans for all 5 identified Activity Centres submitted to the Town by Luxmoore Parking Consultants.
- 10 September 2009 Report submitted by Luxmoore Parking Consultants comprising a replacement program for all existing ticketing machines and the identification of the most suitable machines for installation.
- 15 September 2009 Presentation by Consultant from Luxmoore Parking Consultants, to a Council Member Forum relating to the Precinct Parking Management Plans for the 5 identified Activity Centres.
- 24 September 2009 Additional information compiled by Luxmoore Parking Consultants relating to cash - in lieu provided in a Memorandum dated 24 September 2009 from Director Development Services to the Mayor and all Council Members.
- 23 October 2009 Review of Draft Car Parking Strategy and consolidated Precinct Parking Management Plans undertaken by the Town's Technical Services and forwarded to Luxmoore Parking Consultants.
- 3 November 2009 Final draft report of consolidated Precinct Parking Management Plans submitted to the Town by Luxmoore Parking Consultants.
- 20 November 2009 Meeting held with Luxmoore Parking Consultants and the Town's Technical Services and Co-ordinator Strategic Planning to discuss matters relating to Technical Services and other final amendments to the Precinct Parking Management Plans.
- 30 November 2009 Final copies of Precinct Parking Management Plans submitted to the Town by Luxmoore Parking Consultants dated 25 November 2009.

DETAILS:

Car Parking Strategy

In accordance with the Council's decision to appoint Luxmoore Parking Consultants Pty Ltd and the requirements of the Project Brief for the review and update of the Town of Vincent's Car Parking Strategy, the Consultants delivered first and second versions of a draft Car Parking Strategy Review on 13 and 16 June 2008, respectively, and a subsequent third version on 15 September 2008, following consideration and discussion at a Council Members Forum.

The objectives of the *Draft Car Parking Strategy Review* (2008 Review) were to address the following:

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

In undertaking this project, Luxmoore Parking Consultants have produced a comprehensive document covering the entire Town, to be used as a reference document addressing such issues as the cost of providing parking, minimum parking ratios, and most importantly, the necessity for a fundamental change in the Town’s Policy towards parking supply.

In reviewing the 2002 Strategy, the Consultants have found it to be a comprehensive, well researched report, with conclusions and findings that are still relevant today. However, it is recommended that without a fundamental shift and a consolidated management approach towards parking within the Town, steps towards the resolution of parking issues will continue to be reactive, rather than proactive, and ultimately unsustainable in the future.

The report notes that, *‘If no action is taken to better manage parking resources, the Town cannot sustain the current demand satisfaction approach where each development provides its own parking, where drivers and property occupiers expect that they have a right to unlimited free parking and consequently, more and more parking will be needed to be provided by the Town and developers. ...’*

In reviewing the *Draft Car Parking Strategy Review* prepared by Luxmoore Parking Consultants, the Town’s Officers consider that the Consultant's report has comprehensively reviewed and updated the 2002 Strategy and sufficiently met the objectives of the Project Brief. Further to this, it should be noted that surveys on supply and demand were last undertaken in 2002. Updating these was recommended in the 2002 Strategy; however, due to the limited time given to prepare the review it was not part of the scope of the 2008 Review, which has been undertaken based on the 2002 survey data. In reference to No. 8 of the Consolidated Recommendations, the Consultants have made the following recommendation:

‘Re-examine demand, volumes, duration of stay, peak usage and compliance with restrictions in areas that have undergone significant change since 2002 and within 500 m of each of the high activity centres being Mount Hawthorn, Leederville, Mount Lawley and Newcastle/Lord Streets Perth.

In light of the above recommendation, the Council at its Special Meeting held on 14 October 2008, resolved as follows:

“... ”

(iii) *APPROVES BY AN ABSOLUTE MAJORITY for Luxmoore Parking Consultants to:*

- (a) *prepare a Precinct Parking Management Plan, including the examination of demand, volumes, duration of stay, peak usage and compliance with restrictions for the areas that have undergone significant change since 2002 and within 500 metres of each of the high activity centres being;*

...

- (b) *prepare a Precinct Parking Management Plan, including the re-examination of demand, volumes, duration of stay, peak usage and compliance with restrictions and general impacts of parking for the Mount Lawley/Highgate commercial area and surrounds, in particular, Forrest Park, the Members Equity Stadium "exclusion area" and affected residential areas generally bounded by Walcott, Lord, Newcastle, Beaufort, Bulwer, William, Vincent and Beaufort Streets as shown in Map 5; and*
..."

For ease of clarification, it is noted that the above terminology outlined in the resolution, is to be read as 'Survey', rather than 'Plan'. As detailed in the Background section of this report, the 'Surveys' for the Activity Centres were prepared in accordance with the clauses (iii) (a) and (b) of the Special Meeting held on 14 October 2008, and submitted in the form of a report dated 28 November 2008.

Following this, the Consultants were further engaged by the Town to prepare Precinct Parking Management Plans for each of the 5 Activity Centres, in accordance with the recommendation 5.4.2 of the Draft Car Parking Strategy 2008.

Precinct Parking Management Plans

In line with the Council Resolution (iii) (a) and (b) outlined above, Luxmoore Parking Consultants prepared surveys of the 5 identified Activity Centres and submitted a Draft Parking Survey Report summarising the findings. These findings were then used to inform the Precinct Parking Management Plans that were prepared by the Consultants for each of the 5 Activity Centres, geographically based on the Town Centre areas identified in the Town's Local Planning Strategy, and in accordance with recommendation 5.4.2 of the Draft Car Parking Strategy 2008.

The Consultants delivered a number of draft versions of the Precinct Parking Management Plans and presented an overview of the Plans to a Council Member Forum held on 15 September 2009.

The key objectives and recommendations for Precinct Parking Management Plans outlined in section 5.4.2 of the Draft Car Parking Strategy 2008 are as follows:

- "
- *identify parking supply and management policies and actions to support the short and longer term development of a centre with specific emphasis on land use intensification and supporting the centre's economic viability and vitality;*
 - *integrate parking policy and management and the location of off-street parking facilities with committed and planning transport improvements with particular emphasis on public transport infrastructure and service improvements, the pedestrian and cycle networks and urban design objectives;*
 - *better internalise the cost of parking in decision making and , over time, to generate a rate of return on public parking facilities which reflects the opportunity cost of capital; and*
 - *ensure an equitable cost of parking for drivers.*

Each Precinct Parking Management Plan will provide detailed guidance over a 10 year planning horizon in relation to the management and control of parking together with a process for the phased implementation of a place based package of measures as the centres move to higher density. The geographic and temporal measures need to be highlighted both in a map and a timeline. There are some key measures such as location of on-street pay parking, time restrictions, residents parking (if any), car park buildings, cycle parking areas, mobility parks, reduction in parking and spill-over areas that will need to be identified in the plan.

A detailed plan for dealing with specific parking issues in each high activity centre in the short, medium and long term will allow local issues to be considered, and transitional arrangements permitted in line with broad transport policy and strategic plans."

Consistent with the above recommendation, the Precinct Parking Management Plans have been prepared and submitted by the Consultants, in the following format.

Section 1 -Executive Summary

This section outlines the key elements of the Precinct Parking Management Plans.

Section 2 - Introduction

This section provides a consolidated summary of the content and layout of the Precinct Parking Management Plans.

Section 3 - General Parking Issues in the Town of Vincent

This section of the document draws on section 4 of the Draft Car Parking Strategy 2008, relating to fundamental parking issues within the Town. For the purpose of providing a context to the analysis and recommendations of the Precinct Parking Management Plans, this section summarises the key parking issues identified in the high activity centres within the Town. Of particular note, these issues include; way finding signage, unifying adjoining car parks and future changes in parking supply.

Section 4 - Implementation of Parking Measures

This section of the document considers the implementation of several parking measures detailed within the Draft Car Parking Strategy 2008, and concludes with a list of recommendations which are common to all five Activity Centres. Some of these measures include; shared parking, amendments to the Town's approach to cash in lieu, introduction of more paid parking, parking for residents and managing spill-over, over-flow parking for special events and peak demand periods, parking control and management plans for developments seeking more than 50 parking spaces, motorcycle, scooter and bicycle parking, mobility parking, CPTED, parking permits, pedestrian routes, education, park and ride, parking technology and installation of new ticket machines.

These measures have been incorporated into short, medium and long term actions, and listed in order of priority, common to all 5 Activity Centres.

Section 5 - 9 - Precinct Parking Management Plans

Sections 5 - 9 list the Precinct Parking Management Plans for each of the identified Activity Centres in the following order:

- Section 5 - Leederville Precinct;
- Section 6 - Mount Hawthorn Precinct;
- Section 7 - Mount Lawley/Highgate Precinct;
- Section 8 - North Perth Precinct; and
- Section 9 - Perth Precinct.

Each of these sections provide information on the subject Activity Centres area, an analysis of the existing parking situation based on the surveys undertaken in November 2008, a summary of findings, and a series of parking management recommendations to be undertaken in the short term (by 2012), medium term (2013 to 2017), and long term (2018+). These recommendations are detailed in order of priority, in a table format in the Precinct Parking Management Plans for each Activity Centre.

Appendix A - Parking Requirements in the Town of Vincent

This section provides the Town's existing Land Use Parking Requirement Table extracted from the Town's Policy No. 3.7.1 relating to Parking and Access.

Appendix B - Consolidated and Prioritised Recommendations

This section provides a consolidated table on all the recommendations contained within the Precinct Parking Management Plans in order of priority, and identifies which of the Activity Centres the recommendations apply.

Appendix C - Recommended Locations for New Ticket Machines

This section provides a table outlining the proposed location and the quantity of new ticketing machines to be installed in order of priority, and the Activity Centre to which they apply.

Appendix D - Event Management Plan

This section provides a template for the preparation and management of parking, during large scale events.

CONSULTATION/ADVERTISING:

In accordance with the Council's resolution at its Special Meeting held on 14 October 2008, the Draft Car Parking Strategy was advertised for public comment for a period of twenty eight (28) days. During this period, nine (9) submissions were received and forwarded to Luxmoore Parking Consultants for consideration in the preparation of Precinct Parking Management Plans. A summary of the submissions are tabled as an Appendix to this report.

The key issues that were raised in the submissions related to cash - in -lieu; spill-over of parking into residential areas; integration of parking management within a regional context; and the importance of facilitating cultural change from parking demand satisfaction, to a parking demand management approach.

On reviewing the comments received during the consultation period, the Town's Officers considered that the comments were best addressed by being incorporated into the Precinct Parking Management Plans themselves, and did not warrant amendments to the Car Parking Strategy itself.

As such, all nine (9) submissions, and other information that the Town has received relating to Parking Issues since the advertising of the Town's Car Parking Strategy, was forwarded to Luxmoore Parking Consultants, to consider in the preparation of the Precinct Parking Management Plans.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Strategic Plan 2006-2011– Strategic Objectives: 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 community vision

(d) implement and promote a policy to encourage a proportion of affordable housing, in partnership with the State Government.”

SUSTAINABILITY IMPLICATIONS:

The long-term sustainability for the Town's current parking operations are questioned in the Car Parking Strategy Review Report. The Strategy Review Report details methods in which the Town can affect a paradigm shift in its methods of providing and managing parking throughout the Town, with a view to greater sustainability. These principles are supported further in the recommendations detailed in the Precinct Parking Management Plans.

FINANCIAL/BUDGET IMPLICATIONS:

The preparation of the Precinct Parking Management Plans has been funded from the 2009 - 2010 Budget.

COMMENTS:

The Draft Car Parking Strategy Review focuses on the idea that the Town of Vincent has adopted traditional ‘supply and demand’ approaches to parking, whereby motorists should nearly always be able to easily find convenient, free parking at every destination. This attitude also appeared prevalent in the community vision workshops undertaken as part of *Vincent Vision 2024*. The Draft Car Parking Strategy Review addresses why this current parking strategy is not sustainable, and offers significant recommendations, to ensure that the Town can provide sufficient parking in the long term, to support prosperous and vibrant commercial centres and encourage accessibility to these centres by sustainable transport modes, including walking, cycling and public transport.

It is emphasised that the Draft Car Parking Strategy Review recommends that a fundamental change in the way the Town manages parking is required, not only to ensure an adequate supply of parking for current and future needs, but also to make certain that the social, environmental and financial impact of parking, is successfully managed.

Recognising that in order to adequately progress a significant number of the Consolidated Recommendations made in the Draft Car Parking Strategy Review, current surveys of supply and demand were undertaken in the identified Activity Centres by Luxmoore Parking Consultants in November 2008.

Following the compilation of the Survey results, the Town further engaged Luxmoore Parking Consultants to prepare Precinct Parking Management Plans for each of the Activity Centres. Informed by the Survey results, the Precinct Parking Management Plans support the information within the Draft Car Parking Strategy 2008 and apply best practice principles. The Precinct Parking Management Plans provide both a context for the Town to adopt a new approach to parking management, whilst also drawing on key recommendations as they relate to each of the Activity Centres. It is considered that the Precinct Parking Management Plans provide a sound and accessible document to progress the recommended actions in the short, medium and long term.

In respect of recommendations proposed in *The Precinct Parking Management Plans Appendix C - Recommended Locations for New Ticket Machines* and the additional post note that *'It is recommended that new ticket machines are installed in all high priority locations by 2012. As a matter of urgency the 31 machines in Leederville and the 23 machines in Perth should be installed first'*, it is considered appropriate that immediate action be taken to prepare an implementation plan detailing the practical and financial implications of carrying out the full range of recommendations in the current 2009/2010 financial year. A further report outlining this plan will be presented to the Council at its first Ordinary Meeting in February 2010.

This section provides a table outlining the proposed location and the quantity of new ticketing machines to be installed in order of priority, and the Activity Centre to which they apply. In light of the above, it is recommended that the Council endorses the Draft Car Parking Strategy Review and the associated Precinct Parking Management Plans as key guiding documents to facilitate the appropriate management of parking in the Town in the short, medium and long term.

9.1.4 Nos. 117A and 119 (Lots 8 and 9; D/P 854) Richmond Street, Leederville - Proposed Demolition of Existing Single House and Construction of a Two-Storey Building comprising Six (6), Single Bedroom and Two (2), Two Bedroom Aged or Dependent Persons Dwellings

Ward:	South	Date:	7 December 2009
Precinct:	Leederville; P3	File Ref:	PRO4279; 5.2009.333.1
Attachments:	001 002		
Reporting Officers:	R Narroo, Senior Planning Officer (Statutory) H Au, Heritage Officer		
Responsible Officer:	R Boardman, Director Development Services		

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 BY AN ABSOLUTE MAJORITY the application submitted by Rechichi Architects on behalf of the owner D De Fiddes Pty Ltd for proposed Demolition of Existing Single House and Construction of a Two-Storey Building comprising Six (6) Single Bedroom and Two (2) Two Bedroom Aged or Dependent Persons Dwellings, at Nos. 117A and 119 (Lots 8 and 9 D/P 854) Richmond Street, Leederville, and as shown on plans stamp-dated 1 December 2009 and 4 December 2009, subject to the following conditions:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Richmond Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. The landscaping of the verge shall include details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months. The Council encourages landscaping methods which do not rely on reticulation. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (iii) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on-site;*
- (iv) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) the deck on the first/upper floor on the eastern and northern elevations being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the respective finished floor level. A permanent obscure material does not include a self-adhesive material that is easily removed; OR prior to the issue of a Building Licence revised plans shall be submitted demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject wall, so that they are not considered to be a major opening as defined in the Residential Design Codes; OR prior to the issue of a Building Licence, revised plans shall be*

submitted demonstrating the above major openings being provided with permanent vertical screening or equivalent, preventing direct line of sight within the cone of vision to ground level of the adjoining properties in accordance with the Residential Design Codes. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of No. 117 Richmond Street stating no objection to the respective proposed privacy encroachment;

(b) the maximum height of the side fence shall be 1.8 metres above natural ground level;

(c) all screens shall comply with the definition of the Residential Design Codes 2008;

(d) the bin compound being redesigned to accommodate the following bins:

One (1) bedroom dwellings

General Waste: Half (0.5) mobile garbage bin or equal to 120 litres per unit (collected weekly);

Recycle Waste: Half (0.5) mobile recycle bin or equal to 120 litres per unit (collected fortnightly);

Two (2) bedroom dwellings

General Waste: One (1) mobile garbage bin or equal to 240 litres per unit (collected weekly);

Recycle Waste: One (1) mobile recycle bin or equal to 240 litres per unit (collected fortnightly).

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

(e) the provision of stores to the respective dwellings complying with the Residential Design Codes in respect of minimum dimensions and internal areas;

(v) prior to the issue of a Building Licence, the subject land shall be amalgamated into one lot on Certificate of Title; OR alternatively, prior to the issue of a Building Licence the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to amalgamate the subject land into one lot within 6 months of the issue of the subject Building Licence;

(vi) first obtaining the consent of the owners of No. 117 and No. 121 Richmond Street, Nos.20A-20B and No. 18 Melrose Street, Leederville, for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 117 and No. 121 Richmond Street and Nos. 20A-20B and No. 18 Melrose Street, Leederville in a good and clean condition;

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

(a) *the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the units. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development;*

(b) *a maximum of one (1) bedroom and two (2) occupants are permitted in the single bedroom dwellings (Units 1,2,3,4,5 and 8) at any one time;*

(c) *the floor plan layout of the single bedroom dwelling (Units 1,2,3,4,5 and 8) shall be maintained in accordance with the Planning Approval plans; and*

(d) *at least one occupant is a disabled or physically dependent person or aged over 55 or is the surviving spouse of such a person.*

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

(viii) *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;*

(ix) *any new street wall, fence and gate within the Richmond Street setback area, including along the side boundaries within this street setback area, shall comply with the Town's Policy provisions relating to Street Walls and Fences;*

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

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

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

Moved Cr Harvey, Seconded Cr Farrell

That the recommendation be adopted.

Debate ensued.

Cr Farrell departed the Chamber at 10.06pm.

AMENDMENT NO 1

Moved Cr Harvey, Seconded Cr Burns

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

“(xii) the registered proprietor shall enter into a legal agreement with the Town of Vincent which is secured by a caveat on the Certificate of Title(s) of the subject land, prepared by the Town’s solicitors or other solicitors agreed upon by the Town, undertaking to ensure that each dwelling on the property will be occupied/used only for the purposes of Aged or Dependent Persons. The agreement shall be binding on the current registered proprietor and every successor in title of each individual dwelling of the property. The registered proprietor and its successors in title shall charge the land that they are the registered proprietor of, as security for the performance of these obligations.”

AMENDMENT NO 1 PUT AND CARRIED (8-0)

(Cr Farrell was absent from the Chamber and did not vote.)

Cr Farrell returned to the Chamber at 10.07pm.

Debate ensued.

AMENDMENT NO 2

Moved Cr Topelberg, Seconded Cr McGrath

COUNCIL DECISION ITEM 9.1.4

“That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES BY AN ABSOLUTE MAJORITY the application submitted by Rechichi Architects on behalf of the owner D De Fiddes Pty Ltd for proposed Demolition of Existing Single House and Construction of a Two-Storey Building comprising Six (6) Single Bedroom Aged or Dependent Persons Dwellings and Two (2) Two Bedroom Aged or Dependent Persons Dwellings, at Nos. 117A and 119 (Lots 8 and 9 D/P 854) Richmond Street, Leederville, and as shown on plans stamp-dated 1 December 2009 and 4 December 2009 , subject to the following conditions:”

AMENDMENT NO 2 PUT AND CARRIED (9-0)

**MOTION AS AMENDED PUT AND CARRIED
BY AN ABSOLUTE MAJORITY (6-3)**

For: Mayor Catania, Cr Burns, Cr Farrell, Cr Harvey, Cr McGrath, Cr Topelberg

Against: Cr Buckels, Cr Lake, Cr Maier

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 BY AN ABSOLUTE MAJORITY the application submitted by Rechichi Architects on behalf of the owner D De Fiddes Pty Ltd for proposed Demolition of Existing Single House and Construction of a Two-Storey

Building comprising Six (6) Single Bedroom Aged or Dependent Persons Dwellings and Two (2) Two Bedroom Aged or Dependent Persons Dwellings, at Nos. 117A and 119 (Lots 8 and 9 D/P 854) Richmond Street, Leederville, and as shown on plans stamp-dated 1 December 2009 and 4 December 2009, subject to the following conditions:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;***
- (ii) a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Richmond Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. The landscaping of the verge shall include details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months. The Council encourages landscaping methods which do not rely on reticulation. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);***
- (iii) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on-site;***
- (iv) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:***
 - (a) the deck on the first/upper floor on the eastern and northern elevations being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the respective finished floor level. A permanent obscure material does not include a self-adhesive material that is easily removed; OR prior to the issue of a Building Licence revised plans shall be submitted demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject wall, so that they are not considered to be a major opening as defined in the Residential Design Codes; OR prior to the issue of a Building Licence, revised plans shall be submitted demonstrating the above major openings being provided with permanent vertical screening or equivalent, preventing direct line of sight within the cone of vision to ground level of the adjoining properties in accordance with the Residential Design Codes. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of No. 117 Richmond Street stating no objection to the respective proposed privacy encroachment;***
 - (b) the maximum height of the side fence shall be 1.8 metres above natural ground level;***
 - (c) all screens shall comply with the definition of the Residential Design Codes 2008;***
 - (d) the bin compound being redesigned to accommodate the following bins:***
 - One (1) bedroom dwellings***
 - General Waste: Half (0.5) mobile garbage bin or equal to 120 litres per unit (collected weekly);***

Recycle Waste: Half (0.5) mobile recycle bin or equal to 120 litres per unit (collected fortnightly);

Two (2) bedroom dwellings

General Waste: One (1) mobile garbage bin or equal to 240 litres per unit (collected weekly);

Recycle Waste: One (1) mobile recycle bin or equal to 240 litres per unit (collected fortnightly).

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

- (e) the provision of stores to the respective dwellings complying with the Residential Design Codes in respect of minimum dimensions and internal areas;*
- (v) prior to the issue of a Building Licence, the subject land shall be amalgamated into one lot on Certificate of Title; OR alternatively, prior to the issue of a Building Licence the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to amalgamate the subject land into one lot within 6 months of the issue of the subject Building Licence;*
- (vi) first obtaining the consent of the owners of No. 117 and No. 121 Richmond Street, Nos.20A-20B and No. 18 Melrose Street, Leederville, for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 117 and No. 121 Richmond Street and Nos. 20A-20B and No. 18 Melrose Street, Leederville in a good and clean condition;*
- (vii) prior to the issue of a Building Licence for the proposed development, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property of the following:*
 - (a) the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the units. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development;*
 - (b) a maximum of one (1) bedroom and two (2) occupants are permitted in the single bedroom dwellings (Units 1,2,3,4,5 and 8) at any one time;*
 - (c) the floor plan layout of the single bedroom dwelling (Units 1,2,3,4,5 and 8) shall be maintained in accordance with the Planning Approval plans; and*
 - (d) at least one occupant is a disabled or physically dependent person or aged over 55 or is the surviving spouse of such a person.*

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

- (viii) *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;*
- (ix) *any new street wall, fence and gate within the Richmond Street setback area, including along the side boundaries within this street setback area, shall comply with the Town's Policy provisions relating to Street Walls and Fences;*
- (x) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
- (xi) *prior to the first occupation of the development, each dwelling shall be provided with a screened outdoor area for clothes drying or clothes tumbler dryer; and*
- (xii) *the registered proprietor shall enter into a legal agreement with the Town of Vincent which is secured by a caveat on the Certificate of Title(s) of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to ensure that each dwelling on the property will be occupied/used only for the purposes of Aged or Dependent Persons. The agreement shall be binding on the current registered proprietor and every successor in title of each individual dwelling of the property. The registered proprietor and its successors in title shall charge the land that they are the registered proprietor of, as security for the performance of these obligations.*

Landowner:	D De Fiddes Pty Ltd
Applicant:	Rechichi Architects
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R60
Existing Land Use:	Single House and Vacant Land
Use Class:	Aged or Dependent Persons Dwellings
Use Classification:	"P"
Lot Area:	649 square metres
Access to Right of Way:	Not applicable

BACKGROUND:

13 May 2008 The Council at its Ordinary Meeting deferred its decision for the demolition of single house and construction of two, two-storey with loft, multiple dwellings and two, three-storey multiple dwellings.

10 June 2008 The Council at its Ordinary Meeting conditionally approved the demolition of single house and construction of two, two-storey with loft, multiple dwellings and two, three-storey multiple dwellings.

DETAILS:

The proposal involves the demolition of the existing single house and construction of a two-storey building comprising six single bedroom, and two, two bedroom aged or dependent persons dwellings.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	R60= 5 Aged/Dependent multiple dwellings	R82= 8 Aged/Dependent Dwellings Density Bonus= 36.4 per cent= 236.3 square metres	Supported- Refer to comments below.
Plot Ratio	0.7= 454.3 square metres	0.75- 486.75 square metres	Supported- Refer to comments below.
Plot Ratio Area	Aged/Dependent multiple dwellings= 80 square metres	Units 6 and 7= 83.6 square metres	Supported- It is considered a minor variation, which will not have an undue impact on the amenity of the surrounding area.
Building Setbacks			
Ground Floor			
North-Front	4.8 metres	3 metres	Supported-Refer to comments below.
East	1.5 metres	Nil to 6.2 metres	Supported- Three columns will be on the boundary and the remaining building is setback 6.2 metres. Therefore, there will be no undue impact on the adjoining neighbour.
West	1.5 metres	Nil to 3 metres	Supported- No undue impact on the adjoining neighbour.
South	1.5 metres	Nil to 1.15 metres	Supported- No undue impact on the adjoining neighbour.
First Floor			
North-Front	6.8 metres	Building- 3 metres Deck- 2 metres	Supported-Refer to comments below.

Open space	Fifty per cent	Forty per cent.	Supported- Given the buildings will be used by aged/dependent persons, the open space will be sufficient for the needs of these residents.
Communal space	128 square metres	20.1 square metres.	Supported- Each dwelling is provided with an outdoor living area in addition to the common area. The variation is supported.
Outdoor Living Area	Outdoor Living area behind the street setback.	Outdoor Living Area within the street setback area.	Supported- No undue impact on the streetscape.
Vehicular Access	No closer to 0.5 metre to a side boundary Not to occupy more than 40 per cent of the frontage of the property	Nil to boundary. 41.5 percent.	Supported- No undue impact on the adjoining properties. Supported- Given that there are two existing crossovers for the two lots, and the proposed two crossovers will not impact on the streetscape.
Privacy	Deck= 7.5 metres from the boundary	Deck= Nil to eastern boundary.	Not supported- Undue impact on the neighbouring property; the deck should be screened if the proposal is supported.
Stores	Minimum dimension of 1 metre and internal area of at least 2.5 square metres	Dimension= 0.6 metre. Area= 1.4 square metres.	Supported- Given the dwellings are for aged or dependent persons, the variation is supported.
Fence	1.2 metre solid fence within the front setback Side fence- 1.8 metres	1.8 metres solid fence within the front setback. Side fence- 2 metres.	Not supported- Fence is to comply with the requirement if proposal is supported. Not supported-Side fence is to comply with the requirement if proposal is supported.
Roof form	Pitched Roof	Concealed Roof.	Supported- The proposal illustrates an innovative and contemporary design that is appropriate for the evolving Richmond Street streetscape.
Consultation Submissions			
Support	Nil		Noted.

<p>Objections (3)</p>	<p>Density</p> <p>The number of dwellings are far too many, which would impact on the traffic and adjoining surrounding area.</p> <p>Building Setbacks</p> <p>The setbacks will be detrimental to the streetscape and the adjoining properties. The proposed lift will be on the boundary, which will impact on the adjoining property.</p> <p>Communal Space</p> <p>Communal space is far too less, which will result in the site being congested</p> <p>Parking</p> <p>Vehicles associated with his development will park on the street, which will have an undue impact on the surrounding area.</p> <p>Privacy</p> <p>The variation to the privacy will impact on the adjoining properties.</p> <p>Stores</p> <p>The stores should comply with the standard requirements.</p>	<p>Not supported- Refer to “Comments” below.</p> <p>Not supported- Refer to Assessment Table and comments below. The applicant submitted amended plans showing the relocation of the lift away from the boundary.</p> <p>Not supported- Refer to Assessment Table.</p> <p>Not supported- Development complies with the parking requirement.</p> <p>Supported- Refer to Assessment Table. It is noted that the walkway on the first floor is not classified as a habitable space and, therefore, is not required to be screened.</p> <p>Not supported- Refer to Assessment Table.</p>
Other Implications		
<p>Legal/Policy</p>	<p>TPS 1 and associated Policies, and Residential Design Codes (R Codes).</p>	
<p>Strategic Implications</p>	<p>Nil</p>	
<p>Sustainability Implications</p>	<p>Nil</p>	
<p>Financial/Budget Implications</p>	<p>Nil</p>	

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

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

COMMENTS:

Demolition

The property at No. 119 Richmond Street, Leederville, is an example of a Post War Conventional Suburban Style Bungalow. Although a precise date of construction could not be determined, it was most likely built during the 1950s. It is a brick and tile bungalow with a hipped roof, with an 'L' shaped two room frontage.

A full heritage assessment was undertaken for No. 119 Richmond Street on 30 January 2008, which indicates that the place has little aesthetic, historic, scientific or social heritage significance. In accordance with the Town's Policy relating to Heritage Management – Assessment, the place does not meet the threshold for entry on the Town's Municipal Heritage Inventory.

It is noted that the Council at its Ordinary Meeting held on 10 June 2008 resolved to grant conditional approval for the proposed demolition of single house, and construction of two (2) two-storey with loft, multiple dwellings, and two (2), three-storey multiple dwellings.

In light of the above, it is considered that approval should be granted for demolition, subject to standard conditions.

Density and Plot Ratio

The proposed Aged or Dependent Persons Dwellings will be located approximately 110 metres from Oxford Street, which has been identified in the Local Planning Strategy, as an Activity Corridor linking the key Activity Centres (Town Centres) of Leederville and Mount Hawthorn. It is considered that the development is conveniently located, and is within easy walking distance to community facilities such as medical, pharmaceutical, post office, banks and shopping facilities for aged or dependent persons. In addition, the proposal is supported by the Town's Affordable Housing Strategy, which identifies the need to provide a range of housing choice in the Town.

In view of the above, the variations to the density and plot ratio are supported, as it is considered that the development will not result in any unreasonable undue impact on the amenity of the surrounding area, but rather, will contribute to the overarching vision for a range of housing types to be provided in the Town.

Street Setbacks

Dwellings along this portion of Richmond Street are inconsistent in architectural style, and the streetscape contains a mix of developments that vary in age, height, style and building materials. In this context, Richmond Street is considered a dynamic and emerging contemporary streetscape.

The ground and upper floor street setbacks of the proposed development are non-compliant with the acceptable development criteria of SADC 5 Street Setbacks, as outlined in the above Assessment Table. However, it is considered the proposed street setbacks are compliant with the Performance Criteria for this standard; in that, the contemporary façade is staggered, comprises a select range of attractive external wall surface treatments that will provide articulation and interest to Richmond Street, and the setback of the balcony will assist in the passive surveillance of the street.

Absolute Majority

Given the proposed density bonus, as per Clause (40)(3)(b) of the Town's Town Planning Scheme No. 1, the Council, in the event of approving the application, would be required to do by an absolute majority decision.

The proposed development contributes to providing a range of housing choice in the Town. In light of the above, it is recommended that the Council approve the subject application, subject to standard and appropriate conditions to address the above matters.

The Chief Executive Officer advised that it was 10.10pm.

The Presiding Member, Mayor Nick Catania stated a motion needed to be moved to extend the closure of meeting time, as the Council's Policy relating to Council meetings requires meetings to cease by 10.00pm.

PROCEDURAL MOTION

Moved Cr Topelberg, Seconded Cr Burns

That the meeting be extended to 10.30pm.

PROCEDURAL MOTION PUT AND CARRIED (9-0)

Due to the lateness of the hour, the Presiding Member, Mayor Nick Catania advised that the Absolute Majority items would be dealt with next.

9.1.5 No. 91 (Lot 3 D/P: 6257) Bourke Street, Leederville - Proposed Additional Two (2) Two-Storey Grouped Dwellings to Existing Single House

Ward:	South	Date:	7 December 2009
Precinct:	Leederville; P03	File Ref:	PRO4826; 5.2009.424.1
Attachments:	001		
Reporting Officer:	S Kendall, Planning/Heritage Officer		
Responsible Officer:	R Boardman, Director Development Services		

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 BY AN ABSOLUTE MAJORITY, the application submitted by Peter Jodrell Architects on behalf of the owner S Motearefi for proposed Additional Two (2) Two-Storey Grouped Dwellings to Existing Single House, at No. 91 (Lot 3 D/P: 6257) Bourke Street, Leederville, and as shown on plans stamp-dated 30 November 2009, subject to the following conditions:

- (i) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) *any new street/front wall, fence and gate within the Bourke Street setback area, including along the side boundaries within this street setback area, shall comply with the Town's Policy provisions relating to Street Walls and Fences;*
- (iii) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
- (iv) *first obtaining the consent of the owners of No. 17 Burgess Street, Nos. 250-252 Oxford Street and No. 89 Bourke Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 17 Burgess Street, Nos. 250-252 Oxford Street and No. 89 Bourke Street in a good and clean condition;*

- (v) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Bourke Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. The landscaping of the verge shall include details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months. The Council encourages landscaping methods which do not rely on reticulation. Where reticulation is not used, the alternative method should be described. All such works shall be undertaken prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s);*
- (vi) *prior to the issue of a Building Licence, the owner(s) shall enter into a legal agreement 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 for the conservation of the existing dwelling. All costs associated with this condition shall be borne by the applicant/owner(s);*
- (vii) *the existing dwelling shall be conserved and the external appearance of the existing dwelling upgraded by the owners, to the reasonable satisfaction of the Town, inclusive of the following works:*
- (a) *replacement of front verandah supports (to be informed by archives search);*
 - (b) *replacement of decramastic roof with zincalume custom orb roof; and*
 - (c) *render and paint external walls.*
- Details of the upgrading works shall be submitted to and approved by the Town prior to the issue of the Building Licence. The upgrading works shall be undertaken prior to the first occupation of the proposed dwelling, and the existing dwelling maintained thereafter by the owners/occupiers;*
- (viii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved, demonstrating the aggregate of the driveways on-site not exceeding a total of 6 metres in width. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (ix) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, parking of trade person vehicles, footpath access, traffic and heavy vehicle access via Bourke Street, dust and any other appropriate matters (such as notifying all affected landowners/occupiers of the commencement of construction works), shall be submitted to and approved by the Town;*
- (x) *bedroom 3 of Unit No. 2 within the 4.5 metre cone of vision to the eastern boundary shall be screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. 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 a major opening as defined in the Residential Design Codes 2008. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of No. 89 Bourke Street, Leederville stating no objection to the proposed privacy encroachment;*

- (xi) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating design features being incorporated into the western elevation/two-story boundary wall of No. 91b Bourke Street, to reduce the visual impact of this wall. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies; and*
- (xii) *prior to the issue of a Building Licence, the subject plans shall be submitted to and approved by the Water Corporation, and a copy of Western Power's letter of endorsement and associated stamped plans shall be submitted to the Town. This shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies.*

ADVICE NOTE:

The Council advises the applicant that it would be supportive in principle of a revised proposal for an appropriate ~~intense~~ alternative development on the subject site, with direction being provided by the Town's Officers, in light of the proposed redevelopment of Nos. 250-252 Oxford Street, Leederville.

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

COUNCIL DECISION ITEM 9.1.5

Moved Cr Buckels, Seconded Cr Lake

That the recommendation be adopted, subject to the word "intense" in the "Advice Note" being changed to read "alternative".

Debate ensued.

**MOTION PUT AND CARRIED
BY AN ABSOLUTE MAJORITY (9-0)**

Landowner:	S Motearafi
Applicant:	Peter Jodrell Architects
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R40
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	616 square metres
Access to Right of Way:	N/A

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves the proposed addition of two (2), two-storey grouped dwellings to the existing single house.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	2.8 dwellings	3 dwellings	Supported - Refer to comments section for support of proposed 7 per cent density bonus.
Plot Ratio	N/A	N/A	Noted - No variation.
Minimum Site area	200 square metres (five per cent variation = 190 square metres)	House 1 – 263 square metres House 1a – 114 square metres House 1b – 132 square metres	Supported – The retention of the existing dwelling maintains the amenity of the streetscape. Due to this, the existing dwelling creates lesser room at the rear of the lot for further development.
Ground Floor Building Setbacks:			
Unit 1 (garage and store) to western boundary	1.1 metres	Nil	Supported -To the west of the subject place is commercial zoned land. It is not considered the nil setback will have an impact on the commercial zoned land.
Unit 3 to western boundary	1.5 metres	Nil	Supported - as above.
Unit 2 to eastern boundary	1 metre	Nil-4.2 metres	Supported – not considered to have an undue impact on the neighbouring property, and no objections received.
Units 2 and 3 to southern boundary	1.5 metres	Nil - 2.4 - 4.5 metres	Supported - as above.
First Floor Building Setbacks:			
Unit 3 to western boundary	1.6 metres	Nil	Supported -To the west of the subject place is commercial zoned land. It is not considered the nil setback will have an impact on the commercial zoned land.

Units 2 and 3 to southern boundary	4.1 metres	2.4 - 4.5 metres	Supported – Not considered to have an undue impact on the neighbouring property and no objections received.
Building on Boundary	1 wall Maximum height: 3.5 metres Average height: 3 metres	3 walls: • Western wall: Maximum height: 8.6 metres Average height: 7.6 metres • Eastern wall: Maximum height: 3.2 metres Average height: 3.2 metres • Southern wall: Maximum height: 3.4 metres Average height: 3.14 metres	Supported -To the west of the subject place is commercial zoned land. It is not considered the nil setback will have an impact on the commercial zoned land. Supported – Not considered to have an undue impact on the neighbouring property, and no objections received. Supported - as above.
Articulation	No walls longer than 9 metres without articulation	Western upper floor 11 metres without articulation	Supported -To the west of the subject place is commercial zoned land. It is not considered the nil setback, with no articulation, will have an impact on the commercial zoned land.
Outdoor Living Area	Behind street setback	Unit 1 in front setback	Supported - The outdoor living area has direct access to northern sunlight, and as the rear of the block has been designated for car parking purposes.
Driveways	No closer than 0.5 metre to side boundary To have an aggregate of 6 metres	Both driveways with nil setback to side boundaries Total width = 6.4 metres	Supported - The retention of the existing house precludes a 0.5 metre setback in order to accommodate a 3 metre driveway. Not supported - Conditioned to comply.

Building Height	6 metres to eaves	Maximum height 8.6 metres at top of gable.	Supported - Due to the retaining to level the site, the House at No. 91b does not achieve a 6 metre ridge height. However, the overall building height complies with the 9 metre requirement from natural ground level.
Privacy Unit 2 (bedroom 3 to eastern boundary)	4.5 metres	3 metres	Not Supported - The bedroom window will overlook the adjacent property. Whilst no objection was received from the adjacent affected neighbours, a condition requiring screening has been imposed.
Retaining	No greater than 0.5 metre without planning approval.	Maximum of 0.84 metre along western boundary.	Supported - The fill proposed as part of this application, will ensure that the site is level from east to west, as there is an approximate fall of 1 metre. The overall height of the building complies with the 9 metre height requirement from the existing natural ground level, and as the visual impression of the natural ground level will be retained from the street.
Consultation Submissions			
Support (1)	No comment.		Noted.
Objection (1)	No comment.		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 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.

Density

The place at No. 91 Bourke Street, Leederville is not currently listed on the Town of Vincent Municipal Heritage Inventory (MHI). However, the provision of a density bonus is not restricted to places that are on or meet the threshold for, inclusion onto the MHI. As stipulated in clause 20 of the Town's Town Planning Scheme No. 1, the Council may grant an increase in the permitted density by up to 50 per cent if the proposed development '*conserves or enhances an existing dwelling or existing dwellings worthy of retention.*'

The Post Office Directories indicate that the subject dwelling was built in circa 1926 in the Inter-war Bungalow style of architecture. Bourke Street, Leederville is characterised by a mix of housing, demonstrating a range of styles, and phases of development. The streetscape demonstrates little uniformity; however, it is apparent that there are three dominant housing types along the street - early twentieth century weatherboard housing, brick and tile dwellings exhibiting some characteristics of Federation and inter-war style of architecture, and late twentieth century brick and tile housing. The subject place contributes to the stock of early twentieth century housing along the street.

The existing dwelling on-site appears to have had a number of alterations over the years, which have impacted on its original detailing and character. However, the applicant has advised that they would be willing to undertake the following works as part of the development to improve the appearance of the dwelling:

- Front Verandah – remove existing pipe columns and replace with more appropriate style support;
- The existing decramastic roof will be removed and replaced with zincalume custom orb roof;
- All external walls will be cement rendered and painted;
- Upgrade the front yard by introducing new open style fencing; and
- Add new paving and landscaping to all external garden and courtyard areas.

It is considered the above works would improve the aesthetics of the building and result in its retention.

Conclusion

In light of the above, it is recommended that the Council approve the application, subject to standard and appropriate conditions to address the above matters. It is noted that this application is required to be approved by an absolute majority as the development application proposes a variation to minimum site area that is greater than the permitted five per cent variation, representing a 7% density bonus.

9.3.3 Loan Approval for Purchase of 81 Angove Street, North Perth

Ward:	North	Date:	7 December 2009
Precinct:	Smith's Lake	File Ref:	PRO2919
Attachments:	-		
Reporting Officer:	M. Rootsey, Director Corporate Services		
Responsible Officer:	M. Rootsey, Director Corporate Services		

OFFICER RECOMMENDATION:

That the Council:

- (i) *NOTES that no submissions were received concerning the Town's intention to loan monies for the purchase of 81 Angove Street, North Perth; and*
- (ii) *APPROVES BY AN ABSOLUTE MAJORITY the loan of \$1,600,000 at 6.28% from the Western Australian Treasury Corporation for a period of 10 years for the purchase of 81 Angove Street, North Perth.*

COUNCIL DECISION ITEM 9.3.3

Moved Cr Burns, Seconded Cr Farrell

That the recommendation be adopted.

Debate ensued.

**MOTION PUT AND CARRIED
BY AN ABSOLUTE MAJORITY (9-0)**

PURPOSE OF REPORT:

The purpose of the report is to seek approval to obtain the loan of \$1,600,000 from the WA Treasury Corporation at 6.28% for a period of 10 years.

BACKGROUND:

At the Ordinary Meeting of Council, held on 14 October 2009, Item No. 9.4.6, the following resolution was adopted in part as follows;

- “(i) *pursuant to Section 6.20(2) of the Local Government Act, to borrow an amount up to \$3,000,000 for the purchase of the subject land (plus an amount for GST, stamp duty and disbursements) subject to:*
 - 1. *the Town giving one month's local public notice of its proposal to borrow such monies; and*
 - 2. *the Chief Executive Officer being authorised to negotiate the most suitable loan term and conditions.”*

As a result of the auction of the property and subsequent purchase of the property by the Town, the further resolution at the Ordinary Meeting of Council on 3 November 2009, Item 9.4.4 was adopted in part as follows;

“(ii) *pursuant to Section 6.20(2) of the Local Government Act, to borrow an amount of \$1,600,000 for the purchase of the subject land (plus an amount for GST, stamp duty, disbursements, conservation plan, interim works and consultancies) subject to:*

1. *the Town giving one month’s local public notice of its proposal to borrow such monies; and*
2. *the Chief Executive Officer being authorised to negotiate the most suitable loan term and conditions.”*

DETAILS:

The settlement date of the sale of the property at 81 Angove Street, North Perth is 23 December 2009.

A quote was sought for the loan from the Western Australia Treasury Corporation. A quote was provided for the loan with the following details being received:

Details:

Amount	\$1.6 million
Loan Period	10 years
Repayments (monthly)	\$18,751.66
Drawn down rate	17 December 2009
1 st repayment due	1 July 2010

Note: A firm quote will be provided on 16 December 2009.

CONSULTATION/ADVERTISING:

The loan was advertised in the West Australian on the 4 November 2009 for a period of one (1) month.

At the closing date no submissions were received.

LEGAL/POLICY:

As the loan was not included in the Annual Budget 2009/2010, in accordance with Section 6.20 (2) of the Local Government Act, the loan was advertised for one (1) month.

An Absolute Majority decision of the Council is requested.

STRATEGIC IMPLICATIONS:

This is in keeping with a number of the Town’s Strategic Plan – Plan for the Future 2009-2014 Key Result Areas – Key Objective 1.1 – *“Improve and maintain the Environment and Infrastructure”* and, in particular, Key Objective 1.1.1 – *“Capitalise on the Town’s strategic location, its centres and commercial areas”* and Key Objective 2.1.2 – *“Develop and Promote Partnerships and alliances with Key Stakeholders”* 3.1.2 – *“Provide and develop a range of community programs and community safety initiatives.”*

SUSTAINABILITY IMPLICATIONS:

N/A.

FINANCIAL/BUDGET IMPLICATIONS:

The Annual Budget 2009/2010 does not contain any funds for this purchase and loan repayments. The loan will enable the property purchase to be funded in this financial year.

However, the Town has arranged for repayments to commence in the new financial year, the repayments will be listed in future annual budgets.

COMMENT:

The Western Australian Treasury Corporation holds a certain parcel of their funds to provide loan funding to Local Governments at attractive rates below the normal market rates. The Corporation also provides flexible repayment options to Local Government.

The loans funds are required to purchase 81 Angove Street, North Perth, which is planned to become a valuable community asset for the Town.

It is therefore recommended that this resolution be supported.

9.3.7 Urgent Works: Beatty Park Leisure Centre - Installation of Air Conditioning in the Cycling Fitness Room

Ward:	South	Date:	7 December 2009
Precinct:	Smith Lakes	File Ref:	-
Attachments:	-		
Reporting Officer:	Dale Morrissy, Manager Beatty Park Leisure Centre		
Responsible Officer:	Mike Rootsey, Director Corporate Services		

OFFICER RECOMMENDATION:

That the Council APPROVES BY AN ABSOLUTE MAJORITY to fund the installation of air conditioning in the Cycling Fitness room at Beatty Park Leisure Centre at an estimated cost of \$13,310 (including GST) and this be funded from the Beatty Park Leisure Centre Reserve Fund.

COUNCIL DECISION ITEM 9.3.7

Moved Cr Farrell, Seconded Cr McGrath

That the recommendation be adopted.

MOTION PUT AND CARRIED
BY AN ABSOLUTE MAJORITY (9-0)

PURPOSE OF REPORT:

The purpose of this report is to seek the Council's approval to install air conditioning in the Cycling Fitness room at Beatty Park Leisure Centre.

BACKGROUND:

Cycling fitness was introduced at Beatty Park Leisure Centre in November 2008. In July 2009 the cycling Fitness classes were included in the Centre Membership and numbers have now increased from a 10.3 people per class average to a 16.1 people per class average, with 10 classes being held each week.

DETAIL:

Membership at Beatty Park Leisure Centre is at an all time high (currently capped at 2000) and is due to the Centre's ability to offer current programmes that are in demand by the public along with a diverse range of facilities. To continue this growth now and provide a stepping stone for the renovation of the Centre there is a need to provide a level of service that is acceptable to the community so they continue to attend and recommend the Centre.

The Cycling Fitness room is situated on the North side of the Beatty Park Leisure Centre and has little ventilation (despite several large fans being installed). The temperature in the room regularly exceeds comfortable levels during classes, especially on humid days. There have been three cases of patrons fainting, while undertaking the classes and numerous reports of patrons having to compromise their workouts due to the conditions. Fitness instructors have also noted that they have had to modify the classes they run at Beatty Park Leisure Centre compared to other facilities due to the temperature in the room.

In addition the high temperature is causing excessive sweating from patrons which is pooling on the floor and has been reported by instructors as causing a slip issue.

Three quotes have been obtained to appropriately air condition the cycling fitness room and range from \$13,310 to \$18,579 (inc GST). The type of air conditioners that have been recommended for installation will be able to be relocated in the event that the Beatty Park Leisure Centre renovation requires a different use of this particular area of the facility

CONSULTATION/ADVERTISING:

N/A.

LEGAL POLICY:

N/A.

STRATEGIC IMPLICATIONS:

This is in keeping with the Town's Plan for the Future - Strategic Plan 2009-2014.

Key Objectives:

"3.1 Enhance and promote community development and wellbeing."

3.1.2 Provide and develop a range of community programs and community safety initiatives"; and

3.1.3 Determine the requirements of the Community and focus on needs, value, engagement and involvement."

FINANCIAL/BUDGET IMPLICATIONS:

Three quotes have been obtained to appropriately air condition the Cycling Fitness room and range from \$13,310 to \$18,579 (inc GST).

As this item is unbudgeted, an Absolute Majority Council decision is required to approve the funds to be used from the Beatty Park Reserve Fund.

COMMENTS:

It is recommended that Council approve the installation of air conditioning in the Cycling Fitness room at Beatty Park Leisure Centre for the reasons outlined in this report.

9.1.13 No. 742 (Lot30, D/P 42555) Newcastle Street, with Car Park frontage to Vincent Street, Leederville - Proposed Change Of Use of Existing Leederville Hotel Car Park to a Part Fee Paying Car Park

Ward:	South	Date:	7 December 2009
Precinct:	Oxford Centre; P4	File Ref:	PRO0630; 5.2009.342.1
Attachments:	001		
Reporting Officer:	R Rasiah, Coordinator Statutory Planning		
Responsible Officer:	R Boardman, Director Development Services		

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 D M Newnham on behalf of the owner Argyle Holdings Pty Ltd & Tegra Pty Ltd & Bantoy Pty Ltd & others for proposed Change Of Use of Existing Leederville Hotel Car Park to a part Fee Paying Car Park at No. 742 (Lot 30, D/P 42555) Newcastle Street, with Car Park frontage to Vincent Street, Leederville, and as shown on north elevation plan stamp dated 28 August 2009, and revised car parking layout plan dated 18 September 2009, subject to the following conditions:

- (i) the part fee paying car park shall be directly associated with the Leederville Hotel, and not separately leased out to any other private individuals or business;*
- (ii) the approval for the part fee paying car park is valid for a period of five (5) years only, and the use should revert back to a non-fee paying car park thereafter;*
- (iii) prior to the commencement of the part fee paying car park, the applicant/owner(s) shall submit a comprehensive management plan prepared by a duly qualified consultant, detailing the full operation of the fee paying car park, addressing matters relating to signage, location of the pay terminal for the ticket entry, location and control of the entry/exit boom gates, internal circulation of motor vehicle traffic within the fee paying car park and the bottle shop, ensuring that there is no spill of cars being banked up along Vincent Street, awaiting entry into the fee paying car park, signage indicating car park being full, signage and number of car bays allocated along the rear right of way for staff car parking, which is to be submitted and approved by the Town;*
- (iv) bollards are not permitted to be used for the car bays on either side of the rear right-of way;*
- (v) all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (vi) prior to the first use of the part Fee Paying Car Park on-site, the owner(s) shall enter into a legal agreement with the Town and lodge an appropriate assurance bond/bank guarantee of \$5000, that addresses the following undertaking to the satisfaction of the Town, that the part fee paying car park use is to cease within five (5) years of the first occupation or commencement of the use on-site. The legal agreement shall be secured by a caveat on the Certificate(s) of Title of the subject land. The legal documentation shall be prepared by the Town's solicitors or other solicitors agreed upon by the Town. All costs associated with this condition, including the cost of the Town's solicitors checking the documentation if prepared by the other solicitors, shall be borne by the applicant/owners(s);*

- (vii) *any new street wall, fence and gate within the Vincent Street setback area, including along the side boundaries within this street setback area, shall comply with the Town's Policy provisions relating to Street Walls and Fences;*
- (viii) *all pedestrian access and vehicle driveway/crossover levels shall match into existing verge/footpath levels;*
- (ix) *all stormwater produced on the subject land shall be retained on-site to the satisfaction of the Town's Technical Services Division. No further consideration will be given to the disposal of stormwater without the submission of a geotechnical report from a qualified consultant;*
- (x) *all car parking bays shall comply with the minimum specifications and dimensions specified in the Town's Policy relating to Parking and Access and Australian Standards AS2890.1 - "Off Street Parking";*
- (xi) *provision of adequate car parking bays and associated parking facilities for persons with disabilities;*
- (xii) *the applicant is to engage a qualified lighting consultant to ensure that car park lighting meets Australian Standard 1158.3.1 'Lighting categories for outdoor car parks' sub-category P11a, based upon an assessment of likely high night time pedestrian and vehicle activity, occupancy rates and risk of crime;*
- (xiii) *the illuminance from any lighting within the subject property shall be confined to the limits of the property boundaries and away from adjoining properties;*
- (xiv) *the car bay north of car bay number 66, and car bay number 66, being sign posted to be used as motorcycle bays;*
- (xv) *the wheel stops that are currently installed for car bays 17-18, 40-56, 67-87, are required to be replaced with a more durable wheel stop, to the satisfaction of the Town's Technical Services;*

Department of Planning Conditions:

- (xvi) *the landowner agrees to remove part of the proposed parking upgrade within the Other Regional Road Reservation at the time when the reserved land is required for the upgrading of Vincent Street at their expense;*
- (xvii) *the landowner agrees that the presence of the parking upgrade shall not be taken into consideration in determining any compensation that may be payable by the Town of Vincent or the Western Australian Planning Commission, when the reserved land is required for upgrading of Vincent Street; and*
- (xviii) *the landowner agrees that any compensation for loss of revenue arising from the change of use from Hotel Car Park to Fee Paying Car Park will not be sought from the Town of Vincent or Western Australian Planning Commission when the reserved land is required for the upgrading of Vincent Street.*

COUNCIL DECISION ITEM 9.1.13

Moved Cr Lake, Seconded Cr Farrell

That the recommendation be adopted.

Debate ensued.

PROCEDURAL MOTION

Moved Cr Lake, Seconded Cr Burns

That the item be DEFERRED for clarification and further negotiation between the Town's administration and the applicant giving an indication that the Council is unhappy with the redemption of \$15 and for advice to be sort from Department of Liquor Licensing in relation to the redemption. Once advice has been received, the Item be further reported to the Ordinary Meeting of Council to be held on 9 February 2010.

PROCEDURAL MOTION PUT AND CARRIED (9-0)

Landowner:	Argyle Holdings Pty Ltd & Tegra Pty Ltd & Bantoy Pty Ltd & others.
Applicant:	D M Newnham
Zoning:	Metropolitan Region Scheme: Urban and Other Regional Road Town Planning Scheme No. 1 (TPS 1): District Centre and Other Regional Road.
Existing Land Use:	Hotel and Associated Car Park
Use Class:	Hotel and Car Park
Use Classification:	"SA" and "AA"
Lot Area:	5367 square metres
Access to Right of Way	South of car park, 3 metres wide, sealed and Town owned.

BACKGROUND:

- 23 August 1999 The Council at its Ordinary Meeting conditionally approved the additions of eating house and tavern to existing hotel and alterations and additions to existing bottle shop (Leederville Hotel).
- 12 December 2001 The Council at its Ordinary Meeting conditionally approved alterations and additions to the existing hotel, tavern, eating house and bottle shop.
- 28 May 2002 The Council at its Ordinary Meeting refused an application for alfresco dining on the footpath within the Newcastle Street road reserve.
- 25 June 2002 The Council at its Ordinary Meeting conditionally approved alterations and additions to the existing hotel and associated car parking.
- 7 October 2003 The Council at its Ordinary Meeting resolved to receive the Leederville Hotel written submission for Extended Trading Permit, not support on-going extended trading hours, and that the Director of Liquor Licensing be advised that due consideration be given to the objection received by the Town.
- 22 June 2004 The Council at its Ordinary Meeting resolved to amend the "Land Use Parking Requirement Table", which involved increasing the car parking requirements for hotel from 1 car bay per 4.5 square metres of gross public assembly floor area to 1 space per 3.8 square metres of public floor area or 1 space per 4.5 persons of maximum number of persons approved for the site, whichever is greater.

- 10 August 2004 The Council at its Ordinary Meeting conditionally approved the proposed demolition of existing canopy, alterations and additions to existing hotel.
- 14 December 2005 The proposal was referred to the Department for Planning and Infrastructure (DPI) for comments.
- 9 May 2006 The Council at its Ordinary Meeting conditionally approved proposed partial demolition, additions and alterations to existing hotel, bottle shop and alterations to car parking area and crossovers at the above site.
- 4 August 2006 The Town received a copy of the review application dated 31 July 2006, submitted to State Administrative Tribunal (SAT) from the applicant relating to conditions imposed by the Council at its Ordinary Meeting held on 9 May 2006.
- 22 August 2006 The Council at its Ordinary Meeting conditionally approved the proposed partial demolition of and additions and alterations to existing hotel, demolition and construction of bottle shop and alterations to car parking area and crossovers subject to revised conditions, which formed part of the review application dated 31 July 2006, submitted to State Administrative Tribunal (SAT) from the applicant relating to conditions imposed by the Council at its Ordinary Meeting held on 9 May 2006.
- 13 February 2007 The Council at its Ordinary Meeting conditionally approved the amended plans submitted as part of the Building Licence application for the proposed development for the proposed partial demolition of and additions and alterations to existing hotel and demolition and construction of bottle shop and alterations to car parking area and crossovers granted approval by the Council on 22 August 2006 and issued on 30 August 2006.
- 13 March 2007 The Council at its Ordinary Meeting refused an application for the proposed change of use of the existing Leederville Hotel Car park to a fee paying car park 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 with respect to the adverse affect on the visual amenity of the locality and the streetscapes of Vincent Street;*
 - (b) the proposal is inconsistent with the Town's Policy relating to the Oxford Centre Precinct in terms of the provision of buildings facing the street and to promote an active and permeable interface; and*
 - (c) that an approval or temporary approval of a fee-paying car park on this site will set a precedent which will be detrimental to the surrounding area;*

- (ii) *REQUESTS the Chief Executive Officer to advise the applicant in writing of the alternatives available to address the current problems being experienced and suggest measures that the Town can assist in overcoming the problems (such as commuters and staff of other businesses parking all day); and*
- (iii) *NOTES that the Council had previously approved development on this site with a specified amount of parking and this will detract from that parking."*

DETAILS:

The proposal involves change of use from car park associated with the Leederville Hotel to a part fee paying car park, which will remain available to patrons of the Leederville Hotel and the public. There are currently 92 car bays provided on-site (does not include car bays No. 66). A total of 65 car bays will be within a controlled fee parking area, with car bay No. 66 being restricted to use for motorcycle parking, for the reasons stated in the "Comments Section".

The applicant's submission (attached) is summarised as follows:

- The car park has never been "*policed*", resulting in the public having enjoyed unrestricted access free of charge. The Leederville Hotel car park is not primarily used by patrons, and almost all car bays are being used by staff, customers of adjoining businesses and those in transit to Perth City, with car parking being filled well before the Hotel opens for business.
- To overcome the current car parking situation, a fee paying car park is proposed, which will be secured to enable control of the car park, and also ensure genuine hotel patrons continue to have free access to use the car park 7 days a week from 11am till midnight.
- Car parking for people with a disability has been provided for in the current car park, and located outside the proposed fee parking area.
- Two exit lanes have been proposed, which are considered unnecessary, for safety reasons, which should be a single exit onto Vincent Street, with a left out only.
- The 19 car bays at the rear of the hotel, which have access to the rear right-of-way, should be allocated to staff car parking, as they will be regular users, who will generally be working between 5 and 9 hours daily. It would be essential for appropriate signage to this effect to be installed.
- The car bays along the eastern side of the bottle shop are being allocated for use by bottle shop patrons, which will require appropriate signage to be installed.

Three (3) options to manage the fee car park have been considered (attached). The preferred option is for users to pay at the entrance of the car park adjacent to car bay number 48, which will be linked to a boom gate. Drivers can pay at the machine from their car. The preferred option is supported for the following reasons:

"it offers a simple method of control, is easy for drivers to understand and use, provides payment in advance, does not require the provision of change or ticket validations and can be installed for less than \$40,000 and requires minimal ongoing maintenance."

The patron can then use the ticket for discount on meals and drinks. Hence drivers leaving the fee paying car park site will have a free exit. The fee structure being looked at is \$15 per entry, which can be raised, if there are a too high percentage of unauthorised drivers using the car park. Should a person feel that they are not prepared to pay the entry fee, then they would be able to exit the site through the exit driveway south of the bottle shop.

ASSESSMENT:

Consultation Submissions		
Support (1)	No reason or justification provided.	Noted.
Objections(6)	<ul style="list-style-type: none"> Result in more pressure, due to limited available parking. 	Not supported. There are available paid parking stations in the immediate area.
	<ul style="list-style-type: none"> Parking should be available for businesses. 	Not supported - it is understood that most people who park at the above car park are non-hotel patrons, who park their cars well before the hotel opening hours. This submission is from a person who operates a business on a different site.
No comments (1)	Noted.	Noted.
Other Implications		
Legal/Policy		TPS 1 and associated Policies.
Strategic Implications		Nil
Sustainability Implications		Nil
Financial/Budget Implications		Nil

COMMENTS:

Heritage Services

The Town's Heritage Services have advised that the works do not involve any alteration to the significant fabric, and are confined to the rear of the hotel, and as such, is considered not to have known detrimental impacts on the heritage significance of the place.

Building Services

The Town's Building Services have advised that car parking for persons with a disability is required to be provided for, which has been addressed in the recent upgrade works carried out at the car park.

Department of Planning (DOP)

The DOP have advised in their letter dated 20 October 2009, that the subject site is affected by a 1.4 metres to 5 metres Other Regional Road (ORR) Reservation, and that some of the proposed car parking, was within the land reservation.

The DOP had no objection, on regional planning grounds, and was prepared to support the use on a temporary basis only, subject to the following conditions:

- "the landowner agrees to remove part of the proposed parking upgrade within the ORR at the time when the reserved land is required for the upgrading of Vincent Street at their expense.*

- *the land owner agrees that the presence of the parking upgrade shall not be taken into consideration in determining any compensation that may be payable by Council or the Western Australian Planning Commission when the reserved land is required for upgrading of Vincent Street.*
- *the landowner agrees that any compensation for loss of revenue arising from the change of use from hotel car park to Fee paying car park will not be sought from the Council or Western Australian Planning Commission when the reserved land is required for upgrading of Vincent Street."*

Technical Services

Car Bay No. 66 is to be allocated as a motor bike bay, due to its size and location, in that there is the potential for altercation between reversing vehicles and vehicles exiting the bottle shop. It is suggested that a bollard be placed in front of Car Bay No. 66 to restrict usage for car parking purposes.

The plastic wheel stops that are currently in car bays 17-18, 40-56, 67-87 have deteriorated and should be replaced with a durable substitute.

A management plan of the car park will be required to be prepared by a Traffic and Transport consultant, which shows the management of the car park traffic, entry and egress into Vincent Street. The car bays abutting the ROW with access to Oxford Street shall be excluded from the proposed fee paying section of the Car Park. This management plan shall be submitted to the Town's Technical Services for assessment and approval.

The following is a verbatim copy of the Officer comments from the report to the Ordinary Meeting of Council held on 13 March 2007:

"The Leederville Hotel is a long established business on the subject property, which has undergone various internal and external modifications since its establishment. The most recent Planning Approval for development was granted at the Ordinary Meeting of Council held on 22 August 2006 for proposed additions and alterations and associated car parking to existing hotel. Car parking at that time was assessed as follows:

<i>Requirements</i>	<i>Required</i>	<i>Proposed</i>
<i>Car parking</i>	<i>225.35 car bays</i>	<i>101 car bays"</i>

The following is a verbatim copy of the Officer comments from the report to the Ordinary Meeting of Council held on 25 June 2002:

"Parking

In 1996, the (former) Minister for Planning considered an appeal against the Council's refusal of proposed alterations and additions to the existing hotel. In a letter dated 22 September 1996 the Minister determined that the hotel has a historic car parking shortfall of 366 bays, and consequently upheld the appeal and approved that proposal."

Car Parking -Current Proposal

Requirements as per Parking and Access Policy	Required
Total car parking required before adjustment factor (nearest whole car number)	456 car bays
Retail: 1 car bay per 15 square metres of gross floor area (proposed 250 square metres). = 16.67 car bays	

Hotel: 1 space per 3.8 (1671) square metres of public floor area = 439.74 car bays. Total = 456.41 car bays Note: 1 car bay per 4.5 patrons (2115 patrons) is not being used as the patron numbers are likely to be reduced, as a result of the redevelopment of the site.	
Apply the parking adjustment factors. <ul style="list-style-type: none"> ▪ 0.85 (within 400 metres of a bus stop). ▪ 0.80 (within metres to a Rail station). ▪ 0.85 (within 400 metres of a car park with 75 car bays). ▪ 0.90 (District Centre). ▪ 0.95 (bicycle facilities). 	(0.49419) 225.35 car bays
Minus car parking provided on-site.	92 car bays
Minus car parking shortfall approved by the then Minister for Planning as stated in the "Comments" section.	366
Resultant surplus	232.65 car bays

Car Parking

A 'car park' is an 'AA' use within a District Centre zone, requiring the discretion of the Council to approve the use

A total of 66 car bays have been shown within the fee paying car park area, which is further reduced to 65 car bays, as Car Bay No. 66 is closed off with a bollard, for safety and manoeuvring reasons; however, can be utilised as a motor cycle bay.

Strategic Planning Services

The proposed fee paying, privately operated car park, at the Leederville Hotel, supports the broad recommendations of the Town's Draft Car Parking Strategy 2008, and associated Precinct Parking Management Plan for Leederville, by capitalising on the existing car parking available within the Leederville Town Centre, and encouraging short term parking to support the existing businesses in the vicinity.

It is recommended however, that the fee paying private car park should be supported on a temporary basis, given the extensive multi-deck parking proposed as part of the Leederville Masterplan, and to support one of the guiding principles of the Leederville Masterplan to promote transit orientated development.

A condition is recommended that the fee paying car park use is directly associated with the Leederville Hotel and its patrons, for a temporary period of 5 years, and that none of the car bays are to be leased to any other business entities.

On this basis, the part fee paying car park is supported, subject to standard and appropriate conditions to address the above matters.

9.1.15 No. 66 (Lot: 111 D/P: 1659) Buxton Street, Mount Hawthorn - Proposed Carport and Front Retaining Wall Addition to Existing Single House - Application for Retrospective Approval

Ward:	North	Date:	4 December 2009
Precinct:	Mount Hawthorn; P01	File Ref:	PRO4452; 5.2009.463.1
Attachments:	001 ; 002		
Reporting Officer:	J Pirone, Statutory Planning Officer		
Responsible Officer	R Boardman, Director Development Services		

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 D Hunter on behalf of the owner C D Hunter & B P Temby for proposed Carport and Front Retaining Wall Addition to Existing Single House – Application for Retrospective Approval, at No. 66 (Lot: 111 D/P: 1659) Buxton Street, Mount Hawthorn, and as shown on plans stamp-dated 29 October 2009 and 18 November 2009, subject to the following conditions:

- (i) any new street wall, fence and gate within the Buxton Street setback area, including along the side boundaries within this street setback area, shall comply with the Town’s Policy provisions relating to Street Walls and Fences; and*
- (ii) no street verge tree(s) shall be removed/pruned unless written approval has been received from the Town’s Parks Services. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s).*

Moved Cr Burns, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Maier, Seconded Cr McGrath

That clause (i) be deleted.

AMENDMENT PUT AND CARRIED (9-0)

MOTION AS AMENDED PUT AND CARRIED (9-0)

COUNCIL DECISION ITEM 9.1.15

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 D Hunter on behalf of the owner C D Hunter & B P Temby for proposed Carport and Front Retaining Wall Addition to Existing Single House – Application for Retrospective Approval, at No. 66 (Lot: 111 D/P: 1659) Buxton Street, Mount Hawthorn, and as shown on plans stamp-dated 29 October 2009 and 18 November 2009, subject to no street verge tree(s) shall be removed/pruned unless written approval has been received from the Town’s Parks Services. Should such an approval be granted, all cost associated with the removal and replacement shall be borne by the applicant/owner(s).

Landowner:	C D Hunter & B P Temby
Applicant:	C D Hunter
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:	506 square metres
Access to Right of Way:	Not applicable

BACKGROUND:

26 September 2008 The Town under delegated authority conditionally approved a planning application for proposed partial demolition of, and alterations and additions to existing single house.

15 January 2009 The Town issued a Building Licence for the partial demolition of, and alterations and additions to existing single house.

31 August 2009 Following a site inspection conducted by the Development Compliance Officer on the 2 September 2009, it came to the Town's attention that the construction works (in particular the carport, retaining walls, and verandah/porch), were not consistent with the planning and building approvals. A letter was sent to the applicant to notify them of the conditions, and to either comply, or to apply for retrospective approval.

2 October 2009 The Town under delegated authority, conditionally approved a planning application for proposed demolition of verandah and verandah addition, to existing single house.

8 October 2009 A site inspection conducted by the Town's Officers concluded that the proposed verandah was constructed prior to the issue of a Building Licence. The applicant was advised that their current Building Licence application is cancelled, and to lodge an application for retrospective building approval.

29 October 2009 A planning application was lodged to the Town for retrospective approval for the proposed carport and front retaining wall addition to existing single house.

It is noted a Retrospective Building Licence application is yet to be submitted to the Town for the verandah/porch.

DETAILS:

The application seeks retrospective approval for proposed carport and front retaining wall addition to existing single house at No. 66 Buxton Street, Mount Hawthorn. The application is being referred to the Council as it involves significant variations to the Town's Street Walls and Fences requirements, and such variations are specified in the Town's Non-Variation of Specific Development Standards and Requirements Policy.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Building Setbacks: Carport -South	1 metre	Nil	Supported – Not considered to have an undue impact on the existing streetscape. Neighbour’s consent has been received.
Carports and Garages:	Carports are not to exceed 50% of the frontage 50% = 6.1 metres	6.4 metres along the frontage.	Supported – Not considered to have an undue impact on the streetscape. The stairs leading up to the porch creates an interesting characteristic for the dwelling, which lessens the impact of the variation. Neighbour’s consent has been received.
Retaining Walls:	Excavation/fill and retaining walls are not to exceed 500 millimetres in height from the natural ground level.	Maximum height of retaining walls are 1.204 metres above the natural ground level (lawn area)	Supported – The retaining level is not only necessary in terms of the construction of the house, but as per the photographs from the site visit (attachment 002), and as the proposed retaining is consistent with the design of the house. It is noted that the retaining has not affected compliance with visual truncations to the carport, and the neighbour’s signature has been received from the owners on either side of No. 66 Buxton Street.
Street Walls and Fences:	Posts and piers are to have a maximum width of 355 millimetres and a maximum diameter of 500 millimetres Maximum height of solid portion of wall to be 1.2 metres above the natural ground level.	470 millimetre wide piers 1.25 – 1.336 metres above natural ground level.	Supported – Not considered to have an undue impact on the streetscape. The proposed piers blend in with the design of the carport and refurbishment of the main house. Supported – as above.
Consultation Submissions			
Support (2)	No Comments Provided.		Noted.
Objection (0)	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

COMMENTS:

In light of the above, it is recommended that the Council approve the front retaining wall and carport subject to standard and appropriate conditions.

9.1.18 Review of Town of Vincent Town Planning Scheme No. 1 – Progress Report No. 9

Ward:	Both Wards	Date:	8 December 2009
Precinct:	All Precincts	File Ref:	PLA0140
Attachments:	001 ; 002		
Reporting Officer(s):	A Fox, Planning Officer (Strategic) R Marie, Planning Officer (Strategic) T Woodhouse, Co-ordinator Strategic Planning		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

- (i) **RECEIVES:**
- (a) *Progress Report No. 9 relating to the review of the Town of Vincent Town Planning Scheme No. 1;*
- (b) *the Draft Town of Vincent Town Planning Scheme No. 2 Text and Maps as shown in Attachment 9.1.17 (a) and 9.1.17(b) respectively;*
- (ii) *ADOPTS the Draft Town of Vincent Town Planning Scheme No. 2 Text and Maps as shown in Attachment 9.1.17 (a) and 9.1.17(b) respectively, in accordance with Regulation 13 of the Town Planning Regulations 1967;*
- (iii) *AUTHORISES the Chief Executive Officer to forward two copies of the Draft Town of Vincent Town Planning Scheme No. 2 Text and Maps to the Western Australian Planning Commission for consideration and consent to advertise in accordance with Regulation 13 of the Town Planning Regulations 1967; and*
- (iv) *REQUESTS the Western Australian Planning Commission to review the Metropolitan Region Scheme classification of the land within the West Perth Regeneration Masterplan Area, comprising the land bounded by Newcastle Street, the Graham Farmer Freeway, Charles Street and Loftus Street, West Perth from 'Industrial' to 'Urban'.*

COUNCIL DECISION ITEM 9.1.18

PROCEDURAL MOTION

Moved Cr Buckels, Seconded Cr Lake

That due to the lateness of the hour, the item be DEFERRED to a Council Forum in early 2010.

PROCEDURAL MOTION PUT AND CARRIED (9-0)

PURPOSE OF REPORT:

The purpose of this report is for the Council to review and adopt the Draft Town of Vincent Town Planning Scheme No. 2 Text and Maps. Further to this, that the Council authorise the Chief Executive Officer to forward a copy of the draft Town Planning Scheme No. 2 text and maps to the Western Australian Planning Commission for consideration and consent to advertise.

BACKGROUND:

24 June 2003 The Council at its Ordinary Meeting held on 24 June 2003, considered the review of the Town of Vincent Town Planning Scheme No. 1 - Scheme Examination Report and Community Visioning Process and resolved as follows;

“That the Council;

- (i) receives the report relating to the Review of the Town of Vincent Town Planning Scheme No. 1 - Scheme Examination Report and Community Visioning Process, and Appendices 10.1.17(a) and 10.1.17(b) relating to the Scheme Examination Report and Community Visioning, respectively;*
- (ii) receives and endorses the Scheme Examination Report on the operation of the Town of Vincent Town Planning Scheme No. 1, as required by Section 7AA of the Town Planning and Development Act 1928 (as amended), as contained in Appendix 10.1.17 (a); and*
- (iii) pursuant to Section 7AA of the Town Planning and Development Act 1928 (as amended), forwards to the Western Australian Planning Commission (WAPC) and the Minister of Planning and Infrastructure the Scheme Examination Report on the operation of the Town of Vincent Town Planning Scheme No. 1, and requests the approval of the WAPC and the Minister of Planning and Infrastructure for the preparation of a new town planning scheme alongside a community visioning process.”*

9 October 2007 The Council at its Ordinary Meeting held on 9 October 2007 considered Progress Report No. 6 relating to the review of the Town Planning Scheme No. 1 and resolved as follows;

“That the Council;

- (i) RECEIVES Progress Report No. 6 relating to the review of the Town of Vincent Town Planning Scheme No. 1;*
- (ii) NOTES that;*
 - (a) the Town’s Officers do not support the approach of a Peer Review of the Draft Town Planning Scheme text and supporting documentation at this point in time due to the unique nature of the town planning scheme review and that any Peer Review is expected to be extensive, time consuming and ultimately expensive;*
 - (b) the Chief Executive Officer will be obtaining quotations for a Peer Review of the Draft Town Planning Scheme No. 2 text and supporting documentation in the Draft 2008/2009 Budget for consideration as part of the 2008/2009 Budget; and*
 - (c) a Peer Review of the Draft Town Planning Scheme No. 2 (TPS 2) text and supporting documentation will be carried out prior to or during the three months formal advertising period of TPS 2 (which is the more appropriate and beneficial).”*

28 October 2008 The Council at its Special Meeting held on 28 October 2008 considered Progress Report No. 8 relating to the review of the Town Planning Scheme No. 1 and resolved as follows;

“That the Council;

- (i) RECEIVES Progress Report No. 8 relating to the review of the Town of Vincent Town Planning Scheme No. 1;*
- (ii) APPROVES the revised timeline and Gantt chart as at 22 October 2008 relating to the review of Town Planning Scheme No. 1 as outlined in Appendix 7.1; and*
- (iii) NOTES that the review of Town Planning Scheme No. 1 is programmed to be completed and the new Town Planning Scheme No. 2 gazetted by February 2010.”*

28 October 2008 The Council at its Special Meeting held on 28 October 2008 considered the approval of the Draft Local Planning Strategy and resolved in part as follows;

“That the Council;

- (i) RECEIVES the Draft Local Planning Strategy as “Laid on the Table”, as shown in Appendix 7.2 and circulated separately to Council Members;*
- (ii) RECEIVES the Draft Local Planning, subject to the Strategy being amended as follows:*

...; and

- (iii) NOTES that the Residential Streetscapes component of the Draft Local Planning Strategy will need to be amended, to reflect the outcome of the Council’s decision concerning Item 7.3 and AUTHORISES the Chief Executive Officer to amend the document to reflect the Council’s decision prior to it being forwarded to the Western Australian Planning Commission.”*

2 December 2008 The Council at its Ordinary Meeting held on 2 December 2008 considered the Draft Local Planning Strategy and resolved as follows;

“That the item be DEFERRED for further consideration (including the comments submitted by Council Members).”

14 April 2009 The Council at its Ordinary Meeting held on 14 April 2009 considered the Draft Local Planning Strategy and resolved as follows;

“That the Council;

- (i) RECEIVES the Amended Draft Local Planning Strategy as shown in Appendix 9.1.1 (electronically linked to this report), “Laid on the Table” and circulated separately to Council Members, subject to the Strategy being amended as follows:*

Page 85 – Key Objectives of Members Equity Stadium Precinct Policy to be amended to read as follows:

“ ...

The key objectives of the Policy would be to:

- Promote the key principles of Transport Oriented Development (TOD);
- Activates a currently underutilised area by enhancing the amenity of current and future residents;
- Enable the stadium to co-exist harmoniously with a range of new land uses, including a broad range of recreational, cultural and entertainment uses to attract local residents and visitors;
- Maintains and enhances public recreational open space;
- Creates an area with high quality pedestrian amenity including infrastructure and trees;
- Improve connectivity between the Stadium and surrounding transport nodes and networks, including McIver Station by establishing and maintaining a high level of amenity, safety and legibility in the urban form;
- Preserve the presence of the Stadium itself whilst successfully integrating it with existing adjacent land uses, including residential and commercial in order to create a seamless transition between the two;
- Create strong linkages between the Stadium and the proposed designation of Beaufort Street as an Activity Corridor and the Mount Lawley/Highgate Town Centre;
- Create a pedestrian focused environment whilst accommodating easy circulation for cars, public transport and cyclists; and
- ~~“Give the highest priority to the continued every day use of the surrounding streets of the Stadium.”~~

(ii) *ADOPTS:*

- (a) *the Amended Draft Local Planning Strategy; and*
- (b) *the revised timeline relating to the review of Town Planning Scheme No. 1 estimated to be completed and the new Town Planning Scheme No. 2 gazetted by July 2010; and*

(iii) *REFERS the Amended Draft Local Planning Strategy to the Western Australian Planning Commission for certification in accordance with the Town Planning Regulations.”*

12 May 2009

The Town forwards five (5) copies of the Local Planning Strategy to the Western Australian Planning Commission for their consideration.

29 May 2009

The Town seeks quotations from five (5) consultants regarding the Peer Review of the Draft Town Planning Scheme No. 2 text and supporting documentation.

- 17 June 2009 Additional information is forwarded to the four (4) consultants regarding the Peer Review of the Draft Town Planning Scheme No. 2 text and associated documentation.
- 29 June 2009 Quotation for Peer Review received from SJB Town Planning and Urban Design
Cost: The Town will be charged at the Officers hourly rate to a maximum of \$30, 000.
- 2 July 2009 Quotation for Peer Review received from RPS Koltasz and Smith
Cost: \$19, 662.50 (incl. GST). Additional work would be charged at the Officers hourly rate.
- 3 July 2009 Quotation for Peer Review received from Greg Rowe and Associates
Cost; \$30, 000 (incl. GST). Proposed additional works - \$6,700 (optional).
- Quotation for Peer Review received from APP Corporation.
Cost: \$21, 010 (incl. GST).
- Quotation for Peer Review received from TPG Town Planning and Urban Design.
Cost: \$33,000 (incl. GST).
- 22 September 2009 The Council at its Ordinary Meeting held on 22 September 2009 considered the review of the Town of Vincent Town Planning Scheme No. 1 and resolved the following:
- “That the Council;*
- (i) *RECEIVES the report relating to the preparation of the Town’s Town Planning Scheme No. 2 addressing the Town’s requirements in relation to Town Planning Regulations 1967 (Regulation 4);*
- (ii) *PURSUANT to Town Planning Regulations 1967 (Regulation 4) formally resolves to prepare a new Town Planning Scheme including the new areas of land acquired by the Town through the boundary changes of July 2007; and*
- (iii) *AUTHORISES the Chief Executive Officer to resubmit information to the Western Australian Planning Commission (WAPC) in accordance with Regulation 4 of the Town Planning Regulations 1967, including the following :*
- (a) *a copy of the resolution certified by the Chief Executive Officer;*
- (b) *a map marked “Scheme Area Map”, signed by the Chief Executive Officer, on which is delineated the area of land proposed to be included in the Scheme; and*
- (c) *a statement setting forth –*
- (1) *the objects and intentions of the Scheme; and*
- (2) *the anticipated format of the Scheme.”*

- 13 November 2009 Letters sent to the five (5) consultants for the Peer Review regarding an update of the progress of the Town Planning Scheme No. 2 and the expected timeframe for the Peer Review to commence.
- 2 December 2009 The Town arranges advertising of the Resolution to Prepare a Town Planning Scheme to appear in the Government Gazette (Friday, 4 December 2009) and Guardian Express (Tuesday, 8 December 2009) in accordance with Regulation 5 of the Town Planning Regulations 1967.
- 2 December 2009 The Town received comment from the Department of Planning on the Local Planning Strategy. While the content of this feedback does not change the fundamental intent of the Local Planning Strategy, so as to inform the Town Planning Scheme No. 2, there are a number of matters to be further considered by the Town's Officers. The comments relate particularly to the format and layout of the Strategy.
- Comments relating specifically to Transit Oriented Development and the Cemex and Hanson (concrete batching plant) site were noted, and will need to be further considered prior to advertising of the Strategy.

DETAILS:

Background to the Town of Vincent Town Planning Scheme No. 2

The Town of Vincent Town Planning Scheme No. 1 was gazetted on 4 December 1998 and was largely inherited from the City of Perth. To date, 22 amendments to the Scheme have been initiated and 16 have been approved and gazetted. Seven out of a total 22 have been requests for down-coding of residential land.

The existing Scheme divides the Town into 15 Precincts with District and Local Centres, Commercial, Special Use and combined Residential/Commercial zones and various Scheme Reserves. The Scheme is accompanied by Planning and Building Policies, which were initially adopted by the Council on 21 March 2001, with further Policies being adopted since this time.

The existing Town Planning Scheme's broad objectives are being met; however, there is a need to ensure that the Town has a Scheme representative of the community's vision for growth and change into the future, whilst also supporting the broader strategic direction for the growth of Perth's Metropolitan Region outlined by the State Government.

Of particular importance to the new Town Planning Scheme is the Town's work carried out in relation to *Vincent Vision 2024*, the Economic Development Strategy, the Review of the Municipal Heritage Inventory, the Affordable Housing Strategy, Policies relating to 'Residential Subdivisions' and 'Residential Design Elements', and the amendments to the Town's Local Government Boundaries, that took effect on 1 July 2007. This information is comprehensively documented in the Local Planning Strategy as the rationale to the proposed Town Planning Scheme No. 2.

The Town of Vincent's Town Planning Scheme No. 2 Scheme Text has been prepared in accordance with the provisions outlined in the Model Scheme Text (MST), as provided in Appendix B contained in the *Town Planning Regulations 1967*. The Model Scheme Text was gazetted as an amendment to the Town Planning Scheme Regulations in 1999, following the gazettal of the Town Planning Scheme No. 1 in 1998. As such, there are significant differences in the layout and formatting between the Town Planning Scheme No. 1, and the proposed Town Planning Scheme No. 2, to reflect the Model Scheme Text. The objective of the Model Scheme Text is outlined as follows:

“Whilst the overall philosophy is towards greater consistency in the format and basic provisions of schemes, within this overall framework each local government will be able to adopt the planning policies, provisions and approach that most suit its local needs and circumstances. The MST should, therefore, be seen as a Statewide model from which local planning schemes are sourced and constructed. It is a statutory device to ensure that planning schemes follow a similar format across the State but allows for different planning approaches to match the difference needs of local governments.”

In accordance with the above the proposed Town Planning Scheme No. 2 (TPS No. 2), as shown in Attachment 9.1.8(a) has been based on the format prescribed in the MST, and has been cross referenced with the Local Planning Strategy and current Town Planning Scheme No. 1, to ensure that provisions specifically relevant to the Town of Vincent have been incorporated. Variations to the MST text are shown via strikethrough and underline. It is noted that certain sections in the MST require the local authority to insert specific information relating to the local Scheme. These are not shown via strikethrough and underline as they are a requirement of the preparation of the Scheme and do not modify the intent of the Scheme Text.

Town Planning Scheme No. 2 Text:

For the purpose of this report, the Parts of the proposed Town Planning Scheme No. 2 based on the Model Scheme Text, are listed below. For each Part, major variations between the Model Scheme Text and the proposed Town Planning Scheme No. 2 have been outlined, as well as major variations between the proposed Town Planning Scheme No. 2, and the existing Town Planning Scheme No. 1.

PART 1 - PRELIMINARY

This section is largely consistent with the Model Scheme Text, and with Part 1 of the existing Town Planning Scheme No. 1.

PART 2 – LOCAL PLANNING POLICY FRAMEWORK

Clause 2.4.1 (a) of the Model Scheme Text has been amended in the proposed TPS No. 2, from the prescribed 2 week advertising period to a proposed 4 week advertising period to be consistent with Clause 47 of TPS No. 1, and associated Policies relating to Community Consultation at the Town.

In addition, clause 2.4.4 of the Model Scheme Text as shown in the proposed TPS No. 2 has been amended to prescribe that the date of formal adoption of a Planning Policy, is the date of which it is endorsed by the Council, and not the date of publication of a notice in the local newspaper, as is prescribed in the Model Scheme Text. This is to reflect the current practices outlined in clause 47 of the TPS No. 1, and supports the current and accepted administrative procedures in place at the Town.

PART 3 – RESERVES

The proposed TPS No. 2 is consistent with the Model Scheme Text and generally consistent with clauses 11 and 12 of TPS No. 1.

PART 4 – ZONES AND THE USE OF LAND

Variations to the Model Scheme Text

The proposed TPS No. 2 is largely consistent with the content and layout of Part 4 of the MST, with the exception of the addition of a new clause. A clause 4.13 has been added to reflect clause 17 of the TPS No. 1 relating to a register of non-conforming uses, on the basis that it is intended that the Town will continue to keep a register of non-conforming uses to be included in the Town’s Planning, Building and Heritage Policy Manual.

Variations to TPS No. 1

The zoning table symbols outlined in the TPS No. 1 Zone Table have been amended to reflect the symbols defined in clause 4.3.2 of the MST. The key changes are that 'AA' use in TPS No. 1 is defined as 'D' - Discretionary use, and 'SA' use in TPS No. 1 is defined as 'A' - Special Advertising. In addition, *District Centre* has now been defined as *Town Centre* to reflect the terminology within the Local Planning Strategy.

Variations to the permissibility of uses in the Zone Table include the following;

- Multiple dwellings in Town Centres have been amended from 'AA' to 'P' use, to reflect the amendments to the Residential Design Codes 2008, and the proposed development within the five Town Centre areas, as supported in the Local Planning Strategy.
- Local Shop in the Residential zone has been amended from 'SA' to 'D' (formally 'AA' use) to allow greater discretion in determining the appropriateness of small shops within residential areas.
- Day Nurseries in Residential zones have been amended from 'AA' to 'A' (formally 'SA' use) to strongly discourage Day Nurseries in residential areas.
- Small Bars has been added as a new Use Class to the Zone Table to reflect the adoption of new legislation relating to small bars and the corresponding increase of development applications for this particular use.

PART 5 – GENERAL DEVELOPMENT REQUIREMENTS

Variations to the Model Scheme Text

Clause 5.1 of the MST has been amended in the proposed TPS No. 2 to include all sources of development requirements used by the Town, which is consistent with clause 18 of TPS No. 1

Clause 5.5.1 has been amended to closely reflect the current provisions of clause 40 in TPS No. 1 to allow discretion to include variations to the Residential Design Codes. As detailed in Part 11 of the Local Planning Strategy, it was recommended that existing 'Clause 40' of the Scheme Text be maintained to ensure that adequate flexibility and discretion is available to the Council to exercise as required, where proposals may be presented to the Town, which do not conform with Scheme provisions, however meet the general objectives of the Scheme.

A new clause, clause 5.7 Conservation of Trees, has been added to include provisions for the Town's Significant Tree Inventory, to be consistent with clause 21 of TPS No. 1.

Variations to TPS No. 1

Clause 5.3 of the proposed TPS No. 2, previously clause 20 of TPS No. 1, has been amended as follows;

(a) 50% Density Bonus:

Clause 20 (2) of TPS No. 1 relating to the Council's discretion to permit a density bonus of up to 50% has been included in TPS No. 2 under provisions contained in clause 5.3 (b). In addition to those conditions contained in TPS No. 1, clauses relating to environmentally sustainable design and affordable housing, have been included, in support of the objectives within the Local Planning Strategy. While at present, the Town has not adopted policies relating to sustainable design and affordable housing, significant work has been undertaken in these areas and it is intended that policies will be developed in these areas, as part of the Town's review of the Planning, Building and Heritage Policies, which will identify criteria in which a density bonus may apply.

(b) Removal of Specific Requirements Relating to Precincts

Specific criteria relating to setbacks, building height and parking within the former precincts that were previously contained in Clause 20 have not been included in TPS No. 2. Specific development provisions relating to the proposed new Community Precincts will generally be included as Planning Policies adopted pursuant to the Scheme, with the exception of the Special Control Areas where specific development requirements will be detailed in the proposed Schedule 11 of TPS No. 2.

(i) Removal of 'No Multiple Dwellings' Provisions:

All references relating to the '*no multiple dwellings*' provisions, has not been included to reflect the recommendations of the Local Planning Strategy and the proposed Amendment No. 25 to the TPS No. 1, currently with the Western Australian Planning Commission for determination.

(ii) Provision relating to the Eton Locality:

Clauses 20 (c) (ii) and 20 (h) (i) of TPS No. 1 that relates directly to the area known as the former Eton Locality, have not been included in the proposed TPS No. 2. This is consistent with the recommendations within the Local Planning Strategy and the accompanying Scheme Maps which propose the land within the former Eton Locality to be all zoned as R20 to support the character retention of these areas, with the exception of proposed R60 zoning along London Street.

(iii) Standard Provision for Dual Coding:

To support the objectives of the Local Planning Strategy to encourage the retention of the existing character housing stock, a standard provision for dual coding has been included in clause 5.3 (d) (i) of TPS No. 2, which will apply to all dual coded land within the Town.

PART 6 – SPECIAL CONTROL AREAS

Variations to the Model Scheme Text

The MST allows provisions for Special Control Areas. The Town has incorporated these provisions into the proposed TPS No. 2 as detailed below.

A clause 6.3 has been added to include information relating to Development Contribution Areas, which is further discussed in the comments section of this report.

Variations to TPS No. 1

Clause 6.1 of the MST text relates to Special Control Areas (SCAs). Since the introduction of the Model Scheme Text (MST) in 1999, the use of SCAs in town planning schemes has been introduced to identify areas which are significant for a particular reason and where special provisions in the Scheme may need to apply. SCAs are shown on the Scheme maps as additional to the zones and reserves. If a SCA is shown on a Scheme map, special provisions related to the particular issue apply, in addition to the provisions of the zones and reserves. It is noted that TPS No. 1 does not contain any provisions for SCAs.

In line with the intent of SCAs detailed above, four SCA's areas have been proposed to be incorporated into TPS No. 2 as follows;

- SCA1 Leederville Masterplan Area
- SCA2 West Perth Regeneration Masterplan Area
- SCA3 East Parade Urban Regeneration Area
- SCA4 Glendalough Transit Oriented Development Area

The rationale for inclusion of these four areas is supported within the Local Planning Strategy, which proposes significant intensification of development in these key areas, and the recommendation that specific development provisions are applied, in addition to the underlying coding of the land.

Detail relating to the area, purpose and development requirements for each Special Control Area (SCA) have been incorporated into Part 6 of the proposed TPS No. 2. In addition, specific provisions for each SCA have been included in Schedule 11 of the proposed TPS No. 2. The provisions included in Schedule 11 outline the development standards which are to apply in these identified areas to ensure transparency and consistency in managing the development in these areas. It is the intention that other provisions applying to each SCA be included in detailed Development Guidelines which will be adopted as a Policy under the Scheme, in the same way that all other Planning, Building and Heritage Policies will be adopted under the Scheme.

The DoP are currently making amendments to the Design Guidelines for the East Parade Urban Regeneration Area. It has been advised that development standards relating to height and setbacks, site coverage, sustainability rating and car parking, to be included into Schedule 11 will be provided to the Town in early 2010. Consequently, the information in Schedule 11, pertaining to East Parade, has not been included at this stage.

PART 7 – HERITAGE PROTECTION

Variations to the Model Scheme Text

Section 7 of the Model Scheme Text has been amended to better reflect the procedures and policies in place at the Town relating to Heritage Management, by removing clause 7.2 relating to 'Designation of a heritage area' from proposed TPS No. 2 altogether.

Essentially, as the Town has adopted the approach that the Municipal Heritage Inventory is the Heritage List, for ease of interpretation and application, it is recommended that the TPS No. 2 only include information about the Heritage List. Information relating to 'Heritage Areas' or what were known as 'Heritage Places' in TPS No. 1 is proposed to be removed. It is noted that groups of properties that comprise a heritage place, are appropriately managed as being considered on the Heritage List. It is anticipated that, creating 'Heritage Areas' will be inappropriately interpreted as 'Character Areas', which by definition does not reflect the true definition of 'heritage', as defined by the Burra Charter.

All other mention of 'heritage areas' within the MST, has also not been included in the proposed TPS No. 2 so as to be consistent with the above.

Variations to TPS No. 1

Essentially, information relating to heritage within clauses 23 to 27 of the TPS No. 1 has been incorporated into TPS No. 2. The main exception being, the removal of reference to 'Heritage Places' as defined in clause 24 of TPS No. 1. Since the gazettal of TPS No. 1, there have been no 'Heritage Places' that have been designated by the Council, and it has become standard practice that the protection of heritage places within the Town, has been solely through the Heritage List. Clause 23 (2) prescribes that *'for the purposes of this Clause, the Heritage List means the Municipal Heritage Inventory as amended from time to time, prepared by the Council pursuant to section 45 of the Heritage of Western Australia Act 1990 (as amended), or such parts thereof as described in the Municipal Inventory'*. The Heritage List is supported by planning policies relating to Heritage Management adopted pursuant to the Scheme.

PART 8 – DEVELOPMENT OF LAND

Variations to the Model Scheme Text

To reflect the proposed changes to the MST outlined in Part 7 above, all mention of 'heritage areas' within Part 8 of the MST, have been removed from proposed TPS No. 2.

Clause 8.2 (d) of the MST relating to permitted development - proposed demolition, has been amended in the proposed TPS No. 2 to reflect the provisions of clause 41 of TPS No. 1 that prescribes the requirements for an application involving demolition. In accordance with the definition of 'development' within the Planning and Development 2005, demolition is considered a form of development. The rationale for requiring planning approval for demolition at the Town supports this definition, and also aims to ensure the proper assessment of the impact of the proposed demolition on the amenity and/or cultural heritage value of the area and also to ensure that prior to the issue of a demolition licence, an appropriate new development of the site is approved.

With the above exception, the majority of the recommended clauses within 8.2 of the Model Scheme Text have been incorporated into TPS No. 2. Additional classes of permitted development for which planning approval is not required, have been included to reflect the information outlined within clause 33 of TPS No. 1 that has become recognised standard practice at the Town. It is noted that clause 8.2 (d) home office, has been deleted as it is covered in the proposed 8.2 (g) of TPS No. 2.

Variations to TPS No. 1

Essentially, all the relevant information within TPS No. 1 relating to the development of land, has been incorporated into TPS No. 2.

PART 9 – APPLICATIONS FOR PLANNING APPROVAL

Variations to the Model Scheme

Essentially, the information contained within Part 9 of the proposed TPS No. 2, is consistent with the MST with the exception of minor changes to clause 9.3, to remove reference to 'Heritage Areas', for the reasons outlined in Part 7, and the transfer of clause 36 of TPS No. 1 relating to a Design Advisory Committee, to proposed TPS No. 2 as clause 9.5. Whilst the formation of such a committee has not been utilised since the gazettal of the TPS No. 1, it is considered that TPS No. 2 should be given the ability to create one.

Variations to Text TPS No. 1

In essence, the information contained within Part 9 of the proposed TPS No. 2 is consistent with the purpose and intent of the equivalent information contained within the relevant clauses 35 and 37 of TPS No. 1.

PART 10 – PROCEDURE FOR DEALING WITH APPLICATIONS

Variations to the Model Scheme

Essentially, the information contained within Part 10 of the proposed TPS No. 2, is consistent with the MST with the exception of minor changes to clause 10.2 (f) to remove reference to 'Heritage Areas', for the reasons outlined in Part 7 above.

Variations to Text TPS No. 1

In essence, the information contained within Part 10 of the proposed TPS No. 2, is consistent with the purpose and intent of the equivalent information contained within the relevant clauses 38, 42, 43, 45 and 46 of TPS No. 1.

PART 11 – ENFORCEMENT AND ADMINISTRATION

Variations to the Model Scheme

Essentially the information contained within Part 11 of the proposed TPS No. 2 is consistent with the MST with the exception of minor changes to reflect the provisions of the Planning and Development Act 2005.

Variations to Text TPS No. 1

In essence, the information contained within Part 11 of the proposed TPS No. 2, is consistent with the purpose and intent of the equivalent information contained within the relevant clauses 31, 49, 48, 50, 51, 52, 53 and 46 of TPS No. 1.

SCHEDULES

SCHEDULE 1 - DICTIONARY OF DEFINED WORDS AND EXPRESSIONS

Schedule 1 of TPS No. 2 contains general, and land use definitions. Much of these definitions are those provided in the MST. Schedule 1 definitions have been cross referenced with the current TPS No. 1, and any land use definitions relevant to the Town that are not contained in the MST have been included in Schedule 1 of the proposed TPS No. 2. Equally so, any definitions that are contained in the MTS, that are not relevant to the Town, are proposed to not be included in TPS No. 2.

SCHEDULE 2- ADDITIONAL USES

This Schedule was known as Schedule 3- Additional Uses in TPS No. 1. It is proposed that the existing 'Special Uses' currently within TPS No. 1 will be re-classified as 'Additional Uses' with the exception of No. 51 (Lot 192) Albert Street, North Perth which will remain a 'Special Use'. It is noted however that the Special Use listed as No. 148 - 158 (Lot 31) Scarborough Beach Road, currently within TPS No. 1 is to be rezoned as 'Town Centre' in TPS No. 2 and shall no longer have 'Additional Use' or 'Special Use' classification. The rationale for removing the 'special use' classification is to allow more flexibility in the future development of the sites.

SCHEDULE 3 - RESTRICTED USES

This Schedule, or its equivalent, was not included in TPS No. 1. It has been incorporated into TPS No. 2 in line with the format of the MST; however, no listings have been inserted to date as currently there are no restricted uses which apply to this Scheme.

SCHEDULE 4 - SPECIAL USE ZONES

This schedule was known as Schedule 2 – Special Uses, in TPS No. 1. There were 8 'Special Uses' listed in TPS No. 1 of which one is proposed to retain its 'Special Use' classification, with the remainder being rezoned and converted to 'Additional Uses' with the exception of Nos.148-158 (Lot 31) Scarborough Beach Road, Mount Hawthorn, known as 'The Mezz' car park which has been re-zoned as 'Town Centre' and the 'Special Use' classification removed.

SCHEDULE 5 - EXEMPTED ADVERTISEMENTS

This Schedule, or its equivalent, was not included in TPS No. 1, however Division 3 - Control of Advertisements of TPS No. 1 allows for the approval of an 'exempted advertisement'. Schedule 5 of the MST has been included in proposed TPS No. 2 and two listings have been inserted into Schedule 5, including; Nos. 179 - 181 (Lot 5) Lord Street, Perth and Nos. 218 - 283 (Lot 10) Fitzgerald Street, Perth. In addition to the format provided in the MST, another column has been inserted to include the date of the relevant Ordinary Meeting of Council when the exempted advertisement was approved.

SCHEDULE 6 - FORM OF APPLICATION FOR PLANNING APPROVAL

This Schedule was known as Schedule 4 - Form of Application, in TPS No. 1. The standard template has been inserted into the proposed TPS No. 2 based on the MST; however, it is envisaged that the standard forms and associated checklists to be used, are those published on the Town's website, and made available at the Town's Administration and Civic Centre.

SCHEDULE 7 - ADDITIONAL INFORMATION FOR ADVERTISEMENTS

This Schedule was not included, in TPS No. 1, however, to be consistent with the MST, it has been included in proposed TPS No. 2. The standard template has been inserted into the proposed TPS No. 2 for information only. The Town's Administration provides applicants with specific information relating to 'D' and 'A' advertising requirements.

SCHEDULE 8 - NOTICE OF PUBLIC ADVERTISEMENT OF PLANNING PROPOSAL

This Schedule was not included in TPS No. 1, however, to be consistent with the MST, it has been included in proposed TPS No. 2. The standard template has been inserted into the proposed TPS No. 2 for information only. The Town's Administration provides applicants with specific information relating to 'D' and 'A' advertising requirements.

SCHEDULE 9 - NOTICE OF DETERMINATION ON APPLICATION FOR PLANNING APPROVAL

This is known as Schedule 5 – Notice of Council Decision, in TPS No. 1. The template within proposed TPS No. 2 has been amended to reflect the requirements of the MST.

SCHEDULE 10 - ENVIRONMENTAL CONDITIONS

Preliminary advice indicates that there are no environmental conditions imposed by the Minister for Environment which apply to this Scheme. Further clarification relating to this matter is currently being investigated.

SCHEDULE 11- SPECIAL CONTROL AREAS

Beyond Schedule 10, there are no designated Schedules within the MST. However, since the inception of Special Control Areas, it has become common practice that a Schedule 11 is included into Schemes to outline the specific development requirements relating to Special Control Areas. Refer to information relating to Part 6 above, regarding the specific content of Schedule 11.

SCHEDULE 12- DEVELOPMENT CONTRIBUTION AREAS

Similar to the above, since the implementation of Development Contribution Areas, it has become common practice that Schedule 12 is included in Schemes to outline specific information relating to Development Contribution Areas in accordance with the State Planning Policy No. 3.6 relating to Development Contributions for Infrastructure. This will be further discussed in the comments section of this report.

Town Planning Scheme No. 2 Maps:

A thorough and extensive review of the Scheme Maps has been undertaken by the Town's Officers. Where appropriate, the following changes have been made:

1. The Scheme Maps have been amended to incorporate the proposed zone changes identified within the Local Planning Strategy.

2. In a small number of cases where it has been identified that the current zoning of land under TPS No. 1, and the use of the land are inconsistent, the zoning has been amended to ensure that the land can be developed in accordance with orderly and proper planning, to ensure better land use within the context of the surrounding area.
3. Zone maps have also been reviewed to ensure that any zoning anomalies that appeared in the current TPS No. 1 (in particular relating to Rights of Ways or split zonings), have been checked and amended, where appropriate.
4. A review of the maps revealed some minor inconsistencies between the Metropolitan Region Scheme boundaries and the Town's current cadastre. These anomalies will be referred to the WAPC for clarification as per Recommendation (v) of this report.
5. Some minor issues with the number of Rights of Ways and Water Corporation easements and drains, still require further investigation through either Certificate of Title searches or the Town's Technical Services. Where these issues exist and require further investigation, the current TPS No. 1 zoning remains.

Proposed Planning, Building and Heritage Policy Manual:

As part of the review of the Town Planning Scheme No. 1, the current Planning and Building Policy Manual will also need to be revised. The Town's Local Planning Strategy proposes a restructuring of the Town's precincts, where the existing 15 precincts will no longer exist. The Policies relating to these areas will no longer be applied in the Town. The Town will be divided into five major precincts known as 'Community Precincts', each of which will have its own Town Centre. Guidelines will be developed for each Community Precinct as a whole, incorporating the major elements of the area, including general residential development guidelines, transit oriented development guidelines, strategic development sites, local and commercial areas, reserves and any other specific aspects or requirements for the area. Each Community Precinct will also have Town Centre Guidelines, specifically relating to development in these areas.

In addition to this, at the time of developing the Town's Local Planning Strategy, it was noted that a number of design guidelines are to be created for certain areas within the Town. Along with the existing specific guidelines for areas in the Town, currently located in the appendices of the existing Planning and Building Policy Manual, it is proposed that these guidelines be grouped into the relevant Community Precinct in which they exist. Each Community Precinct's Town Centre will also have its own Precinct Parking Management Plan.

The remaining existing Policies will be incorporated into the new Planning, Building and Heritage Policy Manual. It should be noted that each Policy will be reviewed to determine whether the Policy is still relevant and contains current information.

Discussions between the Town's Officers and Officers at the DoP, have indicated that given the Town's Policy Manual is adopted pursuant to the Town's Scheme, the Policy Manual will need to be completed at the time of the Scheme's Gazettal. It was also recommended that the Policy Manual be advertised alongside the new Scheme Text and Maps. When the Town's draft Scheme is with the Western Australian Planning Commission for approval to advertise, the Town's Officers will continue its review of the Policy Manual, to enable it to be advertised concurrently with the draft TPS No. 2.

Peer Review:

On 9 October 2007, the Council resolved to undertake a Peer Review of the Draft Town Planning Scheme No. 2 prior to, or during the 3 month formal advertising period of the TPS No. 2 (whichever is the more appropriate and beneficial). The Town's Officers consider that it is most appropriate to undertake the Peer Review during the three month advertising period. A detailed analysis of the five candidates submissions will be considered by the Town's Officers in accordance with the specified criteria provided to all candidates. On receipt of consent to advertise the Draft Scheme from the Western Australian Planning Commission, a report will be prepared for the Council to consider the submissions, and determine a preferred respondent.

Once a decision is made by the Council, all candidates will be advised of the outcome and the selected respondent will commence the Peer Review. As specified in the criteria provided to respondents, the Peer Review will be undertaken for a period of four weeks. The outcome of this review will be presented to the Council, alongside the submissions received, as a result of the general advertising.

CONSULTATION/ADVERTISING:

No consultation is required until the Draft Town Planning Scheme No. 2 text and maps have been endorsed by the Western Australian Planning Commission in accordance with Regulation 13 of the Town Planning Regulations 1967. At which point the Draft Town Planning Scheme No. 2 text and supporting documentation will be advertised for three (3) months in accordance with Regulation 13 of the Town Planning Regulations 1967. At this time, the Town will also conduct a Peer Review of the draft TPS No. 2.

In addition, on 2 December 2009, the Town received preliminary comment from the WAPC in relation to the draft Local Planning Strategy. The Town's Officers will commence consideration of these comments and amend the LPS as appropriate. It is intended that the draft Local Planning Strategy be advertised in conjunction the draft Town Planning Scheme No. 2.

LEGAL/POLICY:

Town Planning Regulations 1967 – Appendix B Model Scheme Text.

STRATEGIC IMPLICATIONS:

The Town of Vincent Strategic Plan 2006-2011 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 proposed TPS No. 2 incorporates the sustainability principles contained in *Vincent Vision 2024*, and when adopted, the TPS No. 2 is to be read in conjunction with the Local Planning Strategy. Some of the more detailed sustainability objectives are integrated throughout the Local Planning Strategy. These include, but are not limited, to transit oriented design, affordable housing, review of residential densities, environmentally sustainable design, and provisions for facilitating economic development. The Town promotes development that maximise social, environmental and economic benefits, and the draft TPS No. 2 enables such sustainable developments to proceed.

FINANCIAL/BUDGET IMPLICATIONS:

The current 2009/2010 Budget allocates \$62,000 for Town Planning Scheme Amendments and Policies.

COMMENTS:

Development Contributions

Following the Council decision to defer the item relating to Development Contributions at its Ordinary Meeting held on 28 April 2009, and the legal advice received on 7 May 2009, the Town's Officers have undertaken significant research in relation to Development Contributions Areas (DCAs). Essentially, the legal advice indicates that the implementation of Development Contributions, through a planning policy adopted pursuant to the Scheme, was not appropriate, and that the best measure to incorporate Development Contributions should be in accordance with the recommendations of the State Planning Policy No. 3.6 relating to Development Contributions for Infrastructure.

Following discussions with the DoP it has been advised that, while there is State Government direction in relation to Development Contributions in the form of State Planning Policy 3.6 the application of Development Contributions in established inner city areas, such as the Town of Vincent, has yet to be widely applied. In light of discussions with DoP, and the information obtained through investigation into development contributions, the Town's Officers provide the following comment in relation to DCA's within the Town:

1. While the State Government has provided direction to Local Governments to incorporate DCA's into their Schemes, this direction applies in particular to extensive new development sites that have significant infrastructure requirements. The DoP were not able to provide significant direction or example of the application of Development Contributions within redevelopment areas with established infrastructure such as those proposed by the Town of Vincent. The Town's Officers have provided the DoP with some examples of the types of infrastructure requirements within these redevelopment areas, however, at this stage no further direction has been received from the DoP as to whether these types of infrastructure are suitable to apply a development contribution.
2. The appropriateness of including the Town Centre areas (Mount Hawthorn, North Perth, Mount Lawley/Highgate and Perth) as DCA's was considered. The Town's Officers have undertaken preliminary investigation of the infrastructure requirements within these areas, and a preliminary estimate of the costs involved in these upgrades, and these findings have been discussed with DoP.

Following this investigation, and the consideration of the DoP's advice, it is considered that these Town Centre areas are not appropriate for inclusion as DCA's. These areas do not propose significant intensification of development requiring infrastructure upgrades over and above those provided as general upkeep and maintenance, which would be appropriately funded through normal rate revenue. In light of this, applying development contributions was not considered appropriate in the abovementioned Town Centres; however, the Town's Officers do consider that some scope may exist for applying development contributions in some of the Special Control Areas, particularly the Leederville Masterplan Area in the future.

3. State Planning Policy 3.6 (Development Contributions for Infrastructure) states that the need for the infrastructure included in a Development Contribution Area must be clearly demonstrated, and the connection between the development and the demand created, should be clearly established. Therefore, a Development Contribution Plan needs to be guided by comprehensive demographic forecasts and expected commercial yields, together with a solid strategic determination of the infrastructure requirements, the estimated cost involved in the supply of this infrastructure, and the appropriate level of contribution that should be levied. State Planning Policy 3.6 requires that where the Town is seeking contributions for community infrastructure, these need to be supported by:
- A community infrastructure plan for the area, identifying the services and facilities required over the next 5-10 years (supported by demand analysis and identification of service catchments);
 - A capital expenditure plan (for at least five out years) which identifies the capital cost of facilities and the revenue source (including capital grants) and programs for provision;
 - Projected growth figures including the number of new dwellings to be created at catchment level; and
 - A methodology for determining the proportion of costs of community infrastructure to be attributed to growth and the proportion to be attributed to existing area.

Following discussions with the DoP, it was determined that while the Town's Officers have gathered some preliminary information in this regard; considerable further information is required in order to attain the level of detail required by State Planning Policy 3.6. In light of this, it is considered that should the Town wish to apply development contributions to specific areas, it may be appropriate for the Town to engage the services of a specialised consultant with expertise in this area, in order to gather the detailed level of information required.

4. The Town's Officers have also considered the issue, that should development contributions be applied to specific development areas within the Town, the Town would then have a commitment to providing the infrastructure within a reasonable period. Given the gradual nature of development in the outlined Special Control Areas, resulting in the collection of funds being spread over a significant time period, further investigation would also need to consider the intended time in which the Town could reasonably provide the required infrastructure.

Notwithstanding the above, the Town's Officers have been advised that Model Scheme Text provisions can be incorporated into the Scheme, prior to Development Contribution Areas being determined, and prior to any Development Contribution Plans being included into the Scheme. This would provide an opportunity for the Town to include DCA's at a later stage. Should it be considered appropriate for an area to become a Development Contribution Area, it can be incorporated into the Scheme by way of a Scheme Amendment as has been done in the City of Cockburn and the City of Stirling Schemes. Based on this advice, provisions for Development Contributions have been included in Part 6 of the draft Scheme.

Conclusion

Following the Council's endorsement of the Local Planning Strategy at its Ordinary Meeting held on 14 April 2009, the Town's Officers have been able to progress Town Planning Scheme No. 2 text and maps to include content and recommendations contained within the Local Planning Strategy.

Accordingly, it is recommended that the Council receives and adopts the Draft Town of Vincent Town Planning Scheme No. 2, and authorises the Chief Executive Officer to forward a copy of the Draft Town Planning Scheme No. 2 text and maps to the Western Australian Planning Commission for consideration and consent to advertise.

Following consent by the Western Australian Planning Commission, the Draft Town Planning Scheme No. 2 will be advertised with, or without amendments, for a period of three months. At this time, the Peer Review will also be undertaken.

The following is an updated indicative timeline of the major milestones in the review of the Town Planning Scheme No. 1:

Item	Proposed Completion Date
Council Member comments on the Draft Local Planning Strategy (LPS)	17 November 2008 (completed)
Draft LPS to be considered by the Council at its Ordinary Meeting	Ordinary Meeting of Council - 14 April 2009 (completed)
Draft Town Planning Scheme No. 2 Text and Maps to be considered by the Council	Ordinary Meeting of Council - 15 December 2009
Draft TPS No. 2 to Western Australian Planning Commission for consideration and consent to advertise	December 2009
Draft Planning, Building and Heritage Manual to be considered by the Council	March 2010
Advertising of Draft TPS No. 2	April 2010 – June 2010
Peer Review of Draft TPS No. 2	April 2010 – June 2010
Estimated Promulgation of TPS No. 2	December 2010

It is noted that the period between the Council adopting Draft Town Planning Scheme No. 2, and the Western Australian Planning Commission and the Minister for Planning considering and providing consent to advertise the documents, is indicative only. While the Department of Planning (DoP) has provided an indicative timeframe, the Council is aware that the DoP have acknowledged that it is experiencing severe staff shortages, and the gazettal of the new Town Planning Scheme is likely to be subject to delays.

As stated above, while the draft TPS No. 2 is being considered by the WAPC, the Town's Officers will continue reviewing the Town's Planning, Building and Heritage Policy Manual, by amending and developing new policies where appropriate, in order that the Policy Manual can be advertised alongside the draft Town Planning Scheme No. 2, ensuring that the Policy Manual is completed at the time of the Scheme's Gazettal.

9.1.21 Department of Planning – Proposed Amendment to State Planning Policy No. 3.1 - Residential Design (Variation 1) – Inclusion of a new Multi Unit Housing Code

Ward:	Both	Date:	7 December 2009
Precinct:	All	File Ref:	PLA0066
Attachments:	001,002,003		
Reporting Officers:	E Lebbos, Strategic Planning Officer T Woodhouse, Co-ordinator Strategic Planning		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report relating to the Department of Planning’s (DoP) proposed amendments to the State Planning Policy No. 3.1 – Residential Design (Variation 1); and*
- (ii) *AUTHORISES the Chief Executive Officer to notify the Department of Planning that the Town of Vincent SUPPORTS IN PRINCIPLE the proposed amendments to the State Planning Policy No. 3.1 – Residential Design (Variation 1), as ‘Laid on the Table’, however, has some concerns in relation to the following:*
 - (a) *the removal of minimum site area requirements, including the removal of ‘minimum open space’ requirements, as this may result in poor design outcomes;*
 - (b) *the implementation of the activity centre codings, particularly those relating to R-AC0, in relation to the referral and adoption process by the Western Australia Planning Commission (WAPC) of the relevant planning controls (that is, structure plans); and*
 - (c) *the ambiguous terminology utilised in relation to the various planning controls (that is, structure plans, design guidelines, etc).*

COUNCIL DECISION ITEM 9.1.21

Moved Cr Maier, Seconded Cr Burns

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED (9-0)

PURPOSE OF REPORT:

The purpose of this report is to inform the Council of the DoP’s proposed amendment to State Planning Policy 3.1 – Residential Design Codes (R-Codes) to incorporate Multi Unit Housing Code provisions, and to provide a summary of the amendments to the Council.

A Discussion Paper and Explanatory Guidelines for the *Multi Unit Housing Code* have been released, summarising the key considerations that have occurred in developing the draft code, the rationale for the proposed provisions, and the operation and application of the draft code. These documents, along with others relating to the proposed amendments to the R-Codes, are available from the WAPC and DoP website at www.planning.wa.gov.au. Hard copies of the Discussion Paper, the Explanatory Guidelines, and a document presenting in list format the proposed amendments to the R-Codes, is available to the Council Members.

The amendments to the R-Codes have been analysed in light of the recent Draft State Planning Policy Activity Centres for Perth and Peel, the Town's Policy No 3.4.8 relating to Multiple Dwellings, the Town's Town Planning Scheme No. 1 (TPS No. 1), as well as the implications for the proposed TPS No. 2 in terms of new zonings/town centres, and finally, how the proposed amendments relate to the Town's Local Planning Strategy (LPS).

A document has been made available, which presents the proposed amendments to the R-Codes in list format.

BACKGROUND:

The WAPC, together with the DoP, have prepared a proposed amendment to the R-Codes to incorporate Multi Unit Housing Code provisions. The new provisions will provide additional guidance in the development and assessment of multiple dwellings and the residential component of mixed use developments within Western Australia, through the existing R Codes.

The Town has received a letter dated 18 November 2009, inviting the Town to comment on the proposed amendment to the R-codes to include a new Multi Unit Housing Code. A Discussion Paper and Explanatory Guidelines for the Multi Unit Housing Code outline the key consideration in the development of the draft code and the rationale for the proposed provisions.

The Minister for Planning has approved a 2 month public advertising period for the proposed amendment to the R-Codes, with submissions closing on 22 January 2010, which has since been extended to 22 February 2010, to ensure that the community has the opportunity to provide feedback prior to the amendment being finalised.

DETAILS:

It is proposed to amend State Planning Policy 3.1 - Residential Design Codes (Variation 1) (R-Codes) to incorporate Multi Unit Housing Code provisions. Accordingly, these provisions will have effect through the R-Codes in local planning schemes.

The objectives of the Multi Unit Housing Code are:

- *'to expand the permissible range of housing within individual residential codings, so as to more effectively meet the housing needs of the community;*
- *to facilitate the development and redevelopment of existing housing sites;*
- *to reduce the disincentive for smaller dwellings in favour of increased diversity of housing within a framework of form-based design guidance;*
- *to improve the standard of design for multi-unit housing, and encourage the development of housing with performance standards appropriate to form; and*
- *to build the capacity of local government to interpret and apply new methods for assessment and promotion of multi-unit housing and mixed-use development.'*

A practical review, and stakeholder engagement sessions, were undertaken. These exposed that, the R-Codes did not encourage multiple dwelling developments on lots in medium density areas (R30-R60). It was determined that it was not only, the quantitative controls set out in Table 1 of the R-Codes, but also the qualitative based controls, set out in Part 6 which restricted this housing form, along with market preference. According to the Discussion Paper, *'in effect the R-Code provisions, in their present form, do not recognise the differing housing forms and the need to provide different built-form outcomes which are appropriate to their context.'*

The practical review, together with the stakeholder feedback, established the merit in having two separate parts to the R-Codes, one which applies to single houses and grouped dwellings, and one which applies to multiple dwellings and mixed development.

According to the Discussion Paper, it is considered that the new Multi Unit Housing Code (Part 6b of the R-Codes) should apply to multiple dwellings in areas coded R30 and above, with all single houses and grouped dwellings to continue to be guided by the existing R-Codes. Although multiple dwellings in areas less than R30 will still be allowed, they are likely to take on a form closer to a grouped dwelling, and will be assessed under the provisions of a grouped dwelling.

Proposed Multi Unit Housing Code

Minimum site area

A key issue identified in stakeholder consultation was the fact that the combination of plot ratio and minimum site areas, is overly restrictive on realising built form. Minimum site area requirements create a significant disincentive to multiple dwelling developments, by limiting the number of dwellings allowable within a development. In order to provide a diversity of unit sizes within a multiple dwelling development, it was considered that the minimum site area requirement should be removed. Further, as multiple dwelling developments are subdivided by built strata applications, the imperative to provide a subdivision control on this form of development by creating minimum site area requirements, was not considered necessary.

Minimum frontage

The minimum frontage requirement currently applies to land contained within the R2 to R30 R-Code density control areas, and is applied concurrently with the minimum site area per dwelling requirement. The Discussion Paper outlines the need to simplify the controls relating to multiple dwelling developments and this control, because concurrently with minimum site area controls, it is considered to be overly complex and prescriptive, especially when compared with the controls as they apply to grouped dwellings.

Plot ratio

Plot ratio controls are presently applied in tandem, with minimum lot size requirements to land contained within all areas with an R-coding above R30. Whilst the application of a plot ratio requirement alone is considered to be a transparent and logical approach to controlling density, its use in tandem with minimum site area (minimum dwelling size) requirements means that the current approach is overly prescriptive and complex. Based on the above, it is clear that the minimum site area per dwelling requirement is a significant barrier to the delivery of smaller dwellings, and has little merit in terms of controlling impacts in medium and high density areas.

It has been determined that this control should not apply to multiple dwellings in area with an R-coding of R30 and above. Whilst consideration was given to the tandem use of plot ratio and minimum frontage size, this was considered unnecessary. It is accepted that some form of quantitative control needs to be applied to control built form, whilst also allowing for the necessary certainty that the development industry seeks to retain and ensuring transparency for the community. With this in mind, it has been determined that plot ratio provides the most logical and measurable approach to controlling built form outcomes. Clearly, plot ratio will work concurrently with setbacks, height, car parking, and other controls in defining the built form that is appropriate for any given allotment.

Controls

Effectively, there are a number of new elements proposed to guide multiple dwellings, and the residential component within mixed use developments, including:

Table 1b;

The existing Table 1 in the R-Codes has been separated into:

- Table 1a: Single housing, grouped dwelling and multiple dwelling in low density areas; and
- Table 1b: Multiple dwellings in medium, high density and activity centre areas.

Table 1b has been augmented to provide different development standards to that of the existing Table 1 of the R-Codes. The Discussion Paper states that *'these numbers represent the acceptable solution, and adherence does not need to be met in each case, as the performance criteria can be met instead.'*

Refer to pages 6-7 of the Discussion Paper for further information relating to Table 1b.

Part 6b;

The code for multiple units has been configured in the Multi Unit Housing Code to group the design elements into four main parts: context, streetscape, site planning and design, and building design. The purpose of grouping the elements in these parts is to clearly show the progression through the process of designing a site.

The controls have been structured as a table to reflect the current layout of the R-Codes, and to make the assessment of an application, both for the proponent and for the Council, as clear as possible.

According to the Discussion Paper, *'performance criteria have been established for each element, as well as acceptable development criteria, so that a proponent can either opt to submit:*

- *an application that carries increased certainty by meeting the acceptable development criteria; or*
- *an application which does not meet the acceptable development criteria but demonstrates compliance with the performance criteria.'*

Refer to pages 11-17 of the Discussion Paper for detailed information relating to the four main design elements in Part 6b.

Table 2b for Side and Rear Setbacks;

The side boundary setbacks have been reviewed to improve the effectiveness and simplify their application. In reviewing the existing setback requirements, it was determined that the approach to side setbacks should be dependent on height. Table 2b below provides setback dependent on whether a wall has major openings or not:

Wall height (m)	Setback from boundary for wall with major openings (m)	Setback from boundary for wall with no major openings (m)
3.5 or less	1.5	1.5
3.51 to 6.5	4.0	2.0
6.51 to 9.0	5.5	2.5
9.01 to 15.00	6	2.5
15.01 to 21.00	9	4.5
21.01 and above	12	6

Table 2b: Boundary Setbacks

According to the Discussion Paper, *'the setbacks required under table 2b are based upon the existing tables within the R-Codes. The requirement for setback to be a combination of wall height and wall length has been removed, so that now only wall height applies. The primary objective of setbacks is not to maximise privacy and prevent overshadowing, as these are covered elsewhere in the code. Setbacks are primarily a building bulk issue and it is considered that bulk and scale have been controlled through a range of different measures contained within the new provisions.'*

Activity Centre Codes;

Table 1b removes the R-IC (inner city) coding and replaces it with a new suite of R-AC codes which would be applied in, or close to activity centres. The R-AC zones seek to allow for a more targeted density in certain locations, and improve the operation of mixed use development outcomes. There is a sliding scale of R-AC areas from R-AC0 to R-AC4, which allows for more targeted use by Councils, appropriate to the location and desired form.

Refer to page 9 of the Discussion Paper for further information relating to the R-AC0 and R-AC1 to R-AC4 zones.

Explanatory Guidelines;

As identified in the *Multi Unit Housing Code*, the multiple dwelling and mixed use design is to be driven by performance criteria which are further defined under the Explanatory Guidelines. Compliance with the performance criteria is mandatory. The acceptable development criteria illustrate one way in which the performance criteria can be met. If the acceptable development criteria cannot be met, an applicant needs to demonstrate compliance with the performance criteria. The Explanatory Guidelines explain the basis and operation of Part 6b of the R-Codes, with specific reference to mixed use development and multiple dwellings in areas coded R30 and greater.

According to the Discussion Paper, *'the explanatory guidelines illustrate the rationale behind the performance criteria and will be used by applicants and decision makers in determining whether compliance with the performance criteria can be demonstrated.'*

CONSULTATION/ADVERTISING:

The Department of Planning is currently advertising the Multi Unit Housing Code Discussion Paper for public comment, which closes on 22 January 2010.

LEGAL/POLICY:

The Multi Unit Housing Code will have effect through the State Planning Policy 3.1 – Residential Design Codes in local planning schemes.

STRATEGIC IMPLICATIONS:

The Town of Vincent Strategic Plan 2009-2014 states;

“Natural and Built Environment

- 1.1 *Improve and maintain the environment and infrastructure*
- 1.1.2 *Develop and implement a Town Planning Scheme and associated policies, guidelines and initiatives that deliver the community vision.*
- 1.1.6 *Enhance and maintain the Town’s infrastructure to provide a safe, healthy, sustainable and functional environment.”*

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

SUSTAINABILITY IMPLICATIONS:

The proposed multi unit housing code, to be incorporated into the Residential Design Codes, is considered to support best practice sustainability principles, through promoting the opportunity for transit oriented development, a diversity of housing choice, environmentally sustainable design, and provisions for facilitating economic development within identified Activity Centres.

COMMENTS:

Relevance to the Town of Vincent

A review of the Discussion Paper was undertaken by the Town’s Officers.

The proposed amendments are of relevance to the Town as, being an inner-city area, there are increased opportunities for multiple dwelling developments within the Town. Therefore, the inclusion of separate quantitative and qualitative controls in the R-Codes for Multiple Dwellings, whilst retaining the existing R-Codes to guide development of single houses and grouped dwellings, will assist in assessing multiple dwellings and mixed use development in the Town of Vincent, and provide for the appropriate built-form outcomes of higher density development within the Town.

Activity Centre Codes in relation to the Draft State Planning Policy Activity Centres for Perth and Peel; the Town’s Local Planning Strategy; and the Leederville Masterplan Built Form Guidelines

Of particular relevance to the Town, is the amendment relating to Activity Centre Codes, which, removes the R-IC (inner city) coding, and replaces it with a new suite of R-AC codes to be applied in, or close to activity centres. In particular, according to the Discussion Paper, R-AC0 is intended to be a *‘structure planning tool that requires a more detailed level of planning to occur. This is expected to be utilised by proactive councils where detailed design guidelines have been prepared for a site, precinct, or locality. Current examples would be the Leederville Master Plan... Accordingly, the Codes would have limited effect as the site specific planning would override the provisions of the Multi Unit Housing Code. Equally, applications seeking a rezoning to R-AC0 would be required to submit a detail area plan or equivalent as part of the rezoning process.’*

The introduction of Activity Centre Codes is in line with the recent Draft State Planning Policy relating to Activity Centres for Perth and Peel, which, according to the document, '*is complemented by Local Planning Strategies*'. The Town of Vincent's LPS was endorsed by the Council at its Ordinary Meeting held on 14 April 2009, and referred to the WAPC on 12 May 2009 for consideration and certification. The Town's LPS is in line with this Draft State Planning Policy, as it guides the long-term distribution of commercial and housing supply, via a network of activity centres in established urban areas.

The Draft Policy identifies West Perth as part of the Perth central area, Leederville as a regional town centre, and Mount Lawley/Highgate, Mount Hawthorn, Fitzgerald Street, and Glendalough, as district town centres. These centres broadly correlate with the activity/town centres identified in the Local Planning Strategy and proposed TPS No. 2, whereby specific guidelines and special planning controls will be prepared as a catalyst for urban renewal in these areas. In terms of Glendalough, this has been identified as a Transit Orientated Development Area, whereby specific guidelines and special planning controls will be prepared to facilitate integrated mixed use development. It is anticipated that the preparation of guidelines for the Glendalough Transit Orientated Development Area will be undertaken in liaison with the City of Stirling, through the Scarborough Beach Activity Corridor Project, that is currently being facilitated through the Department of Planning.

In addition, according to the Draft State Planning Policy, '*activity centres should have levels of activity, accessibility and diversity sufficient to attract people and sustain public transport and a range of other services and economic activities.*' Leederville, West Perth and Glendalough, are all located in close proximity to public transport links, and the Town's LPS outlines Transit Oriented Development (TOD) recommendations for these areas, in order to ensure that the regeneration is in line with the Town of Vincent's TOD goals.

Within the broader context of the Draft State Planning Policy relating to Activity Centres, the Town's Officers support the provision of specific guidelines relating to high density developments in activity centres, through the proposed amendments to the R Codes. It is considered that an R-AC0 coding for the activity centre of Leederville will allow for site responsive high density development of the area in accordance with the Built Form Guidelines, or other associated guidelines as the case may be. There is also scope for various other activity centres in the Town to be coded as R-AC0, including the West Perth Regeneration Masterplan Area and the Glendalough Transit Oriented Development Area, with development in these areas to be guided by relevant specific provisions. It is anticipated that as part of the review of the Town's Town Planning Scheme, these areas will be identified as Special Control Areas, with detailed development requirements outlined within Schedule 11 of the proposed TPS No. 2, to be read in conjunction with detailed design guidelines adopted as planning policy pursuant to the Scheme.

It should be noted however, that in their current form, the Leederville Masterplan Built Form Guidelines do not contain adequate technical information to control and guide development in the Leederville area in accordance with the proposed Table 1b of the Multi Unit Codes. Of particular note, the proposed Activity Centre zoning 'R-AC0 coding' of which the Leederville Masterplan would likely be categorised, does not include any specific requirements relating to maximum plot ratio, maximum height, etc.

Considering the above, it is recommended that stipulating the preparation of a structure plan as outlined in Table 1b of the Multi Unit Codes is removed from the Codes, and replaced with terminology that allows Councils greater flexibility in the preparation of development requirements within identified Activity Centres. For example, as outlined above, as part of the review of the Town's Town Planning Scheme, it is anticipated that development requirements relating to Activity Centres, will be controlled through Special Control Areas, and detailed within Schedule 11 of the proposed Town Planning Scheme No. 2, and Planning Policies and Design Guidelines adopted pursuant to the Scheme.

Multi Unit Housing Code in relation to the Town's Policy No. 3.4.8 relating to Multiple Dwellings

The proposed amendments are also of relevance to the Town in relation to the Town's Policy No. 3.4.8 relating to Multiple Dwellings, as Clause 1 of the Policy states *'this Policy is to be read in conjunction with the Town of Vincent Town Planning Scheme No. 1, the Residential Design Elements Policy and any other relevant Town of Vincent Policy, and the Residential Design Codes of Western Australia...'* Therefore, it is necessary to ensure that any proposed amendments to the R-Codes do not conflict with the requirements set out in the Town's Policy relating to Multiple Dwellings.

In terms of the performance criteria and acceptable development provisions devised for multiple dwellings in the proposed amendments, these are generally in line with the Town's Policy in terms of the following elements:

- *'encouraging the retention and protection of the existing streetscape character;*
- *promoting the appropriate integration of varying building height through setbacks etc;*
- *encouraging new development respectful of the scale and form of heritage building;*
- *supporting maximum development opportunity from corner locations, with the proposed amendments stipulating 'sites on corners...have the potential to accommodate additional height,' and the Town's Policy stating 'the opportunity to extract maximum impact from corner locations will be encouraged and promoted'; and*
- *the proposed amendments to the R-Codes stipulate that 'new developments will be compatible with desired building height as prescribed by local planning controls,' ensuring compliance with the building heights stipulated in the Town's Policy.'*

According to the Discussion Paper, *'multi unit development at higher densities is generally more site responsive and is more likely to rely on the performance criteria than acceptable solution...without fundamentally changing the function of the R-Codes, Part 6b will seek to encourage the use of performance based assessment, by promoting the greater willingness to use the Performance Criteria from both applicant and local government perspective.'* The Town's Officers envisage that separate controls in the R-Codes for multiple dwellings and mixed use development will provide for a more effective and relevant assessment framework.

It should be noted however, that although the Town's Officers support the incorporation of site requirements specifically relating to multiple dwellings and mixed use development in the R-Codes, the exclusion of minimum site area requirements, specifically relating to minimum open space (discussed in the following section), may require the review, and subsequent amendment of the Town's Policy No. 3.4.8 relating to Multiple Dwellings. The justification for this, is that although the minimum site requirements are to be set out in relevant structure plans prepared for the various activity centres (discussed in the section above), multiple dwelling developments outside of these centres, will not be guided by these structure plans. Therefore, it is necessary to ensure that appropriate development requirements, setting out relevant technical information, is incorporated in the Town's Policy No. 3.4.8 relating to Multiple Dwellings, in order to remove any ambiguity, and guide multiple dwelling developments outside of activity centres.

The Towns Policy No. 3.4.8 relating to Multiple Dwellings and Activity Centre Guidelines in relation to the removal of minimum open space requirements

Open space requirements assist in achieving good design outcomes in line with the first key theme in *Directions 2031* (a document spatially defining how the city should grow). This theme promotes *'good urban design and development to enhance people's experience of the city.'* Although it is necessary to make more efficient use of land and infrastructure in line with key theme 6 in *Directions 2031*, which enforces the *'responsibility to manage urban growth and make the most efficient use of available land and infrastructure'* in order to *'manage the scale of population and urban growth expected by 2031,'* it is crucial to ensure that the quality and outcome of the built form, is not compromised in an attempt to increase residential density. It is vital that planning for an increased population, is balanced out with designing and developing, for a good built form outcome.

The Explanatory Guidelines state that *'Table 1b does not require the mandatory provision of communal open space; however, it should not be discouraged if considered appropriate within a development.'* Therefore, in order to achieve good design outcomes for multiple dwelling development, it is envisaged that any guidelines developed for activity centres in the Town, as well as Policy No. 3.4.8 relating to Multiple Dwellings, will need to incorporate appropriate minimum open space requirements, to ensure that development meets good urban design standards. This will also ensure that, mixed use and multiple dwelling development in activity centres, comply with one of the aims of the Draft State Planning Policy Activity Centres for Perth and Peel, which states *'activity centres should offer a high standard of amenity and urban design...'*

Multi Unit Housing Code in relation to Amendment No. 25 to the Town of Vincent's Town Planning Scheme No. 1

Finally, it should be noted that the *Multi Unit Housing Code* will have effect through the R-Codes in local planning schemes, and this may have implications for the areas subject to this Clause.

Clause 20 (4) in the Town's Town Planning Scheme No. 1 (TPS) does not permit multiple dwellings in certain Precincts within the Town. The Council, at its Ordinary Meeting held on 27 May 2008 resolved to initiate Scheme Amendment No. 25, to permit multiple dwellings in these Precincts where the Council is satisfied that the development is consistent with the Town of Vincent Policy relating to Multiple Dwellings. Since the initiation of the Scheme Amendment, the Town's Officers have been in regular contact with the DoP regarding the progress of the matter. A progress report was presented to the Council at its Special Meeting held on 13 October 2009, and a Further Report is the subject of an Item on this Agenda. Currently, the proposed amendment is with the WAPC for endorsement. It is considered that the proposed multi unit housing code provides further impetus and justification to support the Town to amend clause 20 (4) of the Scheme to allow for multiple dwelling development where it has previously been prohibited.

In light of the above, it is considered that the Council receive the report, and support the Officer's Recommendation to advise the DoP that the Town of Vincent supports the *Multi Unit Housing Code* Discussion Paper, however, has some concerns in relation to the removal of minimum site area requirements, and the implementation of the activity centre codings as outlined in the Comment Section of this report.

9.2.2 Swan and Helena Rivers Management Framework Reports

Ward:	South	Date:	7 December 2009
Precinct:	All Precincts	File Ref:	PRO3230
Attachments:	001 , 002		
Reporting Officer:	R Lotznicker, Director Technical Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

(i) **RECEIVES** the report on the Swan and Helena Rivers Regional Recreational Path Development Plan (2009) and Swan and Helena Rivers Management Framework Heritage Audit and Statement of Significance (2009) prepared by the Eastern Metropolitan Regional Council (as "Laid on the Table");

(ii) **NOTES;**

(a) *that while reports relate predominantly to the river foreshore/s in the Town of Bassendean, and the Cities of Bayswater, Belmont and Swan, a small portion of the Regional Recreational Path currently runs through the Town of Vincent (as discussed in the report); and*

(b) *the Town's officers will be able to use the information contained in the Swan and Helena Rivers Heritage Audit and Statement of Significance (2009) as a reference guide when undertaking works in the vicinity of the Swan River; and*

(c) *that the Town will investigate the installation of standard trail head signage for the portion of Foreshore Recreation Path within the Town, in liaison with the Eastern Metropolitan Regional Council as per recommendation 3 of Swan and Helena Rivers Regional Recreational Path Development Plan (2009) and list appropriate funding, for consideration, in future budgets; and*

(d) *that the South West Aboriginal Land and Sea Council, Swan River Trust, and Perth Region NRM are working on a coordinated trails system for the Swan and Canning Rivers; and*

(iii) **REQUESTS** that any signage be developed in conjunction with that of the trail system mentioned in (ii)(d).

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

COUNCIL DECISION ITEM 9.2.2

Moved Cr Maier, Seconded Cr Burns

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED (9-0)

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of the completion of two high profile reports relating to Swan and Helena Rivers Management Framework undertaken by the Eastern Metropolitan Regional Council (EMRC).

BACKGROUND:

On 5 November 2009, the Town received correspondence advising of the following two consultancy reports:

- Swan and Helena Rivers Regional Recreational Path Development Plan (2009).
- Swan and Helena Rivers Management Framework Heritage Audit and Statement of Significance (2009).

The Town was further advised that both reports were received by the Council of the EMRC at a meeting held on 24 September 2009 and that the reports have since been distributed to relevant government and partner agencies for their information and action.

DETAILS:

Swan and Helena Rivers Regional Recreation Path Development Plan (2009)

The report (as laid on the table) progresses a recommendation of the earlier Eastern Region Swan River Trails Project. The regional Recreational Path Development Plan provides a blueprint for completing the river foreshore path along both sides of the Swan River between the Windan Bridge (in East Perth) and the Guildford Road Bridge (in Guildford).

The project is a direct follow up to the actions recommended in the 2007 Swan and Helena River Management Framework which provided a strategic framework to guide the ongoing management and development of the eastern reaches of the Swan River and its major tributary, the Helena River.



Photo 1: Aerial Photograph of Swan River (dashed) between the Windan Bridge (in East Perth) and the Guildford Road Bridge (in Guildford)

The project mainly involved determining pathway envelopes for ideal alignment or most desirable locations for pathways. The report states that as it will more than likely take many years to acquire privately owned land, temporary detours will be required, which in some instances will be very circuitous.

While the projects will mainly affect the Town of Bassendean, and the Cities of Bayswater, Belmont and Swan, of the 10 recommendations made in the report, recommendation 3 states:

3. *Refer this report to the Town of Victoria Park and the Town of Vincent for review of projects and signage that have implications for these two municipalities.*

Swan River Foreshore Recreation Path – Within the Town of Vincent:

The Council, in March 2004, supported the implementation of a portion of the Swan River Foreshore Recreation Path (Option 6) north of Banks Reserve. A significant detail of the preferred option comprised two sections of boardwalk which skirt the western edges of two former clay pits. The project was completed in June 2006.

Officer's Comments

The portion of the Swan River Foreshore Recreation Path within the Town of Vincent has been previously implemented and there is no further work required. The Department for Planning still maintains (until the Town takes over this section of path and associated landscaping) the section of path north of Banks Reserve, while the Town is responsible for the portion of Recreation Path to the South to the Windan Bridge.

The EMRC report discusses standard trail head signage for the Recreation Path. This will be further explored with the EMRC and budgeted for accordingly.

Swan and Helena Rivers Heritage Audit and Statement of Significance (2009)

The report (as laid on the table) was developed by a consortium of natural, indigenous and cultural heritage experts with guidance from the National Trust. The Heritage Audit and Statement of Significance presents an integrated and holistic review that places natural, indigenous and historical values side by side.

The project included community consultation in each of the four participating member Council areas (Town of Bassendean, and the Cities of Bayswater, Belmont and Swan), separate consultation with local indigenous stakeholders, identification of available oral histories and the preparation of maps to show the location of identified heritage places to provide guidance for future interpretation. It includes an extensive audit of sites within a defined section of the river.

The Heritage Audit and Statement of Significance provide a valuable reference to river projects, including guiding development and location of interpretive experiences along the river foreshore trail.

Officer's Comments

The document provides a statement of significance for the rivers based on an audit of recorded natural, aboriginal and historic sites over a defined section of the river to provide interpretation of the Swan and Helena Rivers Regional Recreation Path. For the Swan River this statement extends from the Windan Bridge to the east (to the middle Swan Bridge).

The overarching themes for the significance of the river as defined in the report are:

- River of life
- Power of landscape
- Sustainability

Fourteen (14) recommendations have resulted from the development of the statement of significance which aims to support the conservation of the river's environment, interpretive directions for the river's landscape.

The Town's officers will be able to use this as a reference guide when undertaking works in the vicinity of the Swan River.

CONSULTATION/ADVERTISING:

N/A

LEGAL/POLICY:

N/A

STRATEGIC IMPLICATIONS:

In accordance with the objective of Strategic Plan 2009-2014 – Key Result Area One: Natural and Built Environment "1.1 *Improve and maintain environment and infrastructure; 1.1.3 Enhance and maintain the character and heritage of the Town; and 1.1.4 Minimise negative impacts on the community and environment.*"

SUSTAINABILITY IMPLICATIONS

The documents provide guiding principles for locating and installing a recreational path near the rivers and take into account natural, aboriginal and historical sites over a defined section of the river to provide interpretation of the Swan and Helena Rivers Regional Recreation Path.

The overarching themes for the significance of the river:

- River of life
- Power of landscape
- Sustainability

The statement of significance report in particular aims to support the conservation of the river's environment, interpretive directions for the river's landscape.

FINANCIAL/BUDGET IMPLICATIONS:

Not applicable at this stage.

COMMENTS:

The Town has received correspondence from the EMRC advising of the following two consultancy reports:

- Swan and Helena Rivers Regional Recreational Path Development Plan (2009).
- Swan and Helena Rivers Management Framework Heritage Audit and Statement of Significance (2009).

While, as previously mentioned in the report, the projects will mainly affect the Town of Bassendean, and the Cities of Bayswater, Belmont and Swan, one of the recommendations is to refer the report; *to the Town of Victoria Park and the Town of Vincent for review of projects and signage that have implications for these two municipalities.*

It is therefore recommended that the Town investigates the installation of standard trail head signage for the portion of Foreshore Recreation Path within the Town, in liaison with the EMRC and budgets for accordingly in future budgets.

9.2.3 Introduction of a Three Hour (3p) Parking Restriction in Farr Avenue and Removal of the Existing Three Hour (3p) Parking Restriction Along the Angle Parking In Morrison Street, North Perth, for a 'Trial' Period Only

Ward:	South	Date:	8 December 2009
Precinct:	Smith's Lake P6	File Ref:	TES0434
Attachments:	001		
Reporting Officer:	R Lotznicker, Director Technical Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

(i) APPROVES:

- (a) the introduction of three hour (3P) parking restrictions in the whole of Farr Avenue, North Perth, operating from 8:00am to 6:00pm, Monday to Friday inclusive, as shown in attached Drawing No. 2683;**
- (b) the issuing of Cautions to offending vehicles for a period of two (2) weeks and thereafter, the issuing of infringement notices; and**
- (c) the removal of the existing three hour (3P) parking restriction along the angle parking in Morrison Street North Perth, between Vincent Street and Swimming Lane, for a 'trial' period of six (6) months; and**

(ii) RECEIVES a further report on the matter at the conclusion of the trial period.

Moved Cr Burns, Seconded Cr Lake

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Lake, Seconded Cr Buckels

That clause (i)(c) be deleted.

AMENDMENT PUT AND CARRIED (9-0)

MOTION AS AMENDED PUT AND CARRIED (9-0)

COUNCIL DECISION ITEM 9.2.3

That the Council;

(i) APPROVES:

- (a) the introduction of three hour (3P) parking restrictions in the whole of Farr Avenue, North Perth, operating from 8:00am to 6:00pm, Monday to Friday inclusive, as shown in attached Drawing No. 2683;**
- (b) the issuing of Cautions to offending vehicles for a period of two (2) weeks and thereafter, the issuing of infringement notices; and**

(ii) RECEIVES a further report on the matter at the conclusion of the trial period.

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of a petition received from residents in Farr Avenue, requesting the introduction of parking restrictions in the Street and offering a possible solution to the issues raised.

BACKGROUND:

At its Ordinary Meeting held on 2 December 2008, the Council approved the introduction of parking restrictions in the Beatty Park Leisure Centre Car Park, Morriston Street, Swimming Lane and Emmerson Street, North Perth, subject to consultation with local residents.

Following consultation, the Council considered a further report on the matter at its Ordinary Meeting held on 26 May 2009, where the following decision was made (in part):

(ii) *APPROVES:*

(a) *the introduction of three hour (3P) parking time restrictions in Morriston Street, Swimming Lane and Emmerson Street, North Perth, operating from 8:00am to 6:00pm, Monday to Friday inclusive, as shown in Drawing No. 2652-PP-1 as shown in Appendix 9.1.11;*

(iii) *NOTES that a further survey will be undertaken after a period of one year, to confirm that there has been an improvement in the parking situation, as a result of the introduction of restrictions.*

DETAILS:

A petition signed by nine (9) residents of Farr Avenue was received on 7 December 2009, requesting the following:

"We the residents of Farr Avenue, North Perth, request the same 3 hour parking restrictions as Morriston Street, Emmerson Street and Swimming Lane. Our reasons are:

- *City commuter vehicles occupy the street 8am to 6pm Monday to Friday*
- *Farr Ave is narrower than Morriston or Emmerson Street*
- *Farr Avenue Residents vehicles have difficulty accessing property entrances during the day*
- *The city commuter vehicles that were once parked in Morriston and Emmerson Street have shifted to Farr Avenue*
- *The amenity of the street has been spoiled"*

Discussion

Since the introduction of the restrictions, it is evident that all day commuters (*in particular Water Corporation Workers*) have moved from parking all day in Morriston Street and Emmerson Street to parking all day on the southern side of Farr Avenue (*in other streets, where residential properties take up both sides of the street, parking is limited due to the presence of crossovers and vehicles belonging to residents etc*).

There are about 40 angled parking bays on the east side of Morriston Street adjacent to Beatty Park, most of which are empty for the best part of the day now that the three (3) hour restriction has been implemented. There are now, on average, about 30 or so vehicles parked in Farr Avenue for most of the day. (*Prior to the restrictions being implemented, there were very few vehicles parked 'all day' in Farr Ave*).

Beatty Park car park, while substantially full, still appears to have a reasonable number of bays available.

Whenever the Town has introduced parking restrictions in a street, requests are invariably received from residents in nearby streets requesting that the parking restrictions be extended

Proposal

The extension of the three (3) hour parking restriction in Farr Avenue, together with the possibility of 'trailing' the removal of the time restriction on the angled parking of Morriston Street adjacent to Beatty Park for a six (6) month period, is supported by both the Director Technical Services and Manager Ranger and Community Safety Services.

This may seem a backward step, however, the following points support this argument:

- The restricted angled parking area on the east side of Morriston Street is empty for most of the day.
- Restrictions will still apply on the residents' side of the street in Morriston Street.
- There will continue to be a snowball effect if new restrictions are implemented further out.
- With every new restriction that is introduced in streets in the Town, the enforcement rate is likely to decrease.
- The parking amenity afforded by the 90° parking cannot really be described as something that is there for residents use only.
- Should these parking bays be filled with "all day parkers", this will result in 40 less vehicles in residential streets.
- Beatty Park users will still be able to park in the remaining restricted areas for three (3) hours.
- Residents and their visitors will also be able to park in the restricted areas (*residential parking permits*) with more bays available due to more available parking in Morriston Street.
- The Town has already received numerous requests to extend parking restrictions in Emmerson Street and investigate the introduction of restrictions in Richmond Street, Elven Street and Toorak Rise as a direct result of the recent introduction of the restrictions in Emmerson and Morriston Streets. By freeing up the Morriston Street angle parking bays, this will take the pressure of these streets.

CONSULTATION/ADVERTISING:

The respondents will be advised of the Council decision.

LEGAL/POLICY:

There is no legal impediment to the trial removal of restrictions in Morriston Street, Emmerson Street and Swimming Lane.

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.*

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

The cost of the signage would be approximately \$1,000.

COMMENTS:

The introduction of parking restrictions in Beatty Park Leisure Centre has not resulted in an undue impact on surrounding streets. The impact has resulted more from the introduction of time restrictions in the angle parking area of Morriston Street.

The petitioners have requested that the time restrictions be extended along Farr Avenue. This is supported, however, to stop the “snow balling” effect of introducing restrictions on other streets in the area, it is suggested that the removal of the time restrictions in the angled parking area of Morriston Street be trailed for a six (6) month period.

9.2.5 East Perth Power Station Jetty – Proposed Usage

Ward:	South	Date:	4 December 2009
Precinct:	Banks P15	File Ref:	RES0039
Attachments:	001		
Reporting Officer:	J van den Bok, Manager Parks & Property Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report in relation to the proposed usage of the East Perth Power Station jetty by “Perth Party Pontoons”;*
- (ii) *NOTES that;*
 - (a) *the refurbishment of the jetty is in progress and likely to be completed by 31 December 2009; and*
 - (b) *the jetty has recently been licensed in accordance with the Jetties Act 1926;*
- (iii) *AUTHORISES the Chief Executive Officer to;*
 - (a) *approve the use of the East Perth Power Station jetty by “Perth Party Pontoons” for a trial period of twelve (12) months commencing 1 January 2010, subject to appropriate conditions of use being applied and agreed to by both parties;*
 - (b) *extend the use of the jetty by "Perth Party Pontoons" following the twelve (12) month trial period, subject to the company adhering to the conditions of use imposed by the Town.; and*
 - (c) *reconsider the approval to use the East Perth Power Station Jetty, at any time, should it be determined that the use of the jetty by "Perth Party Pontoons" is having an adverse impact on the jetty and/or the amenity of the surrounding area or there is a non-compliance of terms and conditions.*

Moved Cr Topelberg, Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Buckels, Seconded Cr Burns

That clause (iii)(b) be amended to read as follows and a new clause (iii)(d) be inserted as follows:

“(iii)(b) extend the use of the jetty by "Perth Party Pontoons" following the four (4) ~~twelve (12)~~ month trial period, subject to the company adhering to the conditions of use imposed by the Town.; and

(iii)(d) consult with the Applicant regarding the use of skippers tickets.”

AMENDMENT PUT AND CARRIED (9-0)

MOTION AS AMENDED PUT AND CARRIED (9-0)

COUNCIL DECISION ITEM 9.2.5

That the Council;

- (i) *RECEIVES the report in relation to the proposed usage of the East Perth Power Station jetty by "Perth Party Pontoons";*
- (ii) *NOTES that;*
 - (a) *the refurbishment of the jetty is in progress and likely to be completed by 31 December 2009; and*
 - (b) *the jetty has recently been licensed in accordance with the Jetties Act 1926;*
- (iii) *AUTHORISES the Chief Executive Officer to;*
 - (a) *approve the use of the East Perth Power Station jetty by "Perth Party Pontoons" for a trial period of twelve (12) months commencing 1 January 2010, subject to appropriate conditions of use being applied and agreed to by both parties;*
 - (b) *extend the use of the jetty by "Perth Party Pontoons" following the four (4) month trial period, subject to the company adhering to the conditions of use imposed by the Town.;*
 - (c) *reconsider the approval to use the East Perth Power Station Jetty, at any time, should it be determined that the use of the jetty by "Perth Party Pontoons" is having an adverse impact on the jetty and/or the amenity of the surrounding area or there is a non-compliance of terms and conditions; and*
 - (d) *consult with the Applicant regarding the use of skippers tickets.*

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of a request from "Perth Party Pontoons" to use the East Perth Power Station jetty as a rendezvous point for their operations and seek approval for the proposed use.

BACKGROUND:

The company "Perth Party Pontoons" was formed in 2005 to fill a niche market in the Perth Boating scene for people looking to hire luxury vessels to explore the Swan River from Fremantle to the upper reaches of the Swan Valley.

As "Perth Party Pontoons" became established it became evident that the greatest demand was for a departure point in East Perth, with the most popular destination for passengers being the Swan Valley, due to the protection from winds, the high number of attractions along the river and sheer beauty.

Because East Perth had become by far the most popular point of embarkation, a 'trial basis' agreement was entered into with East Perth Redevelopment Authority (EPRA) and "Perth Party Pontoons" then operated from Claisebrook Cove.

As EPRA came closer to handing over the Claise Brook Cove to the City of Perth, both EPRA and "Perth Party Pontoons" agreed to cease the mooring agreement while works were carried out on the boardwalks in preparation for the handover.

Following the handover in August 2008, a detailed proposal was submitted to the City of Perth on future use of the mooring site, however, when submitted to Council in July 2009, they voted in favour of leasing the Claise Brook Cove Pens out to private residents.

That decision left the company with no option but to close down until other arrangements could be secured.

At the beginning of October 2009, a lease at Ascot Waters was secured for storage of the vessels and the company now has to identify a location to operate from.

DETAILS:

Request to use the East Perth Power Station Jetty

The Director of "Perth Party Pontoons" contacted the Town in October 2009 with a proposal to use the East Perth Power Station jetty as follows:

Jetty Location

The Jetty is located to the north of the Windan Bridge and south of Summers Street in East Perth, directly to the east of the Old East Perth Power Station.

Statutory Considerations

The company operates under the following approvals and complies with the following applicable statutory regulations:

- Swan River Trust: *Approval Number* SRT436-04.
- Department of Planning and Infrastructure: *WA Maritime Act 1982*, *WA Marine (Hire & Drive) Regulations 1983*.
- Department of Planning and Infrastructure *License for owner number 658*, endorsement number 632, schedule of vessels HV620, 4Pontoons HD 67-70 inclusive.
- Maritime Survey: *WA Maritime Act 1982 Certificate of Survey Number 3074*.

Proposed Usage

It is proposed to use the Jetty described only as a central point for which the business is to operate. Actual impact on the Jetty will be very limited as the location is more of a rendezvous point where the vessels will be brought down from Ascot Waters, the hirers board at the Jetty and then return the vessel to the same location. No storage, waste disposal or refuelling will be undertaken at this site.

Factors to be considered

The following factors need to be taken into account in considering approving the use of the East Perth Power Station Jetty:

Safety

The waters upstream of the Causeway provide protection in most wind conditions as well as effectively working as a 'speed bump' preventing large vessel access. Large swells and the high number of vessels using Melville Waters are the reason that they recommend passengers head up the river towards the Swan Valley.

Community Benefit

There are no other operations of comparable nature in Perth Waters. Currently the only available water craft for hire on the Swan and Canning Rivers are kayaks, surf cats a few dinghies. "Perth Party Pontoons" allow access to boating that would otherwise normally be out of reach.

Business Development

Similar style businesses have been operating very successfully in locations such as Mandurah, Cairns, Broome and Kununurra. It is their intention to create a well known and recognised attraction based on the Swan River. With their license limiting the number of vessels to four (4), they still remain small enough to be unobtrusive but large enough for many people to enjoy. It is not their intention to seek to expand past the four (4) vessel maximum, but to run as effectively as possible within their current license.

Vessels

"Perth Party Pontoons" have been granted a license to operate four (4) vessels. At current level only two (2) vessels are in operation due to lack of adequate storage facilities, an issue that is currently being addressed by the company. Each vessel has the ability to cater for a maximum of ten (10) persons; however, on most outings only three (3) couples are catered for on each pontoon.

Environmental & Waste Management

Bins are provided on the vessels for collection of rubbish. All waste is removed at the end of the hire and returned to their main depot for sorting of recyclables and disposal of waste. Re-fuelling of the vessels is only carried out by "Perth Party Pontoons" employees within their safety guidelines and as a condition of our license as set out by the Department for Planning.

All mechanical fluids and oils are checked and topped up when the vessels are in a contained area on land at the main depot. The vessels are regularly rotated and removed from the water for maintenance and cleaning.

Car parking Impact

It has been assessed that each vessel could generate an additional parking demand of up to four (4) cars. Therefore, when in full operation a total of sixteen (16) additional vehicles may be parked in the area, however, this is unlikely to occur at any one time.

There is currently parking for around twenty (20) vehicles in the Summers Street carpark, however, the closet parking location would be in Summers Street itself which can cater for around forty (40) vehicles.

Local Amenities Impact

There are no residents in the immediate area who could potentially be affected by the operations of "Perth Party Pontoons". Their vessels are fitted with low horse power four stroke engines that are one of the quietest in their class and are barely perceptible when running and emit no visible exhaust fumes. Their customers are strongly advised to be mindful of others with their vocal and music levels all along the river. Signage on the vessel re-enforces this and hired vessels are met on return to the jetty by staff who can monitor the situation. Perth Party Pontoons usage of the Jetty as a start/endpoint will have negligible impact on any other users.

Officers Comments:

The Town has been issued with a licence for the jetty and this must be appropriately displayed on the structure. The structure is being upgraded by the Town and it is considered that the proposed use of the jetty by "Perth Party Pontoons" be supported, albeit on a trial basis, subject to appropriate conditions being agreed to.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

The jetty is required to be licensed through the Department of Transport under the Jetties Act 1926. A licence number (Jetty No. 1311) has been allocated to the jetty and this must be appropriately displayed on the structure.

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.”*

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Whilst a fee for use of the jetty has not been determined at this stage, it is considered that a fee for use would be reasonable to ensure that maintenance of the structure is ongoing and any minor structural damage caused as a result of these operations is allowed for.

COMMENTS:

It is therefore recommended that the Council approve a twelve (12) month trial period for the use of the East Perth Power Station jetty by Perth Party Pontoons and review their operation following this period.

The Chief Executive Officer advised that Mayor Catania and Cr Burns declared a financial interest in Item 9.3.1. They departed the Chamber at 10.30pm. They did not speak or vote on this matter.

Deputy Mayor, Cr Sally Lake assumed the Chair at 10.30pm.

9.3.1 Investment Report as at 30 November 2009

Ward:	Both	Date:	1 December 2009
Precinct:	All	File Ref:	FIN0033
Attachments:	001		
Reporting Officer:	B Wong, Accountant		
Responsible Officer:	M Rootsey, Director Corporate Services		

OFFICER RECOMMENDATION:

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

COUNCIL DECISION ITEM 9.3.1

Moved Cr Maier, Seconded Cr Buckels

That the recommendation be adopted.

MOTION PUT AND CARRIED (7-0)

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

Mayor Catania and Cr Burns returned to the Chamber at 10.31pm. The Chief Executive Officer advised that the item was carried.

Mayor Catania, assumed the Chair.

PURPOSE OF REPORT:

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

BACKGROUND:

Interest from investments is a significant source of funds for the Town, where surplus funds are deposited in the short term money market for various terms. Details are attached in Appendix 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 November 2009 were \$20,274,076 compared with \$21,273,889 at 31 October 2009. At 30 November 2008, \$17,473,265 was invested.

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

	Budget	Actual	%
	\$	\$	
Municipal	350,000	185,085	52.88
Reserve	300,000	149,068	49.69

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 funds invested are more favourable than previous year due to the instalment option plan offered for the payment of the ESL Levies.

The report comprises of:

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

The Chief Executive Officer advised that it was 10.31pm.

The Presiding Member, Mayor Nick Catania stated another motion needed to be moved to extend the closure of meeting time by a further 15 minutes.

PROCEDURAL MOTION

Moved Cr Lake, Seconded Cr Topelberg

That the meeting be extended for a further 15 minutes.

PROCEDURAL MOTION PUT AND CARRIED (9-0)

9.4.4 Community Consultation Policy No. 4.1.5 – Amendments

Ward:	Both Wards	Date:	8 December 2009
Precinct:	All Precincts	File Ref:	PLA0116
Attachments:	001		
Reporting Officer(s):	E Lebbos, Planning Officer (Strategic); T Woodhouse, Co-ordinator Strategic Planning; John Giorgi, Chief Executive Officer		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council APPROVES the amendments to Policy No. 4.1.5 relating to “Community Consultation” and associated Guidelines and Policy Procedures as shown in Appendix 9.4.3.

COUNCIL DECISION ITEM 9.4.4

Moved Cr Topelberg, Seconded Cr Farrell

That the recommendation be adopted.

Debate ensued.

AMENDMENT NO 1

Moved Cr Farrell, Seconded Cr Burns

That the Officer Recommendation be amended to read as follows:

“That the Council:

- (i) APPROVES IN PRINCIPLE the amendments to Policy No. 4.1.5 relating to “Community Consultation” and associated Guidelines and Policy Procedures as shown in Appendix 9.4.3;*
- (ii) IMPLEMENTS the changes to the Policy for a trial period until 30 June 2010;*
- (iii) APPROVES BY AN ABSOLUTE MAJORITY to authorise the Chief Executive Officer to engage a suitably qualified consultant to assist in the review of the Policy; and*

(iv) REQUESTS the Chief Executive Officer to:

(a) further investigate how the Town's consultation with the community can be improved and including potential mechanisms to improve the level of community engagement; and

(b) provide a report on the matter to a Forum in late May/June 2010 and to the Council by 30 June 2010."

Debate ensued.

Cr Lake requested the amendment be considered and voted on in two parts, clauses (i) and (ii) followed by clauses (iii) and (iv).

The Presiding Member, Mayor Nick Catania ruled that it was not appropriate to split the amendment.

Debate ensued.

AMENDMENT NO 1 PUT AND CARRIED (5-4)

For: Mayor Catania, Cr Burns, Cr Farrell, Cr Harvey, Cr Topelberg

Against: Cr Buckels, Cr Lake, Cr McGrath, Cr Maier

PROPOSED AMENDMENT NO 2

Cr Topelberg indicated that he wished to move further amendments.

The Presiding Member, Mayor Nick Catania ruled that he would not accept another amendment as Cr Topelberg should have foreshadowed his amendments during debate on the amendment.

Debate ensued.

MOTION PUT AND LOST (4-5)

For: Mayor Catania, Cr Burns, Cr Farrell, Cr Harvey

Against: Cr Buckels, Cr Lake, Cr McGrath, Cr Maier, Cr Topelberg

Reasons:

- 1. Significant changes to the Policy including consulting only with property owners therefore disenfranchising all residents and business occupiers who are not property owners.**
- 2. Involves reducing the advertising time.**
- 3. Involves reducing consultation with the number of properties on either side of a proposed development.**

Cr Topelberg called a Point of Order and requested the item be recommitted.

Cr Maier departed the Chamber at 10.45pm.

The Chief Executive Officer advised that the Item is unable to be recommitted as Cr Maier has departed the Chamber.

The Presiding Member, Mayor Catania advised that all Council Members who voted on an Item must be present for any Procedural Motion to re-commit the Item and as Cr Maier had departed the Chamber, the Item cannot be recommitted.

The Chief Executive Officer stated that the Meeting had been extended twice and the Meeting needs to be closed, or extended as per the previous Procedural Motion.

Cr Topelberg stated that he would like to disagree with reasons for Item 9.4.4.

The Presiding Member, Mayor Catania advised that they are not open to debate and the Council has to resolve to give reasons. However additional reasons can be included.

PURPOSE OF REPORT:

The purpose of this report is to obtain the Council's approval for the amendments to Policy No. 4.1.5 relating to "Community Consultation".

BACKGROUND:

- 23 March 2004 The Council at its Ordinary Meeting resolved (inter alia) as follows:
- "That the Council APPROVES a Community workshop to be held in mid to late May 2004, and following the workshop, the Town's Officers to prepare a revised draft policy and report back to Council by the first meeting in August 2004."*
- 21 September 2004 The Draft Amended Community Consultation Policy was discussed at an Elected Member Forum.
- 28 September 2004 The Council at its Ordinary Meeting resolved as follows:
- "That the Council AUTHORIZES the Chief Executive Officer to include a charter under Town Planning, Development and Heritage Matters, that outlines consultants key principles in preparation of their submissions, including the responsibilities of the Town's Officers and Elected Members in processing and considering their submissions."*
- October 2004 –
April 2005 On the following Ordinary Meeting dates, Council received Interim Reports relating to the Draft Amended Community Consultation Policy No. 4.1.5:
- 26 October 2004
 - 26 April 2005
 - 23 November 2004
 - 22 February 2005
 - 26 April 2005
- 13 September 2005 The Council at its Ordinary Meeting resolved to adopt its current Policy.

DETAILS:

Annual General Meeting of Electors 2009

At the Annual General Meeting of Electors held on 23 November 2009, the following motion was carried:

Moved Simon Chester, 93 Chelmsford Road, Mt Lawley, Seconded Colin Scott, 17 Deague Court, North Perth

“That the Town of Vincent’s Consultation Policy No. 4.1.5 be reviewed so that changes that may have significant impact on ratepayers and residents (such as the Multiple Dwelling Policy), are advertised in a manner that is consistent with the consultation which was undertaken for the Residential Streetscapes Policy.”

MOTION PUT AND CARRIED (13-0)

Chief Executive Officer’s Comments:

The Town’s Community Consultation Policy and Guidelines are very comprehensive and well documented. The Policy contains sufficient provisions to cover a wide range of consultation scenarios (including those referred to in the Motion). Clause 3.13 (page 48) – Variations to Policy states:

“The Chief Executive Officer has the discretion to vary the provisions of this policy with regards to a Planning, Building and Heritage Matter due to specific exceptional circumstances relating to that matter.

A greater extent and nature of notification and consultation than that required by this policy may be undertaken due to the unique scale and nature of the development; the existing development has received substantial opposition, concerns or complaints; or the proposed development has a substantially greater potential undue impact on the locality compared to a similar 'standard' development.”

It is considered that the Policy is sufficiently comprehensive to deal with the Motion. Accordingly, it is considered that no change is necessary.

Reasons for a Review:

Following the adoption of the Community Consultation Policy No. 4.1.5 and the Community Consultation Submission Guidelines in September 2005 a number of factors have arisen with regards to the effectiveness of its implementation.

Accordingly, the Chief Executive Officer has carried out a review of the Policy.

Local Government Structural Reform – Checklist Comments from the Department of Local Government

Stage 1 of the Reform Agenda required the completion of a Local Government Reform Checklist. The Town’s submitted its Checklist on 30 April 2009. The Checklist was then assessed by the Local Government Reform Steering Committee. On 23 July 2009 the Town received a letter from the Department of Local Government which advised (in part) as follows:

“Thank you for providing the Local Government Reform Steering Committee with your completed Reform Checklist. This is an important part of the reform process and we thank you for the effort which your local government has invested in this exercise.

"On the basis of the checklists assessment, the Town of Vincent was placed in Category One: evidence indicates that there is existing organisational and financial capacity to meet current and future community needs. Local governments should still consider reform opportunities which enhance service provision to local and regional communities.

The assessment of the Town of Vincent's checklist and associated documents identified some key strengths, in particular:

- *comprehensive strategic planning in place with identified funding strategies;*
- *progress towards a structured asset and infrastructure management framework;*
- *demonstrated evidence of a long term financial management plan in place with clear links to the Town's operations and strategic planning;*
- *community participation in standing at local government elections;*
- *demonstrated ability to efficiently process building applications and meet statutory reporting timeframes;*
- *demonstrable evidence of a strategic policy approach to attract investment and business development to the district;*
- *demonstrable evidence of significant funding partnerships in place with the State Government and the private sector to attract investment and increase community service provision;*
- *demonstrable evidence of a formal consultation policy in place to effectively engage with the community in future planning processes;*
- *demonstrable evidence of planning for demographic change and population growth incorporated into key corporate documents;*
- *demonstrable evidence of comprehensive environmental management planning undertaken across a range of environmental issues;*
- *demonstrable planning and finance strategies in place to provide optimal service delivery in response to community expectations; and*
- *demonstrable evidence of partnerships in place to address regional issues.*

Whilst the checklist and attached documents demonstrate the Town's capacity to implement long term strategic and financial planning processes, areas where improvements are required were identified in relation to;

- ***noted delays with processing development applications."***

Chief Executive Officer's Comment:

To meet statutory requirements and the needs of the Town's ratepayers, residents and Applicants, it is essential that the Town implement changes to its Development Approval process. One of the changes involves a review of the Town's Community Consultation Policy.

Internal Organisation Review

As reported to the Ordinary Meeting of Council held on 24 March 2009, a Term of Reference of the Internal Organisational Review was specified as follows:

REVIEW – TERMS OF REFERENCE

1. Review the current Organisational Structure to ascertain if it best meets the needs of our organisation to achieve our current and future objectives, as outlined in our *Strategic Plan 2009-2014* and *Plan for the Future 2009-2014*.

2. Identify better efficiencies and improvements which can be achieved in our internal and external service delivery.
3. **Review our;**
 - (a) ***processes, procedures and Council Policies/Guidelines (and other relevant documentation) to;***
 - (i) ***improve the processing of development applications, subdivisions to ensure they are issued within the statutory timeframes;***
 - (ii) ***and the issuing of building licences within 20 working days; and***
 - (b) ***processes and procedures with the view to improving our internal customer service and external customer focus and delivery and focus.***
4. Review our employee resources, including remuneration levels and performance expectations, when benchmarked against other similar local governments and organisations.
5. Review and reassess the organisation and its service delivery and practises to;
 - (a) achieve a minimum of 3% cost savings against the Draft Operating Budget 2009-10, without impacting or reducing our front line services or levels delivered to the community;
 - (b) identify other improvements and efficiencies;
 - (c) identify whether any current services could be discontinued, modified and/or reduced; and
 - (d) identify additional sources of revenue/income.

Department of Planning

The Department of Planning has widely publicised a consultation paper, *Building a Better Planning System*, setting out options to improve the efficiency and effectiveness of the planning system in Western Australia, and in response to internal and Commission concerns (particularly those arising from the confusion resultant from the community consultation process relating to the proposed Amendment No. 43 to the Town's Planning and Building Policy Manual relating to Residential Streetscapes), a review of the Policy, together with associated documentation has been undertaken with the intent of improving and streamlining community consultation at the Town, especially with regards to development approval matters. The review process has been threefold:

- to determine if the Policy and practices adhere to Part 4 of the revised Residential Design Codes of Western Australia (R-Codes 2008);
- a comparison of the Town's practices are in line with practices adopted by other local government authorities; and
- to collate feedback from the Town's internal service areas who apply the Policy.

1. The Residential Design Codes of Western Australia (State Planning Policy 3.1)

Part 4 of the R-Codes is dedicated to Neighbour Consultation and sets out short, clear and concise requirements for community consultation. Appendix 4 of the R-Codes provides an example of a suitable form for seeking comments of adjoining property owners. In general, the Town of Vincent's consultation procedure and Policy are consistent with the requirements of the R-Codes.

A summary of the key requirements include:

- to advise residents who may be affected by proposed development before the proposals are finalised/submitted to Council;
- in inviting comment, the Council should make it clear on which aspects of the proposal comment is sought;
- for adjoining property owners to be given adequate time to inspect the proposals and time to respond (at least 14 days recommended); and
- where the proposal is likely to affect more than the immediate neighbours, to invite comment on the proposal through a local newspaper.

2. Research of policies and procedures of other local governments

A number of local government policies were examined as part of the review process, including the Towns of Cambridge and Victoria Park, the Cities of Perth, Subiaco, South Perth, Nedlands, Stirling, Wanneroo, Melville and Joondalup. The findings indicated that while the Town adopts a similar approach to those examined, in almost all situations the Town's Policy and Guidelines are the most comprehensive, however scope for improvement to streamline the process was revealed. The review indicated that the following methods to improve the process could be considered:

- sending out shorter, less complex but easier to understand consultation letters;
- removing the compliance table in the Community Consultation Submission Form and replacing with a short sentence in the Consultation Letter outlining the variations;
- standardisation of consultation periods; and
- streamline consultation to some nearby properties for development applications.

3. Town's Internal Review

The Community Consultation Policy, Community Consultation Submission Guidelines, together with associated documents, were circulated to all of the Town's relevant service areas for comment and to all Planning and Heritage Officers who regularly apply the Policy.

Community Consultation Policy No. 4.1.5

A summary of the feedback received by the Town's Officers and subsequent amendments to the Policy and associated documentation is detailed below:

1. Update the Policy so as to be in line with current WA legislation;
2. Reduce scope of advertising through being limited to owners only, and to adjacent or affected properties as per the diagrams in section 3.6.2 of the Draft Policy attached;
3. State that all the types of submissions will be considered as valid, whether signed or not;
4. Modify the Policy (Clause 3.3.1(c)(iv)) in order to avoid any confusion relating to submissions;
5. Incorporate additional advertising requirements for signage in residential areas and residential commercial areas;
6. Incorporate alternative advertising requirements for advertising proposals in Category 3 and 4 applications that are not supportable by the Town's employees; and

7. Review the length of advertising periods for development applications and local planning policies.

Comment:

In response to the suggestions about the legislation, the Policy has been amended to reflect the Planning and Development Act 2005. Section 3.6.2 of the Policy has been amended so that owners, rather than owners and occupiers are advertised to, and alternative requirements for advertising in regards to Category 3 and 4 development applications have been incorporated into section 3.6.1 of the Policy. Finally, arising from the consultation process relating to the proposed Amendment No. 43 to the Town's Planning and Building Policy Manual (relating to Residential Streetscapes), Clause 3.3.1 (c) (iv) has been amended to read as follows '*if no submissions are received, it will be assumed that you have no comments to make on the proposal, and the it will be assumed that there is no objection in relation to the Matter, and ~~that~~ matter will be determined without any further consultation.*' The amended wording of this Clause is in line with the consultation letters obtained from the City of Subiaco. It is considered that this modified wording is appropriate for the consultation requirements of both Statutory and Strategic planning.

In terms of reducing the length of advertising periods, the Officers have investigated opportunities to do this through an analysis of the R-Codes, the Town's Town Planning Scheme No. 1, the Planning and Development Act 2005 and the Town Planning Regulations 1967.

Section 4 of the Explanatory Guidelines of the R-Codes state that, '*In order not to cause unnecessary delays in the approval process it is desirable that the Council delegate to its officers the power to determine whether an application requires consultation with adjoining property owners and which neighbouring properties should be the subject of consultation.*' In response to this, alternative advertising requirements have been developed for Category 3 and 4 Applications to allow the Town's Officers, the discretion to consult only with adjacent property owners directly impacted by the proposed development.

Whilst the extent of advertising can be reduced as detailed above, to be consistent with the R Codes, the Town is restricted to a minimum requirement of a 14 day advertising period to allow for letters to be sent, and submissions to be received. This is reiterated in Section 4.2 (e) of the R-Codes which state, '*potentially affected owners of adjoining properties, shall be notified, with the last date by which any comments are to be lodged with the Council being at least fourteen (14) days after date of posting of notification...*'

The majority of advertising scenarios detailed within the Consultation Matrix in section 3.6.1 of the Community Consultation Policy require a 14 day advertising period and thus have remained as such.

Proposed development considered of a more complex nature and/or greater variation to the Town's Town Planning Scheme No. 1 is currently to be advertised for 21 days. The requirements of these types of development are detailed in Clause 37 of the Town's Town Planning Scheme No. 1. Clause 37 (1) of the Scheme states, '*where an application involves an unlisted use or a use which is designated with the symbol "SA" in the cross reference to that zone, the Council is to direct the applicant to advertise the application in any manner that it considers to be appropriate,*' and Clause 37 (2) of the Scheme notes, '*where an application does not involve an unlisted use or an "SA" use, the Council may direct the applicant to advertise the application in any manner that it considers to be appropriate.*'

Given this flexibility offered to the Council by Clause 37 of the Scheme above, it is recommended that the current 21 day advertising periods for proposed development of a more complex nature and/or greater variation to the Scheme, is reduced to 14 days and that the Consultation Matrix of the Community Consultation Policy be amended accordingly.

Advertising requirements of 28 days detailed within the Consultation Matrix of the Community Consultation Policy are dedicated to Strategic Planning Matters, which are governed largely by the Town Planning Regulations 1967. Section 2.4.1 of Appendix B of the Regulations allows for a reduction in the advertising period of Local Planning Policies by noting that, *'if a local government resolves to prepare a local planning policy, then they are required to 'publish a notice of the proposed Policy once a week for 2 consecutive weeks in a newspaper...' and 'the submission period being not less than 21 days from the day the notice is published...'*. However, contrary to this, Clause 47 (3) (a) of the Town's Town Planning Scheme No. 1 states, *'Having prepared a draft planning policy, the Council is - (a) to advertise a summary of the draft once a week for four consecutive weeks in a newspaper circulated in the locality'*. This thus prevents the Community Consultation Policy being amended in this regard without a Scheme Amendment.

Given that the Town's Officers are currently reviewing the Town's Town Planning Scheme No. 1 and that the Department of Planning are reviewing the Town Planning Regulations 1967 and associated Model Scheme Text, it is recommended that any amendments to the advertising period of Strategic Planning matters are conducted in light of the above two reviews.

In light of the above, it is considered that the proposed changes to the Town's Community Consultation Policy with regards to the extent and period of advertising will assist in streamlining consultation procedures at the Town.

Community Consultation Submission Guidelines

The Guidelines have been amended as follows:

1. Discontinue sending out the Community Consultation Submission Guidelines (currently 7 pages) with the notification letter, and refer the community to view the Guidelines from the Town's website or from the Town's Administration Building or Library;
2. Remove the typical issues/typical comments table on page 5; and
3. Modify Clause 3.1(c)(iv) and 3.2(iv) in order to avoid any confusion relating to submissions.

Comment:

The seven page Submission Guidelines are no longer sent out with the consultation letters. This is consistent with most other local governments' current practice. It also saves considerable paper and resources.

Further changes to be implemented include removing the typical issues/typical comments table and replacing it with a simple sentence listing the issues that may arise (e.g. privacy, overshadowing etc).

Also, arising from the consultation process relating to the proposed Amendment No. 43 to the Town's Planning and Building Policy Manual (relating to Residential Streetscapes), Clause 3.1 (c) (iv) has been amended as follows: *'If no submissions are received, ~~it will be assumed that there is no objection in relation to the Matter, and it will be assumed that you have no comments to make on the proposal, and the Matter will be determined without any further consultation.~~*' Finally, Clause 3.2 (iv) has been amended as follows: *'If no submissions are received, ~~it will be assumed that there is no objection in relation to the Matter, and it will be assumed that you have no comments to make on the proposal, and ~~that~~ the matter will be determined without any further consultation.~~*' The amended wording of both of these Clauses is in line with the consultation letters obtained from the City of Subiaco and other local governments. It is considered that this modified wording is appropriate for the consultation requirements of both Statutory and Strategic planning.

It is considered that these changes will assist to improve the efficiency of the community consultation process and streamline the information that is provided to the community.

Community Consultation Letters – Strategic and Statutory

Letters have been amended as follows:

1. Remove reference to viewing draft policies being advertised, in the Beatty Park Leisure Centre;
2. Remove certain dot points from the 'Have Your Say' section;
3. Include a paragraph stating that *'your comments on the proposed Policy will assist the Town's Administration/Council to make an informed determination on the matter. However, the Council is not obliged to agree with, or uphold, every opinion expressed, nor to incorporate all suggestions into its decision on a proposal.'*;
4. Include a brief sentence directing/referring people to the variations outlined in the Community Consultation Feedback Form; and
5. Include a paragraph directing people to the Submission Guidelines on the Town's website as these are no longer posted out with the consultation letters.

Comment:

In response to the suggestions, it is proposed that any draft policies being advertised be available for viewing only in the Town's Administration and Civic Centre, as well as in the Town's Library and Local History Centre, as opposed to Beatty Park Leisure Centre also. This is resultant from discussion with the Manager of the Leisure Centre, who stated that on average, only one person requests to view the documents every month. Also, they do not have the staff to answer queries. Also, certain dot points have been removed from the 'Have Your Say' section, as these are considered to be 'common sense,' and simply make the consultation letter unnecessarily lengthy.

It is considered that these changes will assist in clarifying the salient points provided to the community and reduce queries to the Town's Officers to explain the content of the letters.

Community Consultation Feedback Form

The Feedback form has been amended as follows:

1. Remove the compliance table from the Community Consultation Feedback Form and replace with a brief description of any variations relating to the proposal; and

2. Include a paragraph stating *that 'your comments on the reasons of support or objection to the proposal will assist the Town's Administration/Council to make an informed determination on the matter. However, the Council can only consider valid planning issues and comments that are raised, and is not obliged to agree with, or uphold, every opinion expressed, nor to incorporate all suggestions into its decision on a proposal.'*

In response to the suggestions and review of practices undertaken by other Local Government's, the compliance table has been removed from the feedback form and replaced with a brief description outlining the relevant variations relating to the proposal (e.g. setbacks, height etc). Also, a small paragraph has been added at the bottom of the form, in order to highlight that despite people putting in their submissions, the Council is not obliged to uphold every opinion expressed. This additional wording is in line with Appendix 4 of the R-Codes (which provides an example of a suitable form for seeking comments of adjoining property owners), as well as with the consultation letters obtained from various other local government authorities.

It is considered that these changes will simplify the variations to the subject proposal to those wishing to provide comment, and will reduce the time taken to commence the advertising period.

Advertising of Policies and Major Amendments

Currently all new policies and major amendments are currently advertised for 21 days. As the consultation process already includes contact key stakeholders (e.g. Precinct Groups), it is recommended the 21 days be reduced to 14 days.

Advertising of Draft Budget

As part of the Town's Budget process, the Draft Budget is advertised for 21 days. As the Local Government Act now allows for a Council to adopt its budget on 1 July, the 21 days causes considerable work and pressure to meet the adopted timeframe. A 14 day advertising period is therefore recommended. It should be noted that the Town of Vincent is one of the few Local Governments which advertises its draft Budget (there is not statutory requirement to do so). The shorter consultation period will enable the Council to adopt its Budget earlier and issue its rate notices. This will be of major benefit, as monies will be received earlier.

(At the Ordinary Meeting of Council held on 1 December 2009 (Item 9.3.3) the Council approved of advertising to be 14 days.)

CONSULTATION/ADVERTISING:

The amendments to the Community Consultation Policy are mainly administrative in nature and are straight forward. It is considered that as the amendments do not materially affect the consultation principles, they not be advertised for public comment.

LEGAL/POLICY:

Town Planning Scheme No. 1 and associated Policies.

STRATEGIC IMPLICATIONS:

The Community Consultation Policy is in keeping with the Town's Strategic Plan 2009-2014:

"Leadership, Governance and Management

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

4.1.4 Focus on stakeholder needs, values, engagement and involvement."

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

As previously stated, it is essential that the Town's Development Approval process be streamlined and improved to provide a more efficient and effective service delivery and to meet statutory requirements.

The review process has been holistic and multi-faceted, with all components of the process being scrutinised.

The Chief Executive Officer is of the view that the whole process needs to be reviewed and one single component in isolation will not improve the current process. The Planning, Building and Heritage Services Section and Technical Services Directorate have been restructured and provided with additional resources. This restructure has been completed.

A review of the Community Consultation process has been carried out over several months and the recommended changes will greatly assist and improve the process, without detracting from the consultation process.

It is considered that the recommended amendments to the policy will provide a balanced position of making information readily available to the community, whilst at the same time achieving this within the Town's current staffing levels, resources, and processing of development applications within a reasonable time frame. It will also be of great assistance in trying to improve the processing time of development applications – as recommended by the Department of Local Government.

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

Due to the lateness of the hour, this Item was not considered

9.3.4 Artwork Proposal for Artwork for Scarborough Beach Road and Anzac Road Reserve

Ward:	North	Date:	2 December 2009
Precinct:	Leederville	File Ref:	PRO3619
Attachments:	001		
Reporting Officers:	R Gunning, Arts Officer J Anthony, Manager Community Development		
Responsible Officer:	M Rootsey, Director Corporate Services		

OFFICER RECOMMENDATION:

That the Council APPROVES:

- (i) *the purchase and installation of artwork by Jennifer Cochrane as part of the Percent for Art Scheme (Cash in Lieu) in regard to the development at 9 Scarborough beach Road; and*
- (ii) *the installation of the Artwork as shown in Appendix 9.3.4A at the Scarborough Beach Road/Anzac Road Reserve.*

PURPOSE OF REPORT:

To seek approval for the proposed artwork regarding the development at 9 Scarborough Beach Road, Mount Hawthorn.

BACKGROUND:

At the Ordinary Meeting of Council 8 September 2009 Item 9.3.2, the following resolution was adopted:

- “(i) *RECEIVES the report on the location of Percent for Art artwork with regard to the development at 9 Scarborough Beach Road, Mount Hawthorn and APPROVES the location of Percent for Art artwork with regard to the development to be Scarborough Beach Road and Anzac Road Reserve, and as shown in Appendix 9.3.2; and*
- (ii) *NOTES that a further report will be submitted to the Council once the Town’s Art Advisory Group has further considered the matter.*”

The development at 9 Scarborough Beach Road is a mixed use development which is subject to the Town’s Percent for Art Scheme requirements. In most cases the developer manages the artwork themselves; however they can also elect to pay cash-in-lieu. If this option is chosen, the Town manages the project and the artwork is placed on Town of Vincent land in the vicinity of the development. The developers of 9 Scarborough Beach Road, Scarborough Beach Road Development company elected to take the cash-in-lieu option.

DETAILS:

An artist’s brief was sent out calling for submissions, as soon as the site location had been confirmed. In the brief it was stated that the artwork may be created specifically for the reserve however an existing unique artwork would also be considered if deemed appropriate for the location.

Eleven artists responded with submissions which were then reviewed by the Art Advisory Group at their meeting held on 25 November 2009.

Art Advisory Group - Recommendation

The Advisory Group advised their preference for the submission by Jennifer Cochrane. The artist proposed a sculpture that she has already created and exhibited as part of a series for the prestigious 'Sculpture by the Sea', Bondi exhibition 2007. The sculpture is based on a 'Give Way' road sign and is a freestanding piece that is triangular in form (3m W x 2.5 H x 0.2m D) with letters (each 0.5m H) arranged at the base of the triangle (the letters make up the words 'Give Way') – as shown in Appendix 9.3.4A.

The sculpture is constructed from mild steel according to specific engineering details. Currently the sculpture has no surface treatment, however once approved, it would be galvanised and painted to ensure ease of maintenance. The triangle form will have a concrete footing below the ground. The letters will have a smaller footing with the same fixing method.

Second Preference

The Art Advisory Group requested it be recorded that their second preference was for the submission by Jon Tarry. Jon Tarry's submission was for the installation of an existing pair of works, which are based on generalised schematic transit junctions. The artist states 'these are types of maps that are translated vertically as sculptures. The two works are positioned adjacent to each other to create a threshold space. As the reserve is a historical junction, its shape formed by the road configuration there is a resonance of form and structure'.

The works are made of eight millimetre aluminium plate and square hollow section, welded. The work would be painted deep blue (see attachment 9.3.4B).

CONSULTATION/ADVERTISING:

The artists brief was advertised through Artsource, the artist's foundation of Western Australia. Artsource which has a membership of over four hundred artists is the recognised forum for advertising public art projects.

The brief was also posted on the Town's website.

LEGAL/POLICY:

Town of Vincent Policy No: 3.5.13 Percent for Public Art.

STRATEGIC IMPLICATIONS:

Plan for the Future- Strategic Plan 2009-2014

"3.1 Enhance and promote community development and well being.

3.1.1 Celebrate and acknowledge the Town's cultural and social diversity."

SUSTAINABILITY IMPLICATIONS:

The sculpture will be made from mild steel a robust and durable medium, maintenance should be minimal.

FINANCIAL/BUDGET IMPLICATIONS:

The budget for this project is \$21,000. The money has been paid to the Town by the developers as their Percent for Art contribution. The Town will in turn pay the artist the above amount for the project.

COMMENTS:

Jennifer Cochrane is a well known Western Australian artist with work in the collections of the Art Gallery of Western Australia and the Town of Cottesloe. The 'Give Way' sculpture would be a welcome addition to the growing number of public artworks in the Town of Vincent. Although easily identified as a 'Give Way' sign, the exaggerated scale of the work emphasises the abstract qualities of the structure and the triangular form frames the surrounding vistas as the pedestrian viewer moves around the work. The large scale of the sculpture will also ensure visual impact for traffic as it passes by, as the artist states:

"I envisage this sculpture will appeal to a wide audience, and will be engaging whether viewed on foot or while driving by. It is hoped the artwork would become a recognisable element in the identity of the Town of Vincent."

Approval of the Officer Recommendation is requested.

Due to the lateness of the hour, this Item was not considered

9.3.5 Physical Activity Strategic Plan Community Consultation

Ward:	All	Date:	4 December 2009
Precinct:	All	File Ref:	CMS0084
Attachments:	001		
Reporting Officer:	J Bennett, Senior Community Development Officer		
Responsible Officer:	M Rootsey, Director Corporate Services		

OFFICER RECOMMENDATION:

That the Council;

- (i) *NOTES the community consultation submissions on the Physical Activity Strategic Plan 2009-2013; and*
- (ii) *ADOPTS the strategies and timelines as recommended in the Physical Activity Strategic Plan 2009-2013.*

PURPOSE OF REPORT:

To provide feedback on the community consultation that occurred and adopt the Physical Activity Strategic Plan 2009 – 2013.

BACKGROUND:

At the Ordinary Meeting of Council on 20 October 2009 the following resolution was adopted:

“That the Council;

- (i) *RECEIVES the Physical Activity Strategic Plan 2009-2013 as shown in Appendix 9.3.5;*
- (ii) *ADOPTS IN PRINCIPLE the strategies and timelines as recommended in the Physical Activity Strategic Plan 2009-2013;*
- (iii) *AUTHORISES the Chief Executive Officer to establish a Physical Activity Working Group to implement the plan; and*
- (iv) *ADVERTISE the Physical Activity Strategic Plan 2009-13 for a period of twenty-one (21) days for public comment.”*

At the Ordinary Meeting of Council on 25 March 2008, the following resolutions were adopted:

“That Council;

- (i) *ENDORSES the initiative to develop a Physical Activity Plan; and*
- (ii) *REQUESTS a report on the status of the Physical Activity Plan Project be provided to Council on a quarterly basis.”*

The Town of Vincent Physical Activity Plan will be a strategic planning document to ensure that physical activity is a priority for the Town. It will link to the Town's Strategic Plan, listing actions targeting awareness raising and increasing participation in physical activity. The overall objective would be to achieve a 5% increase in participation levels over a span of five (5) years. The Physical Activity Plan will have objectives and actions over a five-year period and will prioritise current and new initiatives through a multi-faceted consultation process with measurable goals, appropriate resource allocation and timeframe for action.

A Physical Activity (PA) Plan identifies:

- existing resources that support people to be active;
- community needs and barriers to participation;
- strategies and actions that will increase participation in physical activity;
- measurable goals and a time frame for action; and
- priorities for action and lead agencies/groups.

Ongoing progress reports were presented at the Ordinary Meeting of Council on 22 July and 7 October 2009.

The Physical Activity Strategic Plan 2009-2013 was completed and presented at an Elected Members Forum on Tuesday 15 September 2009.

DETAILS:

In accordance with council resolution, the Physical Activity Strategic Plan 2009-2013 was released for public consultation. The plan was advertised and downloadable from the Town of Vincent website for a period of 21 days and an advertisement was placed in the Guardian Express community newspaper on 17 November 2009.

An information session was conducted at the Town of Vincent Function room on Friday 27 November 2009.

The presentation was attended by three residents and two Councillors. Discussion ranged across community concerns with seniors' recreation, community facilities, children's play spaces and public open space.

The plan was well received and all participants were encouraged to make a written submission before the close of the consultation period on 7 December 2009.

One comprehensive written submission was received at the close of the consultation period from Jan Adams.

A summary of the points in the submission is outlined below with officer comments.

- (1) Indication was given that the Physical Activity Strategic Plans objective is to raise awareness in the community of the need for regular physical activity to contribute to good health. This involves more than sporting opportunities and is about bringing physical activity into people's daily routine.

Officer Comment:

"These comments are supported, by the Physical Activity Strategic Plan which is a comprehensive approach to providing quality facilities for physical activity and encouraging opportunities for providing physical activity services."

- (2) A suggestion was made that the Town of Vincent should increase fees for clubs that serve alcohol as part of their social events to discourage the example set to younger members.

Officer Comment:

“The Town currently charges a fee to clubs requesting a liquor permit. It is noted that increasing fees does not increase access to physical activity opportunities and fails to discriminate between responsible and irresponsible drinking behaviour.”

- (3) A criticism was made of the hire rate increases made for the use of community facilities for recreation.

Officer Comment:

“The Town operates and maintains a range of halls and pavilions, the community hire fees charged are minimal, \$18 to \$27 per hour, that do not fully cover the ongoing cost to the Town of maintaining these facilities.”

- (4) Criticism was made of the Beatty Park Redevelopment Plans and the lack of space provided for dance activities or classes.

Officer Comment:

“An extensive consultation process was undertaken in establishing the Beatty Park Redevelopment Plans. The final plans were considered the optimum feasible and affordable outcome in redeveloping the Centre, the new fitness room is capable of holding dance classes, however the venue will be heavily programmed.”

- (5) It was questioned why membership was required to participate in activities at the Loftus Community Centre.

Officer Comment:

*“The Loftus Community Centre is managed by an independent community board to serve the needs of the community

Day to day operations are managed by that board as is the process of determining who can use the facility and how they fund their operation.”*

- (6) That the Town dedicate spaces to adult recreation, not shared with children or youth groups and install mirrors and air conditioning for dance and aerobics.

Officer Comment:

*“It is not a sustainable approach to segment additional space in casual use halls for exclusive use. Facilities requiring extensive modifications or exclusive use are commonly hired under a lease arrangement where it is demonstrated that there is significant community need.

There is a move away from installation of mirrors for aerobics in response to the concern of people’s body image providing a barrier to participation.”*

- (7) Opinion was expressed on the “unhelpful” use of the term ‘seniors’ to indicate those who are over 50 and the provision of appropriate Physical Activity programs for the older members of the community.

Officer Comment:

“The State Government identifies “Seniors” as being over 60 via the Seniors Card. This term is also utilised for the Active Ageing strategy. The possible use of alternative descriptions when marketing physical activity opportunities will be considered by the Physical Activity Advisory Group. The Town has also extensively consulted with community members over 55 years of age for the Seniors Strategy and the term ‘Seniors’ was widely accepted.”

- (8) Walking in Vincent would be made more attractive by creating shady walkways with appropriate infrastructure.

Officer Comment:

“Streetscape development is not covered in the scope of this Physical Activity Strategic Plan, however consideration is given by Technical Services when considering the development of new street environment and the installation of street seating and drinking fountains is considered. The Wetlands Heritage Trail has been developed which will provide a recreational spine in linking the parks and greenways across the Town.”

CONSULTATION/ADVERTISING:

The final plan was available in hard copy and from the Town of Vincent website.

A community meeting was held on Friday 27 December 2009 where Dr Melissa Stoneham presented and discussed various aspects of the plan. Feedback was invited by written response to the Town of Vincent.

One written submission to the proposal was received at the close of the consultation period on 7 December 2009.

It is recommended that the Physical Activity Strategic Plan 2009-2013 be progressed.

The project methodology involved extensive consultation with stakeholders and businesses to ensure that issues of access and inclusion were embraced as part of the objectives of the project.

Consultation was undertaken with key stakeholders including community groups, sporting groups, and local residents via online surveys, discussion groups and interviews.

Physical Activity audits were conducted across private and public physical activity opportunities and a workshop was held with Town staff and the final plan presented to a Council forum.

Ongoing consultation will be sought with the community in implementing the various strategies.

LEGAL/POLICY:

As strategies are initiated there may be policy changes required.

STRATEGIC IMPLICATIONS:

Strategic Plan 2009-2014 Key Result Area three: Community Development
Objective 3.1 Enhance community development and wellbeing

SUSTAINABILITY IMPLICATIONS:

This plan is in alignment with the strategic directions of the Town and aims to increase the overall health and wellbeing of the Town's residents, visitors and staff.

FINANCIAL/BUDGET IMPLICATIONS:

An amount of \$15,000 is allocated on the 2009/10 budget to initiate the strategies of the Physical Activity Strategic Plan

COMMENTS:

This strategy provides a comprehensive insight into the current and future opportunities to increase physical activity across the Town of Vincent. The plan focuses on encouraging members of the community to be physically active, no matter what their age or physical capability.

There is a comprehensive working schedule and timeline detailed within the Physical Activity Strategic Plan. Implementation will be undertaken in consultation with the Physical Activity Advisory Group and reported at regular Council meetings through quarterly progress reports.

The recommendation is that the Physical Activity Strategic Plan is adopted and the strategies implemented. It is also proposed that a Physical Activity Working Group be established to promote the plan and ensure that the recommendations of the plan are implemented.

Due to the lateness of the hour, this Item was not considered

9.4.1 Minutes of the Annual General Meeting of Electors 2009 held on 23 November 2009 – Responses

Ward:	Both	Date:	8 December 2009
Precinct:	All	File Ref:	ADM0009
Attachments:	-		
Reporting Officers:	R Lotznicker, Director Technical Services R Boardman, Director Development Services John Giorgi, Chief Executive Officer		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council NOTES the responses as detailed in the Officer Report concerning the decisions made at the Annual General Meeting of Electors held on Monday 23 November 2009.

PURPOSE OF REPORT:

The purpose of the report is for the Council to receive the Town’s Administration responses to decisions made at the Annual General Meeting of Electors held on 23 November 2009.

BACKGROUND:

At the Ordinary Meeting of Council held on 1 December 2009 the Council considered this matter and resolved as follows:

“That the Council;

- (i) RECEIVES and CONFIRMS the Minutes of the Annual General Meeting of Electors (AGM) held at 6.00pm on Monday 23 November 2009, attached at Appendix 9.4.4; and*
- (ii) NOTES that a further report will be submitted to the Ordinary Meeting of Council to be held on 15 December 2009 concerning the Decisions made at the Annual General Meeting of Electors.”*

The Annual General Meeting of Electors of the Town of Vincent was held on Monday 23 November 2009 at 6.00pm. It was attended by eleven (11) Electors and four (4) Councillors, as shown in the Attendance Register attached to the Minutes.

DETAILS:

It is standard practice for the Minutes of the Meeting of Electors to be presented to the Council for information. In accordance with the Local Government Act 1995, Section 5.33, all decisions made at Electors Meetings are required to be considered at the next Ordinary Meeting of the Council.

The following decisions were made at that meeting.

1. Moved Sally Lake, 51 Chatsworth Road Highgate, Seconded Marie Slyth, 89 Carr Street West Perth

“That the Council take effective action to stop cyclists from commuting in Hyde Park, and from using Hyde Park as a venue for exercising on their bicycles; and further that the Council will liaise with the Cycling branch of the Dept of Transport so that they may take effective steps to bar commuting cyclists from Hyde Park or at the very least ensure that cyclists are required to reduce their speed to a walking pace.”

MOTION PUT AND CARRIED (6-2)

Director Technical Services Comments:

The issue of cyclist commuting through Hyde Park was raised a number of years ago. The main concern at the time was cyclists travelling in a north – south direction (Norfolk Street across Vincent Street to Glendower Street).

At the time certain works were undertaken on the north – south pathway to restrict cyclists to the path. The works included some limestone retainers and garden beds on the edges of the pathway.

A previous request was received for the installation of signage around the entrances of the Park depicting a bicycle with a red cross through it would clearly indicate to the general public that bicycles are not permitted within Hyde Park. This was not supported as bicycles are permitted in the park.

Signage was recently erected at the entrances to the park advising cyclists to dismount however the Town's Rangers do not have the authority to stop/infringe any moving vehicle, including a bicycle utilising any road/park within the Town of Vincent.

In addition, should an infringement/fine apply for failing to comply with the above then this could only be enforced by Western Australian Police as a bicycle is classified as a moving vehicle and their presence within the park is spasmodic.

In accordance with the motion, the Director Technical Services contacted the cycling branch of the Department of Transport. They advised that they would not support banning cyclist from the park however they indicated that they would support measures to force cyclists to reduce speeds while still allowing general access for other park users.

The cycling branch representative indicated that these measures could include chicanes and/or other measures soon to be trailed by the City of Stirling on the foreshore dual use path.

This information was not available at the time the discussion took place however the representative advised that when this information was available it would be forwarded to the Director Technical Services.

It is recommended that these measures be further investigated and that if they are considered feasible (and in compliance with the requirements of Hyde Park) appropriate funding should be included in the 2010/2011 draft budget for these measures to be implemented.

2. Moved Brian Fleay, 59 View Street, North Perth, Seconded Warren McGrath, 4/142 Palmerston Street, Perth

“That the Town of Vincent explore engaging with the City of Perth to develop a joint policy on development and related issues for the land between the Perth Railway Line and Bulwer Street.”

MOTION PUT AND CARRIED (11-2)

Director Development Services Comments:

The Town’s Officers consider that the Capital City Planning Framework project, as outlined below, facilitates the above request for a joint initiative between the Town of Vincent and the City of Perth, in the development of the land between the Perth Railway Line and Bulwer Street.

This project is focused on establishing an agreed vision for the type of City that Perth will be in 20 years, in order to ensure a unified framework between Councils and Service Providers for the Central Perth Area, despite the numerous studies undertaken in relation to directing the future development of Perth.

As part of the project, a steering group, consisting of the Department for Planning, EPRA, and various inner city Local Government Authorities (Town of Vincent, City of Perth, City of Subiaco, Town of Cambridge, Town of Victoria Park and City of South Perth), has been setup. This Group meets fortnightly, and is the key decision making body, in determining the best way to run the project program, and achieve the project’s objectives.

In addition, a Technical Advisory Group, including the Town of Vincent, meets monthly, to discuss the progress of the project team, give advice on the project program, and listen to various presentations on relevant program studies and initiatives that need to be integrated into the Capital City Planning framework process. An additional Reference Group, encompassing a broader group of representatives, has been canvassed to meet at key intervals in the project’s development, of which the first meeting has been scheduled for February 2010.

A progress report on the development of the Capital City Framework, will be presented to an Ordinary Meeting of Council, following the Reference Group meeting scheduled for February 2010.

3. Moved Brian Fleay, 59 View Street, North Perth, Seconded Simon Chester, 93 Chelmsford Road, Mt Lawley

“That the Town of Vincent engage with it’s residents to more explicitly define the meaning of “amenity” when it is used to justify in-fill development proposals requiring concessions to conditions under the Town Planning Scheme, often with damaging social and other impacts.”

MOTION PUT AND CARRIED (8-3)

Director Development Services Comments:

According to the Model Scheme Text (Appendix B of the Town Planning Regulations 1967), 'amenity means all those factors which combine to form the character of an area and include the present and likely future amenity.'

As per the current processes relating to community consultation, the Town's Officers consider it appropriate to engage with the Town's residents on a case by case basis in relation to the amenity of an area when justifying in-fill development proposals requiring concessions to conditions, as per Clause 38 of the Town's Town Planning Scheme No. 1 relating to 'Determination of Applications – General Provisions', which states:

- '(5) Without limiting the scope of the Council's discretion to determine an application under sub clause (3), the Council is to have regard to–*
- (h) the conservation of the amenities of the locality ...'*

4. Moved Colin Scott, 17 Deague Court, North Perth, Seconded Simon Chester, 93 Chelmsford Road, Mt Lawley

“That the Town of Vincent form a Working Group to address issues of how the revenue stream of Tamala Park monies will be administered into the community.”

PROCEDURAL MOTION

Moved Colin Scott, 17 Deague Court, North Perth, Seconded Warren McGrath, 4/142 Palmerston Street, Perth

“That the above motion be DEFERRED and be further considered at the Annual General Meeting 2010.”

MOTION PUT AND CARRIED UNANIMOUSLY

Chief Executive Officer's Comments:

As this matter was deferred, no further action is required at this stage.

5. Moved Colin Scott, 17 Deague Court, North Perth, Seconded Simon Chester, 93 Chelmsford Road, Mt Lawley

“That the Town of Vincent investigate ways to take out a full or half page advertisement in Local Newspapers in line with other Councils where information about Council activities and events can be brought to the community's attention.”

MOTION PUT AND CARRIED UNANIMOUSLY

Chief Executive Officer's Comments:

This matter is supported and is currently being implemented by the Town's Administration. Changes to the way the Town's Administration carries out its advertising was raised as a recommendation which arose out of the Internal Organisational Review which was conducted in mid 2009.

Effective from 1 January 2010, it is proposed to trial a full or half page feature in a local community newspaper on a fortnightly or monthly basis. This new procedure will incorporate information relating to community events, consultation on new and amended policies, strategies and plans. Once implemented, the number of single advertisements which appear in each edition will diminish.

The Town's Directors and Section Managers have been advised of this change and the Town's Public Relations Officer will co-ordinate the matter.

A review will be carried out in mid 2010.

6. Moved Marie Slyth, 89 Carr Street, West Perth, Seconded Colin Scott, 17 Deague Court, North Perth

"That the Town of Vincent:

- (a) not make the Multiple Dwellings Policy changes to the Town Planning Scheme until full and comprehensive consultation has been conducted by the Town; and**
- (b) further review and identify the likely impacts of the approval of the changes to the Town Planning Scheme on the "to be" newly developed type of Residential Streetscapes Policy."**

MOTION PUT AND CARRIED (9-2)

Director Development Services Comments:

- (a) *The Town's Officers consider that comprehensive consultation has been conducted by the Town in relation to the Multiple Dwellings Policy.*

Policy No. 3.6.8 relating to Multiple Dwellings is a local planning policy adopted pursuant to clause 47 of the Town's Town Planning Scheme No. 1. In terms of advertising a draft Policy, the provisions of clause 47 (3) of the Town Planning Scheme No. 1 apply, as follows:

"(3) Having prepared a draft planning policy, the Council is –

- (a) to advertised a summary of the draft once a week for four consecutive weeks in a newspaper circulating in the locality;*
- (b) where practicable, to notify those persons who, in the opinion of the Council, might be directly affected by the draft; and*
- (c) to forward a copy of the draft to the Western Australian Planning Commission."*

In line with the above requirements, an advertisement was placed in a newspaper circulated in the locality (The Guardian Express) for four consecutive weeks, a notice of the advertisement was forwarded to all Precinct Groups and relevant government stakeholders (including the Western Australian Planning Commission), and a notice was placed on the Town's website, at the Library and Local History Centre, at the Town's Administration and Civic Centre, and at Beatty Park Leisure Centre advising of the proposed planning policy.

This Policy, as with the majority of local planning policies adopted pursuant to the Town's Town Planning Scheme No. 1, relate to development of the entire Scheme Area, and not specific to certain areas in the Town. Unlike the proposed Streetscape Policy, which was unique in that it related to a selection of streets within the Town, it was considered practical and appropriate, that individual letters be sent to affected property owners.

In addition to the above, it is considered that the Town followed due process as outlined in clause 3.6 (4.2) 'Nature and Extent of Advertising', within the Town's Policy No. 4.1.5 relating to Community Consultation.

- (b) *A review of the likely impacts of the approval of the changes to the Town Planning Scheme on the "to be" newly developed type of Residential Streetscapes Policy will be identified in a progress report to be presented to the Council in February 2010, as per the Council Resolution at the Ordinary Meeting of Council held on 22 September 2009, whereby it was requested that the Town's Officers 'report back to the Council regarding the research undertaken by no later than July 2010, with progress reports in February and April 2010.'*

7. Moved Simon Chester, 93 Chelmsford Road, Mt Lawley, Seconded Colin Scott, 17 Deague Court, North Perth

"That the Town of Vincent's Consultation Policy No. 4.1.5 be reviewed so that changes that may have significant impact on ratepayers and residents (such as the Multiple Dwelling Policy), are advertised in a manner that is consistent with the consultation which was undertaken for the Residential Streetscapes Policy."

MOTION PUT AND CARRIED (13-0)

Chief Executive Officer's Comments:

The Town's Community Consultation Policy and Guidelines are very comprehensive and well documented. The Policy contains sufficient provisions to cover a wide range of consultation scenarios (including those referred to in the Motion). Clause 3.13 (page 48) – Variations to Policy states:

"The Chief Executive Officer has the discretion to vary the provisions of this policy with regards to a Planning, Building and Heritage Matter due to specific exceptional circumstances relating to that matter.

A greater extent and nature of notification and consultation than that required by this policy may be undertaken due to the unique scale and nature of the development; the existing development has received substantial opposition, concerns or complaints; or the proposed development has a substantially greater potential undue impact on the locality compared to a similar 'standard' development."

It is considered that the Policy is sufficiently comprehensive to deal with the Motion. Accordingly, it is considered that no change is necessary.

The Town's Officers have significantly reviewed Policy No. 4.1.5 relating to Community Consultation. A report comprehensively outlining the proposed amendments to the Policy will be presented to the Council at its Ordinary Meeting to be held on 15 December 2009.

8. Moved Simon Chester, 93 Chelmsford Road, Mt Lawley, Seconded Marie Slyth, 89 Carr Street, West Perth

“That the Town of Vincent appoint an Independent Consultant to provide a “Desktop Review” of the potential impact of the following:

- (a) the Multiple Dwelling Policy 3.4.8;**
- (b) the Town Planning Scheme Amendment No. 25 (relating to multiple dwellings;**
- (c) the effective density increase to R80 in areas previously coded R60 with no multiple dwellings allowed; and**
- (d) Clause 40 of the Town's Town Planning Scheme No. 1 in combination with rules governing multiple dwellings;**

on the characteristics of the building stock within the Town previously designated as either a Residential Streetscape or Townscapes in either:

- 1. the formerly proposed residential streetscapes policy; or**
- 2. the District Survey & Municipal Heritage Inventory Review conducted by Hocking Planning & Architecture Collaboration;”**

and provide a report to the Council no later than March 2010.”

MOTION PUT AND CARRIED (12-1)

Director Development Services Comments:

The Town's Officers consider that the abovementioned Policies and Scheme Amendments relating to multiple dwellings, are in line with 'best practice' principles as outlined in the Town's Local Planning Strategy, Vincent Vision 2024, and various State Planning Policies and documents, including Directions 2031, and the Multi-Unit Housing Code currently out for public comment. A “Desktop Review” to be undertaken, is not supported for the following reasons:

- *According to the Local Planning Strategy, given the Town's proximity to the Central Business District and its excellent access to public and private transport networks, the restriction of 'multiple dwellings' in these areas along major roads is considered to be contrary to contemporary planning direction in Western Australia. In fact, the restriction on multiple dwellings is somewhat questionable and unnecessarily restrictive given contemporary building forms and given the inner urban context of the Town. Therefore, consistent with the Strategy, it is considered appropriate to proceed with this approach by formalising the removal of 'no multiple dwellings' in the Town;*

- *Amendment No. 25 to the Town's Town Planning Scheme No. 1 is consistent with the principles of transit oriented development and Vincent Vision 2024 whereby 'A compatible mix of older and contemporary buildings in Vincent offers diverse housing that respects sustainability principles' and 'High-density developments exist in town centre nodes and along main streets that complement existing streetscapes, setbacks and scale', to facilitate greater opportunities for higher density housing in those restricted precincts. In line with this, Policy No. 3.4.8 relating to Multiple Dwellings has been adopted to provide guidance and requirements for all multiple dwelling developments within the Town;*
- *At a State Government level, the Western Australian Planning Commission has recently released a proposed amendment to the Residential Design Codes of Western Australia, proposing to establish development provisions for multiple dwellings, and the residential component of mixed use developments. The related discussion paper states 'in order to increase the incidence of multiple dwelling developments it was necessary either to change the quantum of r-coded land which could accommodate this form of development or change the controls themselves.' It is obvious therefore, that there is impetus at a State level to encourage multiple dwelling development; and*
- *Directions 2031, a draft spatial framework for Perth and Peel released in June of this year (also by the Western Australian Planning Commission), states 'a more compact City is desirable: which means we must continue our efforts to achieve more consolidated development in appropriate locations.' As such, the Town of Vincent, as an inner city Local Authority, is considered an appropriate location to consolidate development, and therefore, the abovementioned issues, particularly relating to Policy No. 3.4.8 relating to Multiple Dwellings, as well as Amendment No. 25 to Town Planning Scheme No. 1, are in line with the strategic objectives at a State Government level.*

9. Moved Simon Chester, 93 Chelmsford Road, Mt Lawley, Seconded Marie Slyth, 89 Carr Street, West Perth

“That the Town of Vincent appoint an Independent Consultant to undertake a “Desktop Review” to assess the alignment and effectiveness of the Town of Vincent Local Area Planning Strategy in addressing the findings of the Community Visioning final report and 6 Vision statements identified in Vincent Vision 2024 and provide a report to the Council no later than March 2010.”

MOTION PUT AND CARRIED (10-3)

Director Development Services Comments:

As part of the review of the Town's Town Planning Scheme, the Council have resolved to engage independent consultants to undertake a Peer Review of the Town's Local Planning Strategy and proposed Town Planning Scheme No. 2, which will be undertaken during the three month advertising period for both documents. It is considered that this will provide the necessary review to address the above request.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

The Local Government Act 1995 states;

“5.27 (1) A general meeting of the electors of a district is to be held once every financial year.

(2) A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.”

“5.33 (1) All decisions made at an electors’ meeting are to be considered at the next ordinary council meeting or, if that is not practicable -

- (a) at the first ordinary meeting after that meeting; or*
- (b) at a special meeting called for that purpose,*

whichever happens first.

(2) If at a meeting of the council a local government makes a decision in response to a decision made at an electors’ meeting, the reasons for the decision are to be recorded in the minutes of the council meeting.”

STRATEGIC IMPLICATIONS:

Nil.

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

There are no funds available in the 2009/10 Budget to implement the Annual General Meeting decision nos. 1, 8 and 9. Decision nos. 2, 3, 5, 6 and 7 will be carried out by the Town’s Administration and no additional funds are required. (Decision no. 4 was deferred and no further action is required at this stage).

COMMENTS:

It is recommended that Council approve of the Officer Recommendation.

Due to the lateness of the hour, this Item was not considered

9.4.3 Appointment of Community Representatives to Town of Vincent Advisory Groups

Ward:	-	Date:	9 December 2009
Precinct:	-	File Ref:	CVC0017/CMS0103/ ENS0095/ORG0079/ PRO0689/TES0334
Attachments:	-		
Reporting Officer:	M McKahey, Personal Assistant John Giorgi, Chief Executive Officer		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council;

- (i) ***APPOINTS the following community representatives to the Town's Advisory Groups for the 2009-2011 period (until October 2011);***
- (a) ***Aboriginal Liaison Occasional Advisory Group;***
Membership as required;
- (b) ***Art Advisory Group (up to 3 required);***
- 1. Ms Florence Allain*;***
 - 2. Ms Anna Ciffolilli*; and***
 - 3. Mr Jaime Phillips#;***
- (c) ***Heritage Advisory Group (up to 3 required);***
- 1. Ms Helen Griffiths*;***
 - 2. Ms Rebecca Shepherd*; and***
 - 3. Ms Marie Slyth*;***
- (d) ***Local Area Traffic Management Advisory Group (up to 3 required);***
- 1. Mr Chris Parry*;***
 - 2. Mr Haydn Robinson#; and***
 - 3. Mr Kinglsey Sullivan*;***
- (e) ***Safer Vincent Crime Prevention Partnership (up to 3 required);***
- 1. Ms Natashya Cox#;***
 - 2. Mrs Betty Kraemer*; and***
 - 3. Mr Suresh Rajan (Ethnic Communities Council)*;***

(f) Seniors Advisory Group (up to 3 required);

1. Mr Carlo Penonne*;
2. Ms Roberta Veo#; and
3. Mr Andrew York#;

(g) Sustainability Advisory Group (up to 3 required);

1. Ms Caroline Easton#;
2. Ms Jodie Ferdinando*; and
3. Mr Matthew Young#

(h) Universal Access Advisory Group (up to 3 required);

1. Ms Jasmine McDonald*;
2. Ms Jane McKinley (Carer's Representative)*; and
3. Mr Ken Nylander*;

(* Existing Members

New Nominations received);

(ii) **EXPRESSES its appreciation to previous community representatives for their contribution to the Advisory Groups and requests the Chief Executive Officer to write to all persons with a "Certificate of Appreciation".**

BACKGROUND:

At the Ordinary Meeting of Council held on 13 May 2003, Council resolved that the Advisory Group community representatives' terms be for a period of two (2) years (to coincide with the Election cycle) and for nominations to be called to fill any vacant positions.

Advertisements calling for nominations were placed in the local newspapers on 14 and 17 November 2009 and nominations closed on 4 December 2009. At the close of the advertising period, the following new nominations were received:

Art Advisory Group:

Name	Suburb	Membership of Community Organisations	Summary of Comments
Mr Carl Holdard Lennell	Mount Hawthorn	<ul style="list-style-type: none"> • Hale Art Show Committee Member 	<ul style="list-style-type: none"> • Has great interest in all art forms • Private collector of Australian Art • Believes the profile of art in the community needs to be lifted
Mr Jaime Phillips	Highgate	<ul style="list-style-type: none"> • National Advisory Council • Australian Broadcasting Corporation Member • Youth Arts Panel - Department of Culture and the Arts • Volunteer Co-ordinator for "Moodity Yorgas" Wearable Art Project 	<ul style="list-style-type: none"> • Active community member in Town of Vincent • Strong links to arts practitioners in the community through work in arts and cultural sector • With career background in community capacity building understands importance of art in community and increasing the

Name	Suburb	Membership of Community Organisations	Summary of Comments
		<ul style="list-style-type: none"> Recent Member - Advisory Committee - WA Museum 	<ul style="list-style-type: none"> vitality of public spaces Awarded State's highest honours as "Western Australian Citizen of the Year" in 2006 in category of Youth Arts
Ms Tina Wilson	Mount Lawley	<ul style="list-style-type: none"> Executive Director of Artrinsic Inc (not-for-profit) Propel Arts CANWA 	<ul style="list-style-type: none"> Strong interest in Arts in WA, having set up the City of Perth Black Swan Prize for Portraiture In role of Arts Event Co-ordinator/Consultant deals with arts from all areas of expertise, as well as cultural backgrounds

Heritage Advisory Group:

Name	Suburb	Membership of Community Organisations	Comments
Ms Natashya Cox	Leederville	<ul style="list-style-type: none"> North Perth Tennis Club Mosman Park Bowling Club 	<ul style="list-style-type: none"> Interested in achieving balance between development in the community that allows for some creativity and to preservation of heritage of the Town

Local Area Traffic Management Advisory Group:

Name	Suburb	Membership of Community Organisations	Comments
Ms Natashya Cox	Leederville	<ul style="list-style-type: none"> North Perth Tennis Club Mosman Park Bowling Club 	<ul style="list-style-type: none"> As a resident of the Town, is keen to assist in the enhancement of the Town for residents, local businesses and visitors As both a driver and walker, traffic an every day concern
Mr Haydn Robinson	Mount Lawley	<ul style="list-style-type: none"> Chairman -Beaufort Street Network Committee Member for MRWA Traffic Slow on Beaufort Street Committee Member Perth City Council - Beaufort Improvements 1993-1994 	<ul style="list-style-type: none"> As a businessman in the area for 20 years, current Chair of Beaufort Street Network and having sat on various committees with Beaufort Street, well versed in traffic management problems, concerns of locals, parking issues, etc Knowledgeable on traffic systems and developments in other capital cities

Safer Vincent Crime Prevention Partnership:

Name	Suburb	Membership of Community Organisations	Comments
Ms Natashya Cox	Leederville	<ul style="list-style-type: none"> • North Perth Tennis Club • Mosman Park Bowling Club 	<ul style="list-style-type: none"> • Recent victim of robbery and concerned about safety and security in Town • Involved in running of many community groups and believes can contribute to crim prevention in the Town
Mr Nick Steel	Mount Hawthorn	<ul style="list-style-type: none"> • Police Sergeant 	<ul style="list-style-type: none"> • As resident of Town and having worked as a Police Officer in surrounding district, have a great deal of local knowledge of area and issues in relation to safety and security • Previously heavily involved in Safer WA and Safer Vincent whilst Crime Prevention Officer for the Central Metropolitan District • As a community member, has close links with Mount Hawthorn Primary School, previously been on the P&C Executive • Also as a small business owner (landscaping) and work in and around the Town • Combination of all these links to the local community provides a diverse opinion when it comes to community safety

Seniors Advisory Group:

Name	Suburb	Membership of Community Organisations	Comments
Mrs Betty Kraemer	North Perth	<ul style="list-style-type: none"> • Safer Vincent Crime Prevention Partnership • Seniors at Bayswater Library Forum • Circle of Friends - Joondanna • Member of Community Centre activities 	<ul style="list-style-type: none"> • A Senior who is interested in all activities that are connected to the Town • As a long-term resident of the Town, would like to see the Town prosper and be a happy and healthy place in all things connected to Seniors
Ms Roberta Vea	Willetton	<ul style="list-style-type: none"> • Council of the Ageing (COTA) Volunteer 	<ul style="list-style-type: none"> • An Italian speaker who has just finished a Volunteer Educator Course for the project "Beyond Maturity Blues" at COTA • As a Senior, has an interest in seniors' issues and would like to contribute and provide any assistance to the Town through the Advisory Group

Name	Suburb	Membership of Community Organisations	Comments
Mr Andrew York	Guildford	<ul style="list-style-type: none"> • General Manager, People who Care 	<ul style="list-style-type: none"> • Has assisted the Town through services for residents through "People who Care" • Keen to provide further assistance in regard to seniors' issues in the Town • "People who Care" has also assisted with services for Leederville Gardens and information to assist with the set up of the Community Bus

Sustainability Advisory Group:

Name	Suburb	Membership of Community Organisations	Comments
Ms Caroline Easton	North Perth	<ul style="list-style-type: none"> • 2005 Vincent Vision 2024 - Community Consultation Group 	<ul style="list-style-type: none"> • Works in Town Planning and has studied sustainable development at Murdoch University • Lives in North Perth and is interested in sustainability at a grass roots level
Mr Matthew Young	Perth	<ul style="list-style-type: none"> • Royal Australian Institute of Architects (RAIA) Level 1 Member • Green Building Council of Australia 	<ul style="list-style-type: none"> • Founding Director of Co-praxis, a Perth based Architectural practice specialising in multi-residential, mixed use and commercial projects • As a practising architect working and residing in the Town, is passionate about both the Town and sustainability in its most broad sense • Has worked with Senior Planning and Building Officers at the Town and has also worked with other Shires and Councils - most recently with the Shire of Upper Gascoyne - a true challenge in sustainability, both environmental and socially • Would highly value the opportunity to play a meaningful role in the ongoing progress the Town is making with regards to the important issue of sustainability

DETAILS:

The following is the listing of existing members (who expressed a desire to re-nominate) and new nominations received:

	Existing Members	New Nominations
Art Advisory Group:	Ms Florence Allain West Perth	Mr Carl Holdard Lemnall, Mount Hawthorn
	Ms Anna Ciffolilli North Perth	Mr Jamie Philips Highgate
	Mrs Helen Pemberton Perth	Ms Tina Wilson Mount Lawley
	Mr Vincent Sammut Leederville	
Heritage Advisory Group:	Ms Helen Griffiths Mount Hawthorn	Ms Natashya Cox Leederville
	Mr Vincent Sammut Leederville	
	Ms Rebecca Shepherd North Perth	
	Ms Marie Slyth West Perth	
Local Area Traffic Management (LATM) Advisory Group:		
	Ms Clare Chamberlain Mount Lawley	Ms Natashya Cox Leederville
	Mr Chris Parry North Perth	Mr Haydn Robinson Mount Lawley
	Mr Kingsley Sullivan Mount Hawthorn	
Safer Vincent Crime Prevention Partnership:		
	Mrs Betty Kraemer North Perth	Ms Natashya Cox Leederville
	Ms Sharan Kraemer North Perth	Mr Nick Steel Mount Hawthorn
	Mrs Helen Pemberton Perth	
	Mr Suresh Rajan Ethnic Communities Council North Perth	

	Existing Members	New Nominations
	Mr Chris Parry North Perth	
	Mr Ray Stevenson North Perth	
	Mr Allan Wilder-Bass Dianella	
Seniors Advisory Group:	Mrs Betty Kraemer North Perth	Ms Roberta Veo Willetton
	Mr Carlo Pennone Warwick	Mr Andrew York Guildford
Sustainability Advisory Group:		
	Ms Anne Bennett Highgate	Ms Caroline Easton North Perth
	Ms Jodie Ferdinando Mount Hawthorn	Mr Matthew Young Perth
Universal Access Advisory Group:		
	Ms Jasmine McDonald Mount Hawthorn	
	Ms Jane McKinley <i>Carers Representative</i> North Perth	
	Mr Ken Nylander Mount Lawley	

Attendance Record

The previous attendance record of each member for the period November 2007 to October 2009 is detailed below.

Art Advisory Group:

Community Representative	2007 (Nil Meetings)	2008 (3 Meetings)	2009 (2 Meetings)
Florence Allain	-	2	1
Anna Ciffolilli	-	3	1
Helen Pemberton	-	1	2
Vincent Sammut	-	3	2

Heritage Advisory Group:

Community Representative	2007 (Nil Meetings)	2008 (1 Meeting)	2009 (2 Meetings)
Helen Griffiths	-	1	2
Vincent Sammut	-	1	1
Rebecca Shepherd	-	1	1
Marie Slyth	-	1	2

Local Area Traffic Management Advisory Group:

Community Representative	2007 (Nil Meeting)	2008 (4 Meetings) (incl 1 Public Meeting)	2009 (5 Meetings) (incl 1 Public Workshop)
Clare Chamberlain	-	Nil	Nil
Chris Parry	-	1	3
Kingsley Sullivan	-	4	4

Seniors Advisory Group:

Community Representative	2007 (Nil Meetings)	2008 (Nil Meetings)	2009 (Nil Meetings)
Carlo Pennone	-	-	-

Safer Vincent Crime Prevention Partnership:

Community Representative	2007 (1 Meeting)	2008 (8 Meetings)	2009 (10 Meetings)
Betty Kraemer	-	8	9
Sharan Kraemer	1	7	8
Helen Pemberton	-	6	10
Chris Parry	-	3	7
Ray Stevenson	1	7	7
Suresh Rajan	1	5	5
Allan Wilder-Bass	-	6	7

Sustainability Advisory Group:

Community Representative	2007 (Nil Meetings)	2008 (Nil Meetings)	2009 (1 Meeting)
Anne Bennett	-	-	1
Anna Ciffolilli	-	-	-
Helen Griffiths	-	-	1
Jodie Ferdinando	-	-	1

Universal Access Advisory Group:

Community Representative	2007 (1 Meeting)	2008 (3 Meetings)	2009 (3 Meetings)
Jasmine McDonald	1	2	2
Ken Nylander	-	2	2

LEGAL/POLICY IMPLICATIONS:

The Local Government Act 1995, Sections 5.8 to 5.25 allows local governments to appoint committees and prescribes the legal requirements for these.

Since its inception, the Town has been operating by having two Council meetings each month (except January) and no committee system. Since late 1995, it has used various Advisory Groups.

The Advisory Groups do not have any legal status and their prime role is to make recommendations for the consideration of the Council. Advisory Groups cannot perform the role of Committees. The Council has not delegated any of its powers.

FINANCIAL/BUDGET IMPLICATIONS:

The costs associated with the Advisory Groups is not specifically itemised in the Town's budget, they are absorbed within the administration costs and allocated to the various sections.

STRATEGIC IMPLICATIONS:

Nil, however, the use of Advisory Groups is in keeping with the Council's philosophy of involving the community in the decision making process.

COMMENT:

The Terms of Reference, roles and meeting frequency comply with statutory requirements, provide a more efficient and effective outcome and at the same time, ensure that the community has input into the various Advisory Groups.

Due to the lateness of the hour, this Item was not considered

9.4.5 Information Bulletin

Ward:	-	Date:	8 December 2009
Precinct:	-	File Ref:	-
Attachments:	001		
Reporting Officer:	A Radici, Executive Assistant		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council RECEIVES the Information Bulletin dated 15 December 2009, as distributed with the Agenda.

DETAILS:

The items included in the Information Bulletin dated 15 December 2009 are as follows:

ITEM	DESCRIPTION
IB01	Circular No. 08-2009 from the Minister for Local Government; Heritage; Citizenship and Multicultural Interests regarding Interim Analysis – Local Government Reform Submissions
IB02	Letter the Minister for Local Government; Heritage; Citizenship and Multicultural Interests regarding Local Government Reform
IB03	Letter from the Department of Planning regarding Development Assessment Panels – Submissions
IB04	WALGA Submission to the Minister for Planning regarding Implementing Development Assessment Panels in Western Australia – WALGA’s Response to the State Government’s Discussion Paper
IB05	Letter from the Department of Health regarding New Smoking Bans Implemented by the Tobacco Products Control Amendment Act 2009
IB06	‘Healthy +’ Healthy Eating Options Project – Progress Update
IB07	Email of Appreciation from Mrs Murial Webb regarding assistance received at Town of Vincent Cappuccino Festival
IB08	Letter from Department of Environment and Conservation re: Landfill Levy increase effective 1 January 2010
IB09	Letter from Department of Commerce regarding Retaining Walls
IB10	Department of Culture and the Arts Program from "Count us in Awards 2009" - Town of Vincent Finalist in the Local Government Awards Category

10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

11. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil.

Due to the lateness of the hour, this Item was not considered

12. REPRESENTATION ON COMMITTEES AND PUBLIC BODIES

12.1 LATE ITEM: WALGA Nominations - WA Local Government Grants Commission; Keep Australia Beautiful Council (WA); Roadside Conservation Committee
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Ward:	-	Date:	15 December 2009
Precinct:	-	File Ref:	ORG0045
Attachments:	001		
Reporting Officer:	M McKahey, Personal Assistant		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That;

- (i) _____ *be nominated as WALGA Metropolitan Member - WA Local Government Grants Commission (Panel of 6 names requested) (Approval by Minister);*
- (ii) _____ *be nominated as WALGA Metropolitan Deputy Member - WA Local Government Grants Commission (Panel of 6 names requested) (Approval by Minister);*
- (iii) _____ *be nominated as WALGA Metropolitan Deputy Member - Keep Australia Beautiful Council (WA) (Panel of 3 required) (Ministerial Approval) (Re-advertised);*
- (iv) _____ *be nominated as WALGA Member - Roadside Conservation Committee (Elected Member); and*
- (v) _____ *be nominated as WALGA Member - Roadside Conservation Committee (Local Government Officer).*

DETAILS:

Please see Appendix 12.1 for further details.

N.B.:

NOMINATIONS CLOSE 4PM WEDNESDAY 6 JANUARY 2010

13. URGENT BUSINESS

Nil.

PROCEDURAL MOTION

At 10.49pm Moved Cr Burns, Seconded Cr Farrell

That Council proceed “behind closed doors” to consider confidential item 14.1, as this matter relates to the personal affairs of a person.

PROCEDURAL MOTION PUT AND CARRIED (8-0)

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

14. CONFIDENTIAL ITEMS/MATTERS FOR WHICH THE MEETING MAY BE CLOSED (“BEHIND CLOSED DOORS”)

14.1 Confidential Report - Premier's Australia Day Active Citizenship Awards - Nominations for 2010

Ward:	Both	Date:	8 December 2009
Precinct:	All	File Ref:	CVC0036
Attachments:	-		
Reporting Officer:	N Greaves, Public Relations Officer; John Giorgi, Chief Executive Officer		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council;

- (i) **SUPPORTS** the nomination of:
 - (a) ***** for the Premier's Australia Day Active Citizenship Award for services to the Vincent community as outlined in the report; and
 - (b) the ***** for the Premier's Australia Day Active Citizenship Award in the category for a “Community Group or Event”, as outlined in the report;
- (iii) **NOTES** that no nominations were received for the category of “A Person Under 25 years”;
- (iv) **FORWARDS** these nominations to the Australia Day Council of Western Australia for consideration; and
- (v) **NOTES** that the Awards will be presented at the Town of Vincent Australia Day Event in January 2010.

NB: ***** Information is confidential, as it relates to the personal affairs of a person.)

Cr Maier returned to the Chamber at 10.49pm.

COUNCIL DECISION ITEM 14.1

Moved Cr Farrell, Seconded Cr Burns

That the recommendation be adopted.

MOTION PUT AND CARRIED (9-0)

Cr Maier departed the Chamber at 10.50pm.

PURPOSE OF REPORT:

The purpose of the report is for Council to approve of nominations received for the Premier's Australia Day Active Citizenship Awards 2010, for submission to the Australia Day Council for approval.

DETAILS:

In October 2009 the Australia Day Council of Western Australia wrote to the Town advising of the Premier's Australia Day Active Citizenship Awards. The Awards foster, recognise and celebrate significant contributions to community life and active citizenship in all local government areas of Western Australia.

Guidelines and Criteria

Each year two local citizens and one local community group in each local government area are eligible for this Award. Only one nomination in each category can be forwarded to the Australia Day Council for consideration.

The recipients are selected from people and groups who have made a noteworthy contribution during the current year, or given outstanding service to the local community over a number of years through active involvement.

Categories

Awards are presented in following categories:

- Premier's Australia Day Active Citizenship Award
- Premier's Australia Day Active Citizenship Award for a person under 25 years
- Premier's Australia Day Active Citizenship Award for a community group or event.

Selection Criteria

The winners will have been judged to have shown active citizenship and:

- Significant contribution to the local community.
- Demonstrated leadership on a community issue resulting in the enhancement of community life.
- A significant initiative which has brought about positive change and added value to community life.
- Inspiring qualities as a role model for the community.

Eligibility Criteria

- Nominees should reside or work principally within the local authority.
- Awards will not be granted posthumously.
- Groups of people or couples will not normally be eligible except when meeting the criteria for a community group.
- A person cannot receive the same award twice, but can be considered for another award.
- Unsuccessful nominees may be nominated in future years.
- Sitting members of State, Federal and Local Government are not eligible.

Judging Process

All category winners of the Premier's Australia Day Active Citizenship Awards will be selected from nominations received from the community, local government or its appointed committee.

The Australia Day Council judging panel will be made up of representatives from the local government and the local community.

These prestigious awards are only available to one recipient in each category in each year. Where local government represents more than one district or town, awards may be made to one winner from each category in each centre.

The judge's decision will be final and no correspondence will be entered into by the Australia Day Council of Western Australia.

Previous Recipients

Previous recipients for the Award were Sally Lake (2003), Cosi Schirripa (2004) and Despina Kalafatas, the Rotary Club of North Perth for the Hyde Park Community Fair (2005), the Palmerston Association (2006 – Group), Tan-Kiet Le (2006 – individual over 25), Kay Raymond (2007 – individual over 25), the Honour Avenues Group (2007 – Group), Doris Maroochi (2008 – individual over 25), the Cardinals Junior Football Club (2008 – Group), Vasil Cigulev (2009 – individual over 25), Association for Services to Torture and Trauma Survivors Inc (ASeTTS) (2009 – Group).

Nominations

This information is confidential, as it relates to the personal affairs of an individual.

ADVERTISING/CONSULTATION:

In October 2009 a call for nominations was advertised in the local papers, on the website and through letters to precinct and community groups and all schools in the Town. By the close of nominations on 27 November 2009, four (4) nominations were received. Three (3) were for the category of "*Citizenship Award*" (for a person of 25 years or older) and one (1) was for the category of "*Community Group or Event*". No nominations were received for the category for a "*person under 25 years*".

FINANCIAL/BUDGET IMPLICATIONS:

Nil – apart from advertising costs in the community newspapers.

LEGAL IMPLICATIONS:

Nil.

STRATEGIC IMPLICATIONS:

This is in keeping with the Town's Strategic Plan 2009-2014 – Community Development Objective 3.1.1 – "*Celebrate and acknowledge the Town's cultural and social diversity*".

SUSTAINABILITY IMPLICATIONS:

Nil.

COMMENTS:

The Award is recognition of a community member's service to the community, fosters community spirit and pride. Accordingly, it is recommended that the nominations be forwarded to the Australia Day Council of Western Australia for consideration.

PROCEDURAL MOTION

At 10.50pm Moved Cr Lake, Seconded Cr Burns

That Council resume an "open meeting".

PROCEDURAL MOTION PUT AND CARRIED (8-0)

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

15. CLOSURE

The Presiding Member, Mayor Nick Catania, declared the meeting closed at 10.51pm with the following persons present:

Mayor Nick Catania, JP	Presiding Member
Cr Matt Buckels	North Ward
Cr Anka Burns	South Ward
Cr Steed Farrell	North Ward
Cr Taryn Harvey	North Ward
Cr Sally Lake (<i>Deputy Mayor</i>)	South Ward
Cr Warren McGrath	South Ward
Cr Joshua Topelberg	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 were present.

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 15 December 2009.

Signed:Presiding Member
Mayor Nick Catania

Dated this day of 2010